

FILED FOR RECORD

AUG 01 2019

SUSAN STRICKLAND
COUNTY CLERK, VAN ZANDT CO. TX
BY _____ DEP

COUNTRY ROAD 773 11323
BEN WHEELER, TX 75754

00000007632953

NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

1. Date, Time, and Place of Sale.

Date: September 03, 2019

Time: The sale will begin at 1:00 PM or not later than three hours after that time.

Place: THE STEPS OF THE NORTH ENTRANCE TO THE VAN ZANDT COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

2. Terms of Sale. Cash.

3. Instrument to be Foreclosed. The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated August 26, 2005 and recorded in Document VOLUME 2069, PAGE 89 real property records of VAN ZANDT County, Texas, with MARY ANN FAIRCHILD, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC ("MERS") AS NOMINEE, mortgagee.

4. Obligations Secured. Deed of Trust or Contract Lien executed by MARY ANN FAIRCHILD, securing the payment of the indebtednesses in the original principal amount of \$46,000.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR REGISTERED HOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2005-9 is the current mortgagee of the note and Deed of Trust or Contract Lien.

5. Property to Be Sold. The property to be sold is described in the attached Exhibit A.

6. Mortgage Servicer Information. The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code § 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the Property referenced above. CARRINGTON MORTGAGE SERVICES, LLC, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o CARRINGTON MORTGAGE SERVICES, LLC
1600 SOUTH DOUGLASS ROAD
SUITE 200-A
ANAHEIM, CA 92806



COUNTRY ROAD 773 11323
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THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

The undersigned as attorney for the mortgagee or mortgage servicer does hereby remove the original trustee and all successor substitute trustees and appoints in their stead JUDITH A. FRAPPIER, PAUL BARRETT, MICHAEL HARRISON, ROBERT FORSTER, JEFFREY FLEMING, OR LAUREN CHRISTOFFEL whose address is c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320 as Substitute Trustee, who shall hereafter exercise all powers and duties set aside to the said original trustee under the said Deed of Trust; and, further does hereby request, authorize, and instruct said Substitute Trustee to conduct and direct the execution of remedies set aside to the beneficiary therein.



Shawnika Harris

Certificate of Posting

My name is _____, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320. I declare under penalty of perjury that on _____ I filed at the office of the VAN ZANDT County Clerk and caused to be posted at the VAN ZANDT County courthouse this notice of sale.

Declarants Name: _____

Date: _____

COUNTRY ROAD 773 11323
BEN WHEELER, TX 75754

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VAN ZANDT

EXHIBIT "A"

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF TEXAS, VAN ZANDT DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, LYING AND BEING SITUATED IN THE COUNTY OF VAN ZANDT, STATE OF TEXAS, AS PART OF THE GEORGE HAMILTON SURVEY, ABSTRACT NO. 399 AND MORE FULLY DESCRIBED AS FOLLOWS, TO-WIT:

BEING A PART OF A CERTAIN 50 ACRE TRACT DESCRIBED AS "FOURTH TRACT" IN DEED FROM C.B. GULLEDGE TO A.M. GULLEDGE, DATED OCTOBER 18, 1930, AND NOW OF RECORD IN VOLUME 21, AT PAGE 610, DEED RECORDS OF VAN ZANDT COUNTY, TEXAS;

BEGINNING AT A STAKE SET FOR CORNER IN THE EAST RIGHT-OF-WAY LINE OF STATE FARM ROAD NO. 773, AND 181 FEET NORTH 4 DEG. WEST FROM THE POINT OF ITS INTERSECTION LINE OF SAID 50 ACRE TRACT;

THENCE NORTH 4 DEG. WEST, WITH SAID RIGHT-OF-WAY LINE, 104.36 FEET TO STAKE FOR CORNER IN SAME;

THENCE EAST 208.71 FEET TO STAKE FOR CORNER;

THENCE NORTH 4 DEG. WEST, 104.36 FEET TO STAKE FOR CORNER;

THENCE EAST 104.36 FEET TO STAKE FOR CORNER;

THENCE SOUTH 4 DEG. EAST, 208.71 FEET TO STAKE FOR CORNER;

THENCE WEST 313.07 FEET TO THE PLACE OF BEGINNING, CONTAINING 1 ACRE OF LAND, MORE OR LESS.

BEING THE SAME LAND IN WARRANTY DEED DATED MARCH 8, 1995 FROM AVANELLE D. MURPHEY TO MARY ANN FARICHILD AND PAUL W. FAIRCHILD RECORDED IN VOLUME 1339, PAGE 76, REAL RECORDS OF VAN ZANDT COUNTY, TEXAS.

Cause No. 19-00006

THE BANK OF NEW YORK
MELLON, F/K/A THE BANK OF
NEW YORK AS TRUSTEE FOR
REGISTERED HOLDERS OF
CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2005-9,
Plaintiff,

IN THE DISTRICT COURT

v.

SHANNON KATHLEEN LEISURE,
AND, PAUL WILLIAM FAIRCHILD
JR.,
Defendants.

OF VAN ZANDT COUNTY, TEXAS

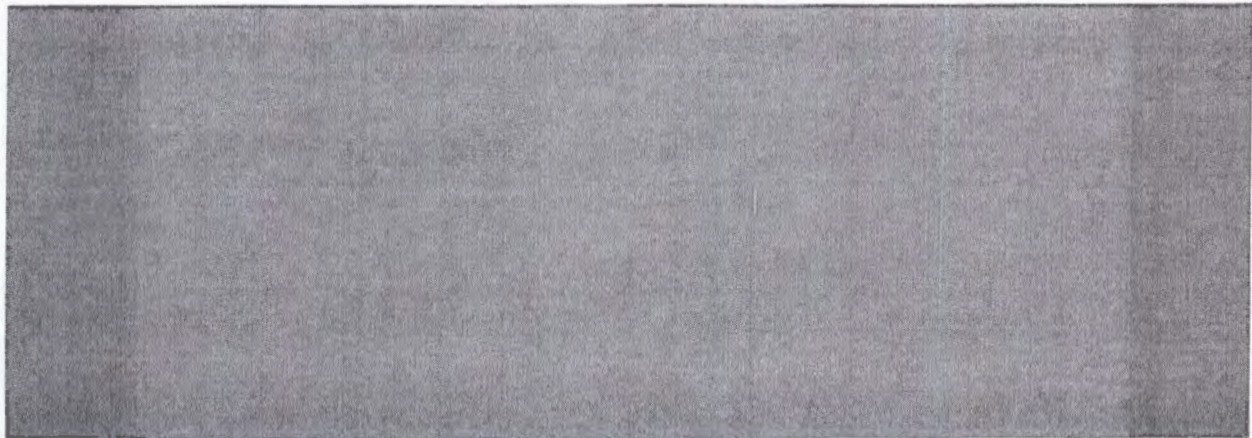
In Re: COUNTRY ROAD 773 11323,
BEN WHEELER, TEXAS 75754

294th JUDICIAL DISTRICT

DEFAULT JUDGMENT

After considering plaintiff, THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR REGISTERED HOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES SERIES 2005-9's, its successors or assigns, Motion for Default Judgment, pleadings, and evidence on file the Court GRANTS the motion and finds:

1. Citation properly served on defendants according to law and remained on file with the Clerk of this Court for the time prescribed by law.
2. Defendant, Shannon Kathleen Leisure, was served with process and defendant has not filed an answer or any pleading constituting an answer and has not entered an appearance in this lawsuit. The last known address for defendant, Shannon Kathleen Leisure, is as follows: 1206 Sylvan Avenue, Palestine, Texas 75801-5135.
3. Defendant, Paul William Fairchild, Jr., was served with process and defendant has not filed an answer or any pleading constituting an answer and has not entered an appearance in this



lawsuit. The last known address for defendant, Paul William Fairchild, Jr., is as follows: 416 Tangle Drive, Tool, Texas 75143.

4. None of the defendants who were personally served are in active military service.
5. The Loan Agreement between Mary Ann Fairchild and the plaintiff is in default and that plaintiff is the beneficiary of that agreement on the property made the basis of this lawsuit.

6. Plaintiff is entitled to the relief sought in plaintiff's original petition. Therefore it is:

ORDERED that:

All of Mary Ann Fairchild's ("Decedent") heirs-at-law have been made defendants to this suit and were immediately vested with all of Decedent's right, title and interest in the real property and improvements commonly known as Country Road 773 11323, Ben Wheeler, Texas 75754 ("Property") and legally described as:

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF TEXAS, VAN ZANDT DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, LYING AND BEING SITUATED IN THE COUNTY OF VAN ZANDT, STATE OF TEXAS, AS PART OF THE GEORGE HAMILTON SURVEY, ABSTRACT NO. 399 AND MORE FULLY DESCRIBED AS FOLLOWS, TO-WIT:

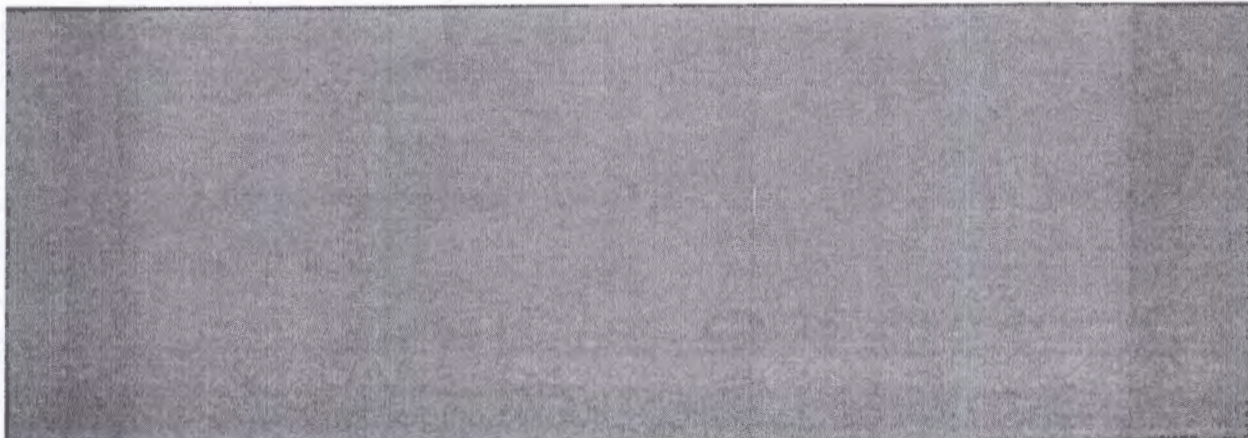
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THENCE NORTH 4 DEG. WEST, WITH SAID RIGHT-OF-WAY LINE, 104.36 FEET TO STAKE FOR CORNER IN SAME;

THENCE EAST 208.71 FEET TO STAKE FOR CORNER;

THENCE NORTH 4 DEG. WEST, 104.36 FEET TO STAKE FOR CORNER;



THENCE EAST 104.36 FEET TO STAKE FOR CORNER;

THENCE SOUTH 4 DEG. EAST, 208.71 FEET TO STAKE FOR CORNER;

**THENCE WEST 313.07 FEET TO THE PLACE OF BEGINNING, CONTAINING
1 ACRE OF LAND, MORE OR LESS.**

**BEING THE SAME LAND IN WARRANTY DEED DATED MARCH 8, 1995
FROM AVANELLED. MURPHEY TO MARY ANN FAIRCHILD AND PAUL W.
FAIRCHILD RECORDED IN VOLUME 1339, PAGE 76, REAL RECORDS OF
VAN ZANDT COUNTY, TEXAS.**

FURTHER ORDERED plaintiff has a valid lien on the Property by way of a Texas Home Equity Security Instrument dated August 26, 2005 and filed in Volume 2069, Page 89 of the Official Public Records of Van Zandt County, Texas.

FURTHER ORDERED that this Judgment serves as an Order authorizing plaintiff to foreclose its lien created under TEX. CONST. art. XVI, § 50(a)(6) in compliance with the Loan Agreement and TEX. PROP. CODE § 51.002.

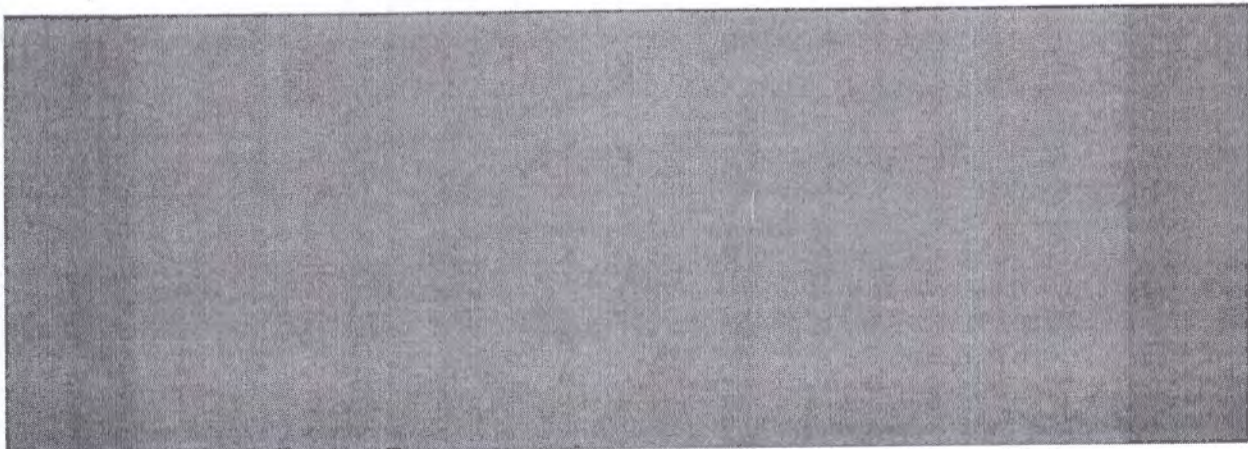
FURTHER ORDERED that a copy of this Judgment shall be sent to defendants with the notice of the date, time, and place of the foreclosure sale.

FURTHER ORDERED that plaintiff may communicate with the defendants and all third parties reasonably necessary to conduct the foreclosure sale.

FURTHER ORDERED that if defendants are represented by counsel, the notice of foreclosure sale also be mailed to counsel by certified mail.

FURTHER ORDERED that one of the effects of the non-judicial foreclosure shall be that defendants are divested and the purchaser of the Property at the non-judicial foreclosure sale is vested with all right, title and interest to the Property.

FURTHER ORDERED that no personal liability or deficiency for the Loan Agreement debt shall be asserted against the defendants or the putative estate of Decedent.



FURTHER ORDERED that after the non-judicial foreclosure is hold, if the property remains occupied after this judgment becomes final and the plaintiff is the purchaser of the Property at the non-judicial foreclosure sale, a writ of possession shall issue against any occupant of the Property in accordance with TEX. R. CIV. P. 310.

FURTHER ORDERED that all other costs of court are taxed against the party incurring same.

All relief not expressly granted is denied.

This judgment finally disposes of all parties and all claims and is appealable.

SIGNED this _____ day of _____ 2019

5/20/2019 12:26 PM


PRESIDING JUDGE

