

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

THE STATE OF TEXAS §

COUNTY OF COOKE §

**Borrower:** Brad Wolf and Sabrina Wolf, husband and wife, (herein "Borrower")


**Noteholder:** Simmons Bank, successor by merger of Landmark Bank, N.A. (herein "Noteholder")

**Note:** Promissory Note dated August 24, 2012, executed by Borrower, in the original principal amount of \$263,979.49, payable to the order of Noteholder (herein the "Note")

**Deed of Trust:** Homestead Lien Contract and Deed of Trust dated August 24, 2012, executed by Borrower to Randy Hensarling, Trustee, for the benefit of Noteholder, recorded in Volume 1823, Page 741 of the Official Public Records of Cooke County, Texas, (herein the "Deed of Trust")

**Judicial Foreclosure:** Default Order Allowing Foreclosure of Home Equity Lien Pursuant to Tex. Rule Civ. P. 736, entered by the Hon. Janelle Haverkamp on November 13, 2020, under Cause No. CV20-00274, In Re: Order For Foreclosure Concerning 313 Hickory St., Lindsay, Cooke County, Texas 76250, Under Tex. R. Civ. Proc. 736 - The Property; Simmons Bank, Successor by Merger of Landmark Bank, N.A., Petitioner vs. Brad Wolf and Sabrina Wolf, Respondents - In the 235<sup>th</sup> Judicial District Court of Cooke County, Texas

**Property:** Being Lot 9, Block 28, City of Lindsay, Cooke County, Texas, being a Re-Plat of Block 16, 26, 27, 28, 30, and 31 of Lindsay as shown by the Plat thereof recorded in Cabinet A, Slide 169, Plat Records of Cooke County, Texas, and being one and the same property more particularly described by metes and bounds on Exhibit "A" attached

FILED FOR RECORD  
20 DEC 15 AM 11:20  
PAM HARRISON  
COUNTY CLERK, COOKE CO. TX  
BY  DEPUTY

hereto and made a part hereof for all purposes (the "Property")

Substitute Trustee: William Riley Nix, Mary Mancuso, Francesca Ortolani, Shelley Ortolani, and Michele Hreha (herein the "Substitute Trustee")

Substitute Trustee's Mailing Address: 717 North Crockett Street  
Sherman, Grayson County, Texas 75090

**WHEREAS**, pursuant to the Deed of Trust, Borrower conveyed to Randy Hensarling, Trustee for the benefit of Noteholder, the Property as herein described together with the improvements, personal property, fixtures, appurtenances, and other rights, titles, and interests more particularly described in the Deed of Trust (hereinafter collectively referred to as the "Property"), to secure the payment of, among other things, the Note;

**WHEREAS**, the undersigned has been appointed Substitute Trustee (herein so called) in the place of the original Trustee pursuant to the terms of the Deed of Trust;

**WHEREAS**, an event of default has occurred under the terms of the Note and the Deed of Trust, and pursuant to its rights under the Note and the Deed of Trust, Noteholder accelerated the maturity of the Note, causing the entire unpaid principal balance of and all accrued and unpaid interest thereon to become due and payable, and written notice of default and Noteholder's intent to accelerate, and written notice of acceleration have been given to Borrower;

**WHEREAS**, the Note has remained unpaid from the date that it was accelerated and declared due and payable; and

**WHEREAS**, Noteholder has requested William Riley Nix, Mary Mancuso, Francesca Ortolani, Shelley Ortolani, and Michele Hreha, as Substitute Trustees, and either one of them acting alone, is duly empowered to serve as Substitute Trustee to sell the Property in the manner provided for in the Deed of Trust (the "Foreclosure Sale"), to satisfy the indebtedness secured by the lien of the Deed of Trust (the "Indebtedness").

**NOW, THEREFORE, NOTICE IS HEREBY GIVEN** that the Property will be sold at the Foreclosure Sale pursuant to the Texas Property Code, as follows:

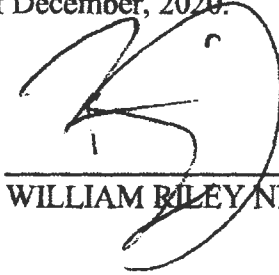
1. The Foreclosure Sale will be on **Tuesday, January 5, 2021;**
2. The earliest time at which the Foreclosure Sale will occur is **10:00 a.m.** and will begin at that time or not later than three hours after that time;
3. The Foreclosure Sale will take place at the **East Steps of the Cooke County Courthouse located at 101 South Dixon Street, Gainesville, Texas 76240,** or as designated by the Cooke County Commissioner's Court for such sales; and
4. The Property will be sold to the highest bidder for cash, except that Noteholder's bid may be by credit against the Indebtedness.

The sale noticed herein shall include the interest of the Borrower in any fixtures and personal property covered by the Deed of Trust and any other documents executed in connection with or as security for the Note, Noteholder having directed the undersigned to sell, and the undersigned hereby noticing the sale of, any such fixtures and personalty pursuant to rights granted to the Noteholder under the Texas Business and Commerce Code.

**THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. EXCEPT AS EXPRESSLY PROVIDED HEREIN, THE SUBSTITUTE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, NOR WITH RESPECT TO CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.**

**ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU 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.**

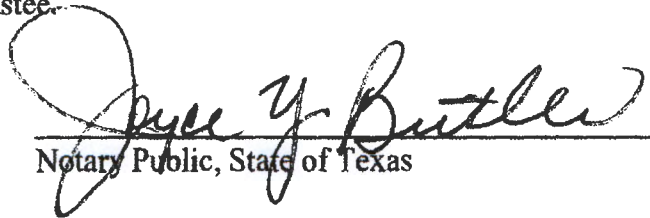
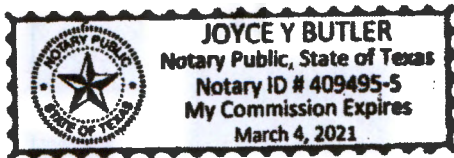
WITNESS MY HAND this 8<sup>th</sup> day of December, 2020.



\_\_\_\_\_  
WILLIAM RILEY NIX, Substitute Trustee

THE STATE OF TEXAS    §  
COUNTY OF GRAYSON   §

This instrument was acknowledged before me on the 8<sup>th</sup> day of December, 2020,  
by WILLIAM RILEY NIX, Substitute Trustee.

  
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Notary Public, State of Texas

**EXHIBIT "A"**

**LOT 9, BLOCK 28, CITY OF LINDSAY  
0.717 OF AN ACRE**

**ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF LINDSAY, COUNTY, TEXAS, AND BEING ALL OF LOT 9 IN BLOCK 28 ACCORDING TO THE REPLAT OF BLOCKS 16, 26, 27, 28, 30, AND 31, AS RECORDED IN CABINET A, SLIDE 169, PLAT RECORDS OF COOKE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;**

**BEGINNING AT THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND AT A CAPPED IRON ROD SET AT THE SOUTHEAST CORNER OF SAID LOT 9 AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF F.M. ROAD NO. 3108 AND THE NORTH LINE OF A 60 FOOT WIDE RIGHT-OF-WAY FOR THIRD STREET, AS RESERVED BY CITY OF LINDSAY;**

**THENCE NORTH 89 DEGREES 48 MINUTES 23 SECONDS WEST WITH THE SOUTH LINE OF SAID LOT 9 AND WITH THE NORTH RIGHT-OF-WAY LINE OF THIRD STREET A DISTANCE OF 166.54 FEET TO A 1/2" CAPPED IRON ROD SET FOR CORNER AT THE SOUTHWEST CORNER OF SAID LOT 9;**

**THENCE NORTH 00 DEGREES 16 MINUTES 22 SECONDS EAST WITH THE WEST LINE OF SAID LOT 9 A DISTANCE OF 185.50 FEET TO A 1/2" CAPPED IRON ROD SET FOR CORNER AT THE NORTHWEST CORNER OF SAID LOT 9 AND IN THE SOUTH LINE OF LOT 10 IN SAID BLOCK 28**

**THENCE SOUTH 86 DEGREES 58 MINUTES 41 SECONDS EAST WITH THE NORTH LINE OF SAID LOT 9 AND WITH THE SOUTH LINE OF SAID LOT 10 A DISTANCE OF 34.74 FEET TO A METAL FENCE CORNER POST FOUND FOR CORNER;**

**THENCE SOUTH 82 DEGREES 57 MINUTES 32 SECONDS EAST CONTINUING WITH THE NORTH LINE OF SAID LOT 9 AND WITH THE SOUTH LINE OF SAID LOT 10 A DISTANCE OF 152.28 FEET TO A 1/2" CAPPED IRON ROD SET FOR CORNER AT THE NORTHEAST CORNER OF SAID LOT 9 AND IN THE WEST RIGHT-OF-WAY LINE OF F.M. ROAD NO. 3108;**

**THENCE SOUTH 06 DEGREES 36 MINUTES 41 SECONDS WEST WITH THE EAST LINE OF SAID LOT 9 AND WITH THE WEST RIGHT-OF-WAY LINE OF F.M. ROAD NO. 3108 A DISTANCE OF 166.78 FEET TO THE PLACE OF BEGINNING AND ENCLOSING 0.717 OF AN ACRE OF LAND MORE OR LESS.**