

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: April 02, 2013

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

Place: THE FRONT STEPS OF THE NAVARRO 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 November 19, 2002 and recorded in Document VOLUME 1605, PAGE 0264; AS AFFECTED BY CLERK'S FILE NO. 2012-00004074 real property records of NAVARRO County, Texas, with ERIC S PHILLIPS AND ALVIN J YORK AND JAMIE PHILLIPS AND KATHY S YORK, grantor(s) and UNIVERSAL MORTGAGE CORPORATION, mortgagee.

4. **Obligations Secured.** Deed of Trust or Contract Lien executed by ERIC S PHILLIPS AND ALVIN J YORK AND JAMIE PHILLIPS AND KATHY S YORK, securing the payment of the indebtedness in the original principal amount of \$110,269.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. U.S. BANK NATIONAL ASSOCIATION 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 as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES.

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. U.S. BANK NATIONAL ASSOCIATION, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o U.S. BANK NATIONAL ASSOCIATION
4801 FREDERICA ST
OWENSBORO, KY 42301

J.B. Howell
Substitute Trustee
c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP
15000 Surveyor Boulevard, Suite 100
Addison, Texas 75001

2013-39
FILED FOR RECORD
AT 10:40 O'CLOCK A.M.

FEB 25 2013

SHERRY DOWD
COUNTY CLERK NAVARRO COUNTY, TEXAS
BY *Sherry Dowd* DEPUTY



NOS20100090100428

EXHIBIT "A"

ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND, BEING 13.000 ACRES SITUATED IN THE NOBLE WADE SURVEY, ABSTRACT NO. 843, IN NAVARRO COUNTY, TEXAS, AND BEING PART OF A CALLED 139.0285 ACRES TRACT CONVEYED BY DEED FROM PHYLLIS C. DUNCAN TO CLARENCE D. NICHOLS AND DIANE A. NICHOLS DATED SEPTEMBER 12, 1997, AND RECORDED IN VOLUME 1383 PAGE 482, IN THE DEED RECORDS OF NAVARRO COUNTY, TEXAS. SAID 13.000 ACRES ARE MORE FULLY DESCRIBED AS FOLLOWS;

BEGINNING AT PK NAIL SET FOR CORNER, IN THE SOUTHEAST LINE OF THE CALLED 139.0285 ACRES TRACT, AND BRS. NORTH 37 DEGREES 59 MINUTES 55 SECONDS EAST A DISTANCE OF 1,087.56 FEET FROM ITS SOUTH CORNER, AND IN THE NORTHWEST LINE OF A CALLED 95.610 ACRES TRACT, VOLUME 1182 PAGE 837, AND IN THE EAST CORNER OF A 13.534 ACRES, BEING THE RESIDUE OF THE CALLED 139.0285 ACRES TRACT, AND IN THE CENTER OF FARM ROAD NO. 1129, EASEMENT RECORDED IN VOLUME 498 PAGE 406,

THENCE NORTH 43 DEGREES 49 MINUTES 21 SECONDS WEST PASSING A T-POST SET FOR WITNESS IN HIGHWAY RIGHT-OF-WAY AT 60.62 FEET AND CROSSING A FENCE AT 1,379.62 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 1,385.62 FEET TO A T-POST SET FOR CORNER, IN THE WEST CORNER OF THIS TRACT AND IN THE SOUTHEAST LINE OF A 64.505 ACRES TRACT, VOLUME 1480 PAGE 600, AND IN THE NORTH CORNER OF THE 13.534 ACRES TRACT;

THENCE NORTH 33 DEGREES 22 MINUTES 53 SECONDS EAST ALONG THE SOUTHEAST LINE OF THE 64.505 ACRES TRACT A DISTANCE OF 308.00 FEET TO A 1/2" ROD SET FOR CORNER, NOVEMBER 28, 1999, IN THE WEST CORNER OF A 13.50 ACRES TRACT, CONVEYED TO KEITH & KAREN GEIGER, ON MARCH 19, 2001;

THENCE SOUTH 52 DEGREES 22 MINUTES 05 SECONDS EAST GENERALLY GENERALLY ALONG A FENCE AND PASSING A 1/2" ROD SET FOR WITNESS, NOVEMBER 28, 1999, IN THE FARM ROAD RIGHT-OF-WAY AT 1,336.33 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 1,396.33 FEET TO A POINT FOR THE EAST CORNER OF THIS TRACT IN THE CENTER OF SAID ROAD, AND IN THE SOUTH CORNER OF THE 13.50 ACRES TRACT, AND IN THE NORTHWEST LINE OF A CALLED 20.00 ACRES TRACT, VOLUME 1240 PAGE 209;

THENCE SOUTH 37 DEGREES 59 MINUTES 55 SECONDS WEST (BASE BEARING - VOLUME 1383 PAGE 482) ALONG THE CENTER OF SAID ROAD AND PASSING THE WEST CORNER OF THE LAST MENTIONED 20.00 ACRES TRACT AND A NORTHEAST CORNER OF THE RESIDUE OF THE CALLED 95.610 ACRES TRACT, AND CONTINUING FOR A TOTAL DISTANCE OF 513.06 FEET TO THE PLACE OF BEGINNING CONTAINING 13.000 ACRES OF WHICH 0.021 ACRE LIES NORTHWEST OF THE FENCE, AND 0.701 ACRE LIES WITHIN SAID ROAD EASEMENT.



NOS20100090100428