

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.

2013-195
FILED FOR RECORD
AT 9:30 NOV 08 2013
COUNTY CLERK JEFFREY A. M.

1. **Date, Time, and Place of Sale.**

Date: December 03, 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 August 31, 2007 and recorded in Document CLERK'S FILE NO. 00008868 real property records of NAVARRO County, Texas, with LISA SIMS, grantor(s) and BANK OF AMERICA, N.A., mortgagee.

4. **Obligations Secured.** Deed of Trust or Contract Lien executed by LISA SIMS, securing the payment of the indebtednesses in the original principal amount of \$66,000.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. M & T BANK 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. M & T BANK SUCCESSOR BY MERGER TO M & T MORTGAGE CORPORATION, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o M & T BANK SUCCESSOR BY MERGER TO M & T MORTGAGE CORPORATION
ONE FOUNTAIN PLAZA DEFAULT SERVICING, 6TH FLOOR
BUFFALO, NY 14203


J. HOWELL, OR B. HOWELL

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



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EXHIBIT "A"

BEING ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LOCATED IN THE J. LYNN SURVEY ABSTRACT NO. 493 CITY OF BLOOMING GROVE AND BEING ALL OF A TRACT OF LAND AS DESCRIBED IN DEED TO MLIS M. BARHAM RECORDED IN VOLUME 1732, PAGE 4 OF THE DEED RECORDS OF NAVARRO COUNTY, TEXAS AND BEING PART OF LOT 4, BLOCK 1 OF THE JONES ADDITION AS RECORDED IN VOLUME J, PAGE 214 OF THE CIVIL MINUTES OF THE DISTRICT CLERKS RECORDS NAVARRO COUNTY, TEXAS AS DESCRIBED AS TRACT 2 IN DEED TO MLIS M. BARHAM RECORDED IN VOLUME 1732, PAGE 1 OF THE DEED RECORDS OF NAVARRO COUNTY, TEXAS SAID LOT, TRACT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND AT THE WESTERLY CORNER OF SAID BARHAM TRACT, THE NORTHERLY CORNER OF THE REMAINDER OF A TRACT OF LAND AS DESCRIBED IN DEED TO REX SMITH AND WIFE, LELA ETHEL SMITH RECORDED IN VOLUME 815, PAGE 695 OF THE DEED RECORDS OF NAVARRO COUNTY, TEXAS, AND THE SOUTHERLY LINE OF FOURTH STREET;

THENCE, N 47 DEG 00' 00" E, ALONG THE NORTHWESTERLY LINE OF THE SAID BARHAM TRACT AND WITH SAID FOURTH STREET 76.71 FEET TO A 5/8" IRON ROD SET FOR THE NORTH CORNER OF THIS TRACT, AND ON THE SOUTHWESTERLY LINE OF LOT 2, BLOCK 1 OF THE SAID JONES ADDITION;

THENCE, S 32 DEG 03' 04" E, ALONG THE COMMON LINE OF SAID LOT 2 AND THE SAID BARHAM TRACT 114.42 FEET TO A 5/8" IRON ROD SET FOR AN ELL CORNER OF THIS TRACT, THE SOUTHERLY CORNER OF LOT 3 AND THE WESTERLY CORNER OF LOT 4;

THENCE, N 60 DEG 00' 00" E, ALONG THE COMMON LINE OF SAID LOT 3 AND SAID LOT 4 195.24 FEET TO A 1/2" IRON PIPE FOUND AT THE NORTHERLY CORNER OF SAID LOT 4, THE EASTERLY CORNER OF SAID LOT 3, AND IN THE WESTERLY LINE OF WALKER STREET;

THENCE S 30 DEG 53' 41" E, ALONG THE NORTHEASTERLY LINE OF SAID LOT 4 AND WITH SAID WALKER STREET 51.97 FEET TO A 3/8" IRON ROD FOUND AT THE EASTERLY CORNER OF SAID BARHAM TRACT;

THENCE, S 60 DEG 00' 00" W, ALONG THE SOUTHEASTERLY LINE OF SAID BARHAM TRACT AND THROUGH SAID LOT 4 194.19 FEET TO A 3/8" IRON ROD FOUND AT THE SOUTHERLY CORNER OF SAID BARHAM TRACT AND ON THE SOUTHWESTERLY LINE OF SAID LOT 4;

THENCE, N 32 DEG 03' 04" W, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 4 5.96 FEET TO A 5/8" IRON ROD SET FOR AN ELL CORNER OF THIS TRACT, THE EASTERLY CORNER OF THE SAID BARHAM TRACT AND THE NORTHERLY CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED TO MLIS M. BARHAM RECORDED IN VOLUME 1618, PAGE 289 OF THE DEED RECORDS OF NAVARRO COUNTY, TEXAS;

THENCE, S 48 DEG 44' 37" W, ALONG THE COMMON LINE OF THE SAID BARHAM TRACTS 46.25 FEET TO A 5/8" IRON ROD SET FOR THE SOUTHERLY CORNER OF THIS TRACT AND THE EASTERLY CORNER OF THE SAID SMITH TRACT;

THENCE, N 43 DEG 00' 00" W, ALONG THE COMMON LINE OF THE SAID BARHAM TRACT AND THE SAID SMITH TRACT 156.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.454 ACRES OF LAND MORE OR LESS.



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