

2013 - 142
FILED FOR RECORD
AT 12:00 O'CLOCK M.

AUG 13 2013

SHERRY DOWD
COUNTY CLERK NAVARRO COUNTY, TEXAS
BY MM DEPUTY

NOTICE OF FORECLOSURE SALE

MIN No.: 1004117-5006220227-1
FHA/VA Case No.: 491-9406993-703

State of Texas

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County of Navarro

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Notice is hereby given of a public non-judicial foreclosure sale.

1. **Property To Be Sold.** The property to be sold is described as follows:

BEING ALL OF LOT 32A, BLOCK 1164A, THE HARPER'S NORTHVIEW ADDITION, AN ADDITION TO THE CITY OF CORSICANA, NAVARRO COUNTY, TEXAS, ACCORDING TO THE PLAT AND DEDICATION RECORDED IN VOLUME 7, PAGE 299, PLAT RECORDS, NAVARRO COUNTY, TEXAS.

2. **Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:

Date: **September 03, 2013**
Time: The sale shall begin no earlier than **10:00 A.M.** or no later than three hours thereafter.
Place: **Navarro County Courthouse in Corsicana, Texas**, at the following location: the area designated by the Commissioners Court of **Navarro County, Texas**, pursuant to § 51.002 of the Texas Property Code as the place where foreclosure sales are to take place (if no such place is so designated, the sale will take place in the area where this Notice of Substitute Trustee's Sale is posted).

The deed of trust permits the Beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the deed of trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling.

Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refile may be after the date originally scheduled for this sale.

Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (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 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

3. **Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the Beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

The sale will be made expressly subject to any title matters set forth in the deed of trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior

matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the deed of trust. The sale shall not cover any part of the property that has been released of public record from the lien of the deed of trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

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

4. **Type of Sale.** The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by **Gregory A. Cloud and Janice Cloud husband and wife.**
5. **Obligations Secured.** The Deed of Trust is dated **January 28, 2009**, and is recorded in the office of the County Clerk of **Navarro County, Texas**, ir/under **Document No. 00006098, Official Public Records of Navarro County, Texas**. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to the promissory note in the original principal amount of **\$168,884.00**, executed by **Gregory A. Cloud and Janice Cloud**, and payable to the order of **Florida Capital Bank, NA dba Florida Capital Bank Mortgage**.

Original Mortgagee: Mortgage Electronic Registration Systems, Inc. ("MERS"), (solely as a nominee for Lender, as hereinafter defined, and Lender's successors and assigns), the Lender being **Florida Capital Bank, NA dba Florida Capital Bank Mortgage**.

Current Mortgagee: Bank of America, N.A. whose address is **PO Box 650070, Dallas, TX 75265-0070.**

6. **Default and Request To Act.** Default has occurred under the deed of trust, and the beneficiary has requested me, as Substitute Trustee, to conduct this public sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.
7. **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.**

Sent by: Ruth Garner
Robertson Anschutz Vetters
10333 Richmond Avenue, Suite 550
Houston, TX 77042

DATED August 13, 2013

Sharon St. Pierre

Sharon St. Pierre and/or Robert LaMont and/or Kelly Goddard and/or Darian Goddard, Substitute Trustee
c/o Robertson Anschutz Vetters
10333 Richmond Avenue, Suite 550
Houston, TX 77042
Phone: 713-980-9500