

23-155373

Notice of Substitute Trustee's Sale

Notice Concerning Military Duty: **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. Tex. Prop. Code § 51.002(i)**

Deed of Trust Date: February 5, 2020	Original Mortgagor/Grantor: DEBORAH F. FOSS AND TIMOTHY J. FOSS
Original Beneficiary / Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS BENEFICIARY, AS NOMINEE FOR LOANDEPOT.COM, LLC., ITS SUCCESSORS AND ASSIGNS	Current Beneficiary / Mortgagee: SELECT PORTFOLIO SERVICING, INC.
Recorded in: Volume: VI-2314 Page: 50 Instrument No: 1390	Property County: COOKE
Mortgage Servicer: SELECT PORTFOLIO SERVICING, INC.	Mortgage Servicer's Address: 3217 S. Decker Lake Dr., Salt Lake City, UT 84119

* 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 property securing the above referenced loan.

Secures:Note in the original principal amount of \$103,250.00, executed by TIMOTHY J. FOSS and payable to the order of Lender.

Property Address/Mailing Address: 1403E BROADWAY ST, GAINESVILLE, TX 76240

Legal Description of Property to be Sold: THE FOLLOWING DESCRIBED PROPERTY:

SITUATED IN THE STATE OF TEXAS, COUNTY OF COOKE AND CITY OF GAINESVILLE, BEING PART OF BLOCK 1 OF CUNNINGHAM ADDITION AN ADDITION TO THE CITY OF GAINESVILLE AND THE SAME PROPERTY AS RECORDED IN VOLUME 609, PAGE 579 OF THE DEED RECORDS OF COOKE COUNTY, TEXAS, SAID PREMISES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND MARKING THE NORTHWEST CORNER OF SAID PREMISES, SAID CORNER BEING IN THE EAST RIGHT-OF-WAY LINE OF RITCHEY STREET;

THENCE DEPARTING SAID ROAD AND WITH THE NORTH LINE OF SAID PREMISES, NORTH 89 DEGREES 07 MINUTES 00 SECONDS EAST, 105.00 FEET TO A CAPPED IRON ROD SET MARKING THE NORTHEAST CORNER OF SAID PREMISES SAID CORNER BEING 0.2 FEET NORTH OF A FENCE CORNER POST;

THENCE WITH THE EAST LINE OF SAID PREMISES AND THE GENERAL COURSE OF A FENCE, SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 155.00 FEET TO A CAPPED IRON ROD SET MARKING THE SOUTHEAST CORNER OF SAID PREMISES, SAID CORNER BEING IN THE NORTH RIGHT-OF-WAY LINE OF E. BROADWAY;

THENCE WITH THE SOUTH LINE OF SAID PREMISES AND SAID ROAD, NORTH 89 DEGREES 07 MINUTES 00 SECONDS WEST, 105.00 FEET TO A CAPPED IRON ROD SET MARKING THE SOUTHWEST



FILED FOR RECORD

24 SEP 12 PM 1:49

PAM HARRISON
CLERK, COOKE CO. TX

BY *Bl* DEPUTY

CORNER OF SAID PREMISES, BEING IN THE EAST RIGHT-OR-WAY LINE OF SAID RICHEY STREET;

THENCE WITH THE WEST LINE OF SAID PREMISES AND SAID ROAD, NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 155.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 16,273 SQUARE FEET OF LAND.

NOTE: THE COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

Date of Sale: November 05, 2024	Earliest time Sale will begin: 11:00 AM
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Place of sale of Property: Cooke County Courthouse, 101 South Dixon, Gainesville, TX 76240 OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE.

The Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that time.

Appointment of Substitute Trustee: Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust, the same is now wholly due. Because of that default, *SELECT PORTFOLIO SERVICING, INC*, the owner and holder of the Note, has requested Ramiro Cuevas, Aurora Campos, Jonathan Harrison, Patrick Zwiers, Darla Boettcher, Dana Kamin, Lisa Bruno, Angie Uselton, Conrad Wallace, Tonya Washington, Meryl Olsen, Misty McMillan, Tiffiney Bruton, Tionna Hadnot, Auction.com, Terry Waters, Shelley Ortolani, Mary Mancuso, Michele Hreha, Francesca Ortolani, Carol Dunmon, Chasity Lewallen, Jane Kline, Payton Hreha whose address is 1 Mauchly, Irvine, CA 92618 OR Mary Mancuso, Francesca Ortolani, Shelley Ortolani, Michele Hreha, Carol Dunmon, Jane Kline, Payton Hreha or Chasity Lewallen whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, to sell the property. The Trustee(s) has/have been appointed Substitute Trustee in the place of the original trustee, in the manner authorized by the deed of trust.

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that *SELECT PORTFOLIO SERVICING, INC* bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to section 51.0075(a) of the Texas Property Code, Ramiro Cuevas, Aurora Campos, Jonathan Harrison, Patrick Zwiers, Darla Boettcher, Dana Kamin, Lisa Bruno, Angie Uselton, Conrad Wallace, Tonya Washington, Meryl Olsen, Misty McMillan, Tiffiney Bruton, Tionna Hadnot, Auction.com, Terry Waters, Shelley Ortolani, Mary Mancuso, Michele Hreha, Francesca Ortolani, Carol Dunmon, Chasity Lewallen, Jane Kline, Payton Hreha whose address is 1 Mauchly, Irvine, CA 92618 OR Mary Mancuso, Francesca Ortolani, Shelley Ortolani, Michele Hreha, Carol Dunmon, Jane Kline, Payton Hreha or Chasity Lewallen whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Ramiro Cuevas, Aurora Campos, Jonathan Harrison, Patrick Zwiers, Darla Boettcher, Dana Kamin, Lisa Bruno, Angie Uselton, Conrad Wallace, Tonya Washington, Meryl Olsen, Misty McMillan, Tiffiney Bruton, Tionna Hadnot, Auction.com, Terry Waters, Shelley Ortolani, Mary Mancuso, Michele Hreha, Francesca Ortolani, Carol Dunmon, Chasity Lewallen, Jane Kline, Payton Hreha whose address is 1 Mauchly, Irvine, CA 92618 OR Mary Mancuso, Francesca Ortolani, Shelley Ortolani, Michele Hreha, Carol Dunmon, Jane Kline, Payton Hreha or Chasity Lewallen whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, Trustee.

Limitation of Damages: If the sale is set aside for any reason, the purchaser at the sale shall be entitled only to a return of the funds paid. The purchaser shall have no further recourse against Mortgagor, the Mortgagee, or the Mortgagee's attorney.

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.

/s/William Attmore

William Attmore

Attorney for Select Portfolio Servicing, Inc.

State Bar No.:24064844

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Robertson, Anschutz, Schneid, Crane & Partners,

PLLC / Attorney for Mortgagee

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