

2016-49
FILED FOR RECORD
AT 2:15 O'CLOCK P.M.

NOTICE OF FORECLOSURE SALE

State of Texas §
County of Navarro §

SHERRY DOWD, County Clerk
NAVARRO COUNTY, TEXAS
BY BB DEPUTY

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

Date: June 7, 2016

Time: The sale shall begin no earlier than 10:00 AM 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 Corsicana, 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 Mortgagee of Record 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 rescheduled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or rescheduling 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 Mortgagee of Record 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.

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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 Bertha E Hernandez.
5. Obligations Secured. The Deed of Trust is dated October 1, 2009, and is recorded in the office of the County Clerk of Navarro County, Texas, in/under 00007919, 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 \$375,000.00, executed by Bertha E Hernandez, and payable to the order of Bank of America, N.A..

Original Mortgagee: Bank of America, N.A..

Current Mortgagee of Record: Bank of America, N.A. whose address is 14405 Walters Rond, Suite 200, Houston, TX 77014.

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: Jeffry B. Lewis
Robertson Anschutz Vettors
10333 Richmond Avenue, Suite 550
Houston, TX 77042

DATED April 11, 2016.

Sharon St. Pierre
Sharon St. Pierre and/or Robert LaMont and/or Kelly
Goddard and/or Darian Goddard, Substitute Trustee
c/o Robertson Anschutz Vettors
10333 Richmond Avenue, Suite 550
Houston, TX 77042
Phone: 713-244-1360

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.

EXHIBIT "A"

Being a part of the James M. Smith Survey, Abstract 720, Navarro county, Texas, and a part of Tract B described in deed from Helen Sanders Melvin, et al to Raymond Hayes recorded in Volume 1365, Page 547, Official Public Records, Navarro county, Texas, and being more particularly described by its metes and bounds as follows;

BEGINNING at a $\frac{1}{2}$ inch steel rod set at the southeast corner of said Tract B in the center of County Road NW 2190 at the northeast corner of the Tract One described in deed from Beatrice Gathright Stubbs to Odis Ellis, et ux recorded in Volume 1207, Page 480 of said Deed Records and on the southwest line of the Third Tract described in deed from the Texas Veterans Land Board, to Samuel H. Brewer recorded in Volume 533, Page 33 of said Deed Records and common line of said Smith Survey and the William R. Allegree Survey, Abstract 23;

THENCE S $50^{\circ}46'06''$ W, with the common line of said Tract B, Ellis Tract and the tract described in deed from Homer D. Humphries to Jackie Lee Thomas recorded in Volume 634, Page 365 of said Deed Records, 2306.51 feet to a $\frac{1}{2}$ inch steel rod set;

THENCE N $30^{\circ} 45'46''$ W, 530.58 feet to a $\frac{1}{2}$ inch steel rod, set;

THENCE S $59^{\circ}14'14''$ W, 2305.27 feet to a $\frac{1}{2}$ inch steel rod set in the center of said County Road, on the east line of said Tract B and the west lien of Highview Subdivision and the common line of said Smith and Allegree Survey;

THENCE S $31^{\circ}05'18''$ E, with the center of said Road and common line of said Tract B, Highview Subdivision and Brewer Tract and said Surveys, 552.00 feet to the point of beginning and containing approximately 28.665 acres of land.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any Statement in the legal description of the area or quantity of land is not a representation of such area or quantity, but is for informational and/or identification purposes and does not override item 2 of Schedule B hereof.

Filed for Record in:
Navarro County

On: Oct 20, 2009 at 11:00A

As a
Recordings

Document Number: 00007918

Amount: 20.00

Receipt Number - 31424
by,
Sharon Johnson

STATE OF TEXAS
I hereby certifying that this instrument was
filed on the date and time stamped hereon by me and
was duly recorded and stamped hereon by me.

Oct 20, 2009

Sherry Bond, COUNTY CLERK
Navarro County

FILED

2016 MAR - 3 PM 4:36

JOSEPH M. REED
CLERK OF COURT
NAVARRO COUNTY, TX
DEPUTY

CAUSE NO. C15-24637-CV

IN RE: ORDER FOR FORECLOSURE
CONCERNING
521 NW COUNTY ROAD 2190
BARRY, TX 75102

UNDER TEX.R.CIV.P.736

PETITIONER:

BANK OF AMERICA, N.A.

RESPONDENT(S):

BERTHA E. HERNANDEZ

IN THE DISTRICT COURT OF

NAVARRO COUNTY, TEXAS

13TH JUDICIAL DISTRICT

HOME EQUITY FORECLOSURE ORDER

1. On this day, the Court considered Petitioners' Motion for a Default Order granting its application for an expedited foreclosure order under Rule 736. Applicant's application complies with the requirements of Texas Rule of Civil Procedure 736.1.
2. The name and last known addresses of each Respondent subject to this order is Bertha E. Hernandez 521 NW County Road 2190, Barry, TX 75102. Each Respondent was properly served with the citation, but none filed a response within the time required by law. The return of service for each Respondent has been on file with the court for at least ten (10) days.
3. The property that is the subject of this foreclosure proceeding is commonly known as 521 NW County Road 2190, Barry, TX 75102 with the following legal description:

"SEE EXHIBIT A"

4. The lien to be foreclosed is indexed or recorded at Instrument Number 00007919 and recorded in the real property records of Navarro County, Texas.
5. The material facts establishing Respondent's default are alleged in Petitioner's application and the supporting affidavit. Those facts are adopted by the court and incorporated by reference in this Order.
6. Based on the affidavit of the Applicant, no Respondent subject to this order is protected from foreclosure by the Servicemembers Civil Act, 50 U.S.C. App. § 501 et seq.
7. Therefore, the Court grants Petitioner's Motion for a Default Order under the Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner may proceed with foreclosure of the

property described above in accordance with applicable law and the loan agreement sought to be foreclosed.

8. This 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 separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.8.

SIGNED THIS 3 day of March, 2016


JUDGE PRESIDING

APPROVED AS TO FORM:

By: JBL

Jeffry B. Lewis
Texas Bar No. 12290000
Robertson Anschutz Vettors
10333 Richmond Avenue, Suite 550
Houston, TX 77042
Tel. 713-244-1360
Fax (713) 888-2703
jlewis@ravdocs.com
ATTORNEY FOR PETITIONER

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