

HOME EQUITY POSTING WITH ORDER ATTACHED

2423 WEST 8TH AVENUE
CORSICANA, TX 75110

20130191200030

NOTICE OF SUBSTITUTE TRUSTEE SALE

(See TEX. CONST. art. XVI, § 50a(6) Order attached)

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: October 07, 2014

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 02, 2007 and recorded in Document CLERK'S FILE NO. 00011201 real property records of NAVARRO County, Texas, with EDITH RUTHERFORD AND DAVID RUTHERFORD, grantor(s) and RELIANCE MORTGAGE COMPANY, mortgagee.

4. Obligations Secured. Deed of Trust or Contract Lien executed by EDITH RUTHERFORD AND DAVID RUTHERFORD, securing the payment of the indebtedness in the original principal amount of \$120,000.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. REVERSE MORTGAGE SOLUTIONS, INC. 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:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND BEING LOT NO. 1 IN BLOCK 604, ACCORDING TO THE PLAT OF THE HIGHLAND PLACE RECORDED IN VOLUME 442, PAGE 273 AND ACCORDING TO THE OFFICIAL MAP OF SAID CITY OF CORSICANA, TEXAS.

6. Mortgage Servicer Information. The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagor. 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. REVERSE MORTGAGE SOLUTIONS, INC., as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o REVERSE MORTGAGE SOLUTIONS, INC
2727 SPRING CREEK DR
SPRING, TX 77373


J. HOWELL, OR B. HOWELL
Substitute Trustee
c/o
15000 Surveyor Boulevard, Suite 100
Addison, Texas 75001

2014-127
FILED FOR RECORD
AT 10:40 O'CLOCK A.M.

SEP 15 2014

SHERRY DOWD
COUNTY CLERK NAVARRO COUNTY, TEXAS

DEPUTY



NOS20130191200030

FILED

JUN 30 2014 3 PM 3:10

Cause No. C13-22790CV

In re: Order for Foreclosure Concerning

2423 West 8th Avenue
Corsicana, Texas 75110

Under Tex. R. Civ. Proc. §736

Respondent: Edith Rutherford

Petitioner: Reverse Mortgage Solutions, Inc.

IN THE COUNTY COURT

JOSHUA B. TACKETT
DISTRICT CLERK
NAVARRO COUNTY, TX

DEPUTY

AT LAW OF

NAVARRO COUNTY, TEXAS

RULE 736 DEFAULT ORDER

On this 3 day of JUNE, 2014, came to be considered the Motion for Rule 736 Default Order Without Hearing Under Tex. R. Civ. Proc. §736.7 filed by Reverse Mortgage Solutions, Inc. (the "Petitioner"). The Court has determined it has jurisdiction over the subject matter and parties in this proceeding and has jurisdiction to render judgment in this case. Citation was properly served by the Clerk of the Court on each Respondent and the return of service for each Respondent has been on file for more than ten days. After considering the pleadings and supporting sworn affidavit, the Court grants Petitioner's Motion for Rule 736 Default Order. The Court finds the following:

1. Each Respondent failed to file a timely response to Petitioner's application which was supported by an affidavit of material facts under Rule 166a(f); therefore, pursuant to Rule 736.7(a), all facts alleged in the application constitute *prima facie* evidence of the truth of the matters alleged pursuant to Rule 736.7(a)
2. No response being filed, the Court is directed to grant the Order in accordance with Rule 736.7(b). Petitioner was not required to appear in court to obtain the Rule 736 Default Order pursuant to Rule 736.7(b).
3. The Respondent is Edith Rutherford, whose last known address is Heritage Oaks Retirement Village, 3002 W. 2nd Avenue, Room 203, Corsicana, TX 75110.

The real property and improvements sought to be foreclosed is commonly known as 2423 West 8th Avenue, Corsicana, TX 75110 and more particularly described as: **ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND BEING LOT NO. 1 IN BLOCK 604, ACCORDING TO THE PLAT OF THE HIGHLAND PLACE RECORDED IN VOLUME 442, PAGE 273 AND ACCORDING TO THE OFFICIAL MAP OF SAID CITY OF CORSICANA, TEXAS.**

4. The reverse mortgage loan agreement created under TEX. CONST. art. XVI §50a(7) encumbering the property is recorded in the official real property records of Navarro County, Texas, at Document No. 00011201.

5. The material facts establishing the basis of Petitioner's right to continue with a foreclosure under applicable law are:
 - a. Though given notice and opportunity to cure the default under applicable law, Respondent failed to cure the default before Petitioner filed its application in this cause;
 - b. At the time the application was filed, the Respondent obligated for the loan agreement had materially breached the Respondent's obligation by failure to pay taxes and insurance.
6. Each respondent obligated for the loan agreement sought to be foreclosed and the other named persons with the right to cure the default of a material breach of the loan agreement sought to be foreclosed failed to do so and the loan agreement remains in default.
7. Pursuant to Rule 736.8, this Rule 736 Default Order is not subject to a motion for rehearing, new trial, bill of review, or appeal. Any challenge to this Order must be made in a suit filed in a separate, independent, original proceeding in a court of competent jurisdiction.
8. Based on Petitioner's affidavit filed with its application, each Respondent who is a natural person is not a member of the United States military or under the protection of the Servicemembers Civil Relief Act. 50 U.S.C. app. 501 et seq.

THEREFORE the Court renders judgment for Petitioner and enters a Rule 736 Default Order. Petitioner shall pay all costs of court in accordance with Rule 736.2.

Signed this 3 day of June, 2014.

Original Signed By
Amanda D. Putman

JUDGE PRESIDING

Approved:


Jason A. LeBoeuf
State Bar No. 24032662
15000 Surveyor Boulevard, Suite 100
Addison, Texas 75001
972-386-5040
972-341-0734 (Fax)
ATTORNEY FOR PETITIONER