

1104 SHORES DRIVE
CORSICANA, TX 75109

00000006232102

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: September 04, 2018

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

Place: 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 May 24, 2011 and recorded in Document CLERK'S FILE NO. 00003867 real property records of NAVARRO County, Texas, with JUDITH A SAUNDERS AND WAYNE SAUNDERS, grantor(s) and WELLS FARGO BANK, N.A., mortgagee.

4. Obligations Secured. Deed of Trust or Contract Lien executed by JUDITH A SAUNDERS AND WAYNE SAUNDERS, securing the payment of the indebtedness in the original principal amount of \$938,250.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. WELLS FARGO BANK, N.A. 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 in the attached Exhibit A.

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. CHAMPION MORTGAGE COMPANY, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o CHAMPION MORTGAGE COMPANY
8950 CYPRESS WATERS BLVD.
COPPELL, TX 75019



JON HOWELL, SUSAN SWINDLER BOBBY HOWELL
Substitute Trustee

c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP
4004 Belt Line Road, Suite 100
Addison, Texas 75001

2018-76
FILED FOR RECORD
AT 9:25 O'CLOCK A M.

AUG 13 2018

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



1104 SHORES DRIVE
CORSICANA, TX 75109

00000006232102
Date of Sale: 09/04/2018

Certificate of Posting

My name is _____, and my address is c/o 4004 Bent Line Road, Suite 100, Addison, Texas. I declare under penalty of perjury that on _____ I filed at the office of the NAVARRO County Clerk and caused to be posted at the NAVARRO County courthouse this notice of sale.

Declarant's Name: _____
Date: _____

EXHIBIT "A"

TRACT TWO HUNDRED FIFTEEN (215), THE SHORES ON RICHLAND CHAMBERS LAKE, PHASE ONE (1), AN ADDITION OF 442.046 ACRES TO NAVARRO COUNTY, TEXAS LOCATED IN THE ROBERT CARADINE SURVEY, ABSTRACT NO. 139, NAVARRO COUNTY, TEXAS AND FILED OF RECORD AT VOLUME 7, PAGE 307-320, OFFICIAL MAP AND PLAT RECORDS OF NAVARRO COUNTY, TEXAS AND AT VOLUME 1783, PAGE 830, OFFICIAL REAL PROPERTY RECORDS OF NAVARRO COUNTY, TEXAS

WELLS FARGO BANK, N.A.,
Phoenix,

IN THE DISTRICT COURT

WAYNE SAUNDERS and JUDITH
SAUNDERS,

OF NAYARRO COUNTY

Defenses.

In Re: 1104 SHORES DRIVE,
CORSICA, TEXAS 75109

13TH JUDICIAL DISTRICT

SUMMARY JUDGMENT, REVERSE MORTGAGE FORECLOSURE ORDER

On this day, the Court determined it had jurisdiction over the subject matter and the parties to this proceeding. After considering plaintiff, Wells Fargo Bank, N.A.'s, its successors or assigns, motion for summary judgment reverse mortgage foreclosure order, pleadings, and evidence on file the Court GRANTS the motion and finds:

L. Defendants Wayne and Judith Saunders were served with process, filed an answer, and an reasonable time has elapsed for discovery.

2. None of the defendant(s) who were personally served were active military service.
3. Plaintiff is the current "occupant", as that term is defined in TEX. PROP. CODE § 51.001, of a valid Texas reverse mortgage "loan agreement", as that term is defined in TEX. BUS. & COMM. CODE § 26.02, ("Loan Agreement") that was created in accordance with TEX. CONST. art. XVI § 50a(7) and secured by the real property and improvements commonly known as 1104 Sherrill Drive, Corsicana, Texas 75103, ("Property") and legally described as:

TRACT TWO HUNDRED EIGHTEEN (28), THE SHORES ON RICELAND
CHAMBERS LAKE, PHASE ONE (1), AN ADDITION OF 42.045 ACRES TO
NAVARRO COUNTY, TEXAS LOCATED IN THE ROBERT CARADINE SURVEY,
ABSTRACT NO. 28, NAVARRO COUNTY, TEXAS AND FILED OF RECORD AT
VOLUME 7, PAGE 3343, OFFICIAL MAP AND PLAT RECORDS OF NAVARRO

COUNTY, TEXAS AND AT VOLUME 278, PAGE 180, OFFICIAL REAL PROPERTY
RECORDS OF NAVARRO COUNTY, TEXAS

4. Under TEX. CONST. art. XVI, § 50(k)(6)(D), the failure of the obligor specified in the loan documents to pay taxes and assessments on, or institute the homestead property qualified as a default event which required the payment of all principal and interest owed under the Loan Agreement. The necessary conditions precedent for plaintiff to exercise its rights under the security instrument by proceeding with a non-judicial foreclosure against the Property have been accomplished. Plaintiff will enforce its security interest by conducting a non-judicial foreclosure of its lien created under TEX. CONST. art. XVI §§ 50(k)(7) and 50(k) according to TEX. CONST. art. XVI § 50(k)(11), Tex. Prob. Code § 51.002, and the terms of the Loan Agreement. The Trustee or Substitute Trustee appointed to conduct the sale under Tex. Prob. Code § 51.002 is Jon Howell, Anna Swindle, Robby Howell, or their successors.

IT IS THEREFORE ORDERED plaintiff has a valid lien on the Property by way of a security instrument dated May 24, 2011 and filed under Document Number 00003867 of the Official Public Records of Navarro County, Texas.

IT IS FURTHER ORDERED that plaintiff, or its successors or assigns in interest, according to TEX. CONST. art. XVI, § 50(k)(11) shall enforce the Loan Agreement default by foreclosing the security interest encumbering the Property pursuant to the Loan Agreement or TEX. Prob. Code § 51.002.

IT IS FURTHER ORDERED that this Judgment serve as an Order of Foreclosure of a Reverse Mortgage Loan in accordance with TEX. CONST. art. XVI §§ 50(k)(7) and (k)(11);

IT IS FURTHER ORDERED that a copy of this Judgment shall be sent to defendant(s) with the notice of the date, time and place of the foreclosure sale;

IT IS FURTHER ORDERED if a person occupying the Property fails to surrender the possession of the premises after foreclosure, plaintiff, or its successor in interest, shall be entitled to a Writ of Possession issued in accordance with Tex. R. Civ. P. 310; and

IT IS FURTHER ORDERED All costs of court are to be paid by the party by whom incurred.

All relief not granted herein is denied. This judgment disposes of all parties and all claims and is appealable.

SIGNED this 18th day of January, 2017.

ORDER SUBMITTED BY:


Jennifer K. Chidka
State Bar No. 24082482
4004 Park Lane Road, Suite 100
Addison, Texas 75001-4320
(972) 341-5321
(972) 341-0734 (Facsimile)
jenniC@bfggroup.com

ATTORNEY FOR PLAINTIFF