

Bennie H. Thomas and Regina A. Thomas  
2017 East 5th Avenue  
Corsicana, Texas 75110  
Our file #1117-017F

**ATTENTION SERVICE MEMBERS:**

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, or if you have recently been discharged from active military duty, please send written notice of the active duty military service to the sender of this notice immediately.

**NOTICE OF TRUSTEE'S SALE**

WHEREAS, on December 10, 2003, Bennie H. Thomas and Regina A. Thomas executed a Deed of Trust conveying to Anthony H. Barone, a Trustee, the Real Estate hereinafter described, to secure Centex Home Equity Company, LLC in the payment of a debt therein described, said Deed of Trust being recorded in Instrument number 12257 in the Real Property Records of Navarro County, Texas; and

WHEREAS, The undersigned has been appointed Substitute Trustee in the place of said original Trustee, upon the contingency and in the manner authorized by said Deed of Trust, the street address for the substitute trustees is 1126 W. Gray, Houston, Texas 77019; and

WHEREAS, Default has occurred in the payment of said indebtedness, and the same is now wholly due, and the owner and holder of said debt has requested the undersigned to sell said property to satisfy said indebtedness.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, October 2, 2018, the foreclosure sale will be conducted in Navarro County in the area designated by the Commissioners Court, pursuant to Section 51.002 of the Texas Property Code as the place where foreclosure sales are to take place. If no place is designated by the Commissioners Court, sale will be conducted at the place where the Notice of Trustee's Sale was posted. The trustee's sale will be conducted no earlier than 11:00 AM and must be concluded within three hours of such starting time. Said sale shall be to the highest bidder for cash.

Said Real Estate is described as Follows: In the County of Navarro, State of Texas:

**PLEASE SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN.**


Nationstar Mortgage LLC is the mortgage servicer for the mortgagee of the Deed of Trust. Nationstar Mortgage LLC and the mortgagee have entered into an agreement granting Nationstar Mortgage LLC authority to service the mortgage. Nationstar Mortgage LLC, as mortgage servicer, is representing the Mortgagee under a servicing agreement with the Mortgagee (the "Servicing Agreement"). The name of the Mortgagee is The Bank of New York Mellon f/k/a The Bank of New York, as successor in interest to JPMorgan Chase Bank, as Trustee for Centex Home Equity Loan Trust 2004-B. Pursuant to the Servicing Agreement, Nationstar Mortgage LLC is granted authority to collect and service the debt associated with the Deed of Trust. Under Section 51.0025 of the Texas Property Code, Nationstar Mortgage LLC, as mortgage servicer, is authorized to administer any resulting foreclosure of the property covered by the Deed of Trust on behalf of the Mortgagee. The Mortgagee's address is c/o the mortgage servicer, Nationstar Mortgage LLC, 8950 Cypress Waters Blvd., Coppell, TX 75019.

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.

**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.**

Substitute and Successor Substitute Trustees are identified below.

HARVEY LAW GROUP

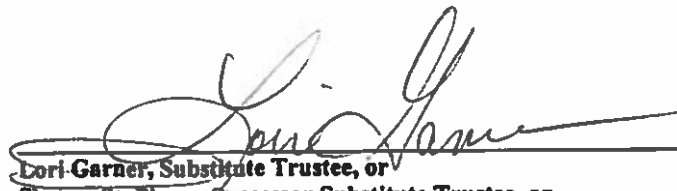
  
Kell J. Harvey, Texas State Bar No. 09180150  
Jerry W. Mason, Texas State Bar No. 24081704  
Attorneys for Mortgagee and Mortgage Servicer  
Date: 9/7/2018

2018-99

FILED FOR RECORD  
AT 12:05 O'CLOCK P.M.

SEP 10 2018

SHERRY DOWD, County Clerk  
NAVARRO COUNTY, TEXAS  
BY: \_\_\_\_\_ DEPUTY



**Lori Garner, Substitute Trustee, or  
Sharon St. Pierre, Successor Substitute Trustee, or  
Robert LaMont, Successor Substitute Trustee, or  
Sheryl Lamont, Successor Substitute Trustee, or  
Randy Daniel, Successor Substitute Trustee, or  
Cindy Daniel, Successor Substitute Trustee, or  
Allan Johnston, Successor Substitute Trustee, or  
Ronnie Hubbard, Successor Substitute Trustee, or  
Robert LaMont, Successor Substitute Trustee, or  
Sheryl LaMont, Successor Substitute Trustee, or  
Harriett Fletcher, Successor Substitute Trustee, or  
David Sims, Successor Substitute Trustee, or  
Allan Johnston, Successor Substitute Trustee, or  
Sharon St. Pierre, Successor Substitute Trustee, or  
Ronnie Hubbard, Successor Substitute Trustee**

Notice sent by:  
HARVEY LAW GROUP  
P.O. Box 131407  
Houston, Texas  
77219  
Tel.: (832) 922-4000  
Fax: (832) 922-6262

## Exhibit "A"

All that certain lot, tract or parcel of land, situated in the Jehu Peoples Survey A-9, Block 1473 of the City of Corsicana, Navarro County, Texas, and a part of the 6.48 acre tract described in deed from P. D. Fulwood to Thomas McCoy, dated Dec. 6, 1937, and recorded in Vol. 383, Pg. 358, Deed Records, and being more fully described as follows:

BEGINNING at an iron pipe for the NE corner of said 6.48 acre tract and on the S. line of E. 5th Ave., 35' from the S. side of the existing concrete slab;

THENCE S. 17 deg. 04 min. E. 988.8' along the E. line of said 6.48 acre tract to the SE corner of said 6.48 acre tract in the center of Post Oak Creek, from which an iron pipe on top of bank bears N. 17 deg. 04 min. W. 41';

THENCE N. 63 deg. 37 min. W. 74.5' with the center of Post Oak Creek to corner, from which an iron rod on top of bank bears N. 19 deg. 19 min. W. 48.5';

THENCE N. 19 deg. 19 min. W. 919' to an iron rod on the S. line of E. 5th Ave., 33.8' from the S. side of the existing concrete slab;

THENCE N. 60 deg. 50 min. E. 92.2' along the S. line of E. 5th Ave. to the Place of Beginning and containing 1.57 acres of land and being the same property described as third in Partition Deed from Odie Lee McCoy et al to Odessa McCoy et al, dated August 1980, of record in the Deed Records of Navarro County, Texas.

EXHIBIT "A"

**CAUSE NO. C18-26878-CV**

**IN RE ORDER FOR FORECLOSURE  
CONCERNING**

**2017 EAST 5TH AVENUE,  
CORSICANA, TEXAS 75110**

**UNDER TEX. R. CIV. PROC. 736**

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**IN THE DISTRICT COURT OF**

**NAVARRO COUNTY, TEXAS**

**CCL JUDICIAL DISTRICT**

**ORDER TO PROCEED WITH NOTICE OF FORECLOSURE SALE  
AND FORECLOSURE**

Came on for consideration the Motion for Entry of Default Order Allowing Foreclosure filed by The Bank of New York Mellon f/k/a The Bank of New York, as successor in interest to JPMorgan Chase Bank, as Trustee for Centex Home Equity Loan Trust 2004-B ("Petitioner"), for Order for Foreclosure pursuant to Rule 736 of the Texas Rules of Civil Procedure. The Court is of the opinion that said application should be GRANTED.

The Court finds that no response has been filed and that the return of service has been on file for at least 10 days and that this is an *in rem* proceeding.

Pursuant to Rule 736.8(b), the Court further finds that the Petitioner has established the basis for the foreclosure and that:

(1) the material facts establishing the basis for foreclosure are as follows:

- a monetary default of the subject Note exists;
- on September 25, 2017, the Petitioner gave the Respondent(s) proper Notice of Default;
- the default was not cured and the Note was accelerated on December 19, 2017;
- and
- the loan is due for the July 15, 2017 payment and all subsequent payments.

(2) The property to be foreclosed is commonly known as 2017 East 5th Avenue, Corsicana, Texas 75110 (the "Property") which has the following legal description:

PLEASE SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN.

(3) The name and last known address of each respondent subject to this Order is/are:

- Bennie H. Thomas, 2017 GW Jackson Avenue, Corsicana TX 75110

(4) The Security Instrument to be foreclosed is recorded or indexed under Instrument number 12257 of the real property records of Navarro County, Texas.

IT IS THEREFORE ORDERED that the Petitioner may proceed with foreclosure of the Property pursuant to TEX. PROP. CODE § 51.002 and the subject Security Instrument.

SIGNED this 20 day of August, 2018.



JUDGE PRESIDING

Approved As To Form And Entry Requested:

HARVEY LAW GROUP

By: 

Kelly J. Harvey

SBN: 09180150

Kelly@kellyharvey.com

Jerry W. Mason

SBN: 24081794

jerry@kellyharvey.com

P.O. Box 131407

Houston, Texas 77219

Tel. (832) 922-4000

Fax. (832) 922-6262

ATTORNEYS FOR PETITIONER

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