

NOTICE OF FORECLOSURE 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.

Notice is hereby given of a public nonjudicial foreclosure sale.

1. Property To Be Sold. The property to be sold is described as follows:

Lot Three (3) in Block Two (2) of the Swan Addition to the City of Brownfield, Terry County, Texas

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

Date: December 2, 2014

Time: The sale shall begin no earlier than 10:00 A.M. or no later than three hours thereafter. The sale shall be completed by no later than 4:00 P.M.

Place: TERRY County Courthouse in BROWNFIELD, Texas, at the following location:
The North door of the Terry County Courthouse, the place designated by the Terry County Commissioner's Court by instrument recorded in Volume 850, Page 58, Official Public Records, Terry County, Texas.

The deed of trust permits the beneficiary 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 refiled in accordance with the posting and filing requirements of the Texas Property Code. Such reposting or refileing may be after the date originally scheduled for this sale.

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 beneficiary 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 cash on the day the property is sold.

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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

4. Type of Sale. The sale is a nonjudicial 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 SYLVIA RIOS. The deed of trust is dated JANUARY 11, 2010, and is recorded in the office of the County Clerk of Terry County, Texas, in volume 782, page 493, of the OFFICIAL PUBLIC RECORDS of TERRY County, Texas.

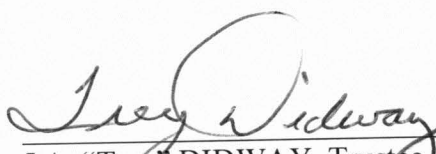
5. Obligations Secured. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to (1) the promissory note in the original principal amount of \$74,000.00, executed by SYLVIA RIOS, and payable to the order of LYNDA G. BILLINGS; and (2) all renewals and extensions of the note. LYNDA G. BILLINGS is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

As of NOVEMBER 4, 2014, there is owed \$77,323.02 on the note, being principal and interest in the following amounts: \$71,921.43 of principal and \$5,401.59 of interest. The note is bearing interest at the rate of \$15.76 per day thereafter.

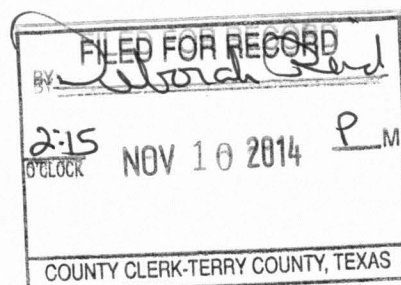
Questions concerning the sale may be directed to the undersigned.

6. Default and Request To Act. Default has occurred under the deed of trust, and the beneficiary has requested me, as Trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

DATED November 10, 2014.



J.A. "Trey" DIDWAY, Trustee
305 A West Broadway
Brownfield, TX 79316
Telephone: (806) 637-7568
FAX: (806) 637-7560



Our File Number: 14-10190

Name: JAMES SMITH, BORROWER JOINED HEREIN PRO FORMA BY NICKIE SMITH

NOTICE OF TRUSTEE'S SALE

WHEREAS, on or about MARCH 17, 2004, JAMES SMITH, BORROWER JOINED HEREIN PRO FORMA BY NICKIE SMITH, executed a Deed of Trust/Security Instrument conveying to CARL W. ODOM, as Trustee, the Real Estate hereinafter described, to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ACTING SOLELY AS A NOMINEE FOR PLAINSCAPITAL MCAFEE MORTGAGE COMPANY, in the payment of a debt therein described, said Deed of Trust/Security Instrument being recorded under County Clerk Number 227488, in the DEED OF TRUST OR REAL PROPERTY records of **TERRY COUNTY, TEXAS**; and

WHEREAS, default has occurred in the payment of said indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness;

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 /Security Instrument; and

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on **TUESDAY, DECEMBER 2, 2014** between ten o'clock AM and four o'clock PM and beginning not earlier than 10:00 AM or not later than three hours thereafter, I will sell said Real Estate at the County Courthouse in **TERRY COUNTY, TEXAS** to the highest bidder for cash. The sale will be conducted in the area of the Courthouse designated by the Commissioners' Court, of said county, pursuant to Section §51.002 of the Texas Property Code as amended; if no area is designated by the Commissioners' Court, the sale will be conducted in the area immediately adjacent (next) to the location where this notice was posted.

Said Real Estate is described as follows:

THE WEST 50 FEET OF LOT SIX (6) AND THE EAST 25 FEET OF LOT FIVE (5) IN BLOCK ONE (1) OF THE SUNSET HEIGHTS ADDITION TO THE CITY OF BROWNFIELD, TERRY COUNTY, TEXAS, AS SHOWN BY MAP, PLAT AND/OR DEDICATION DEED RECORDED IN VOLUME 245, PAGE 281, DEED RECORDS, TERRY COUNTY, TEXAS.

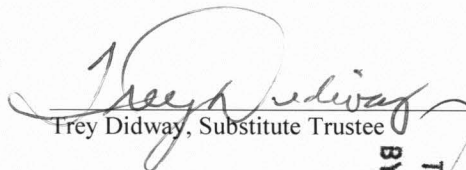
Property Address: 1211 EAST HARRIS STREET
BROWNFIELD, TX 79316
Mortgage Servicer: BANK OF AMERICA, N.A.
Noteholder: BANK OF AMERICA, N.A.
7105 CORPORATE DRIVE
PLANO, TX 75024-4100

The Mortgage Servicer is authorized to represent the Noteholder by virtue of a servicing agreement with the Noteholder. 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 property securing the above referenced loan.

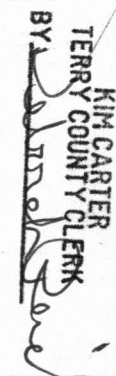
ACTIVE MILITARY SERVICE NOTICE

Assert and protect your rights as a member of the armed forces of the United States. If you 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.

WITNESS MY HAND this day, November 10, 2014.


Trey Didway, Substitute Trustee

Marinosci Law Group PC
Marinosci & Baxter
14643 Dallas Pkwy, Suite 750
Dallas, TX 75254
(972) 331-2300

BY 
KIM CARTER
TERRY COUNTY CLERK

2014 NOV 10 PM 2:24

FILED FOR RECORD



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NOTICE OF FORECLOSURE SALE

1. **Property to Be Sold.** The property to be sold is described as follows:

SEE EXHIBIT "A"

2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 05/17/2010 and recorded in Book 787 Page 742 real property records of Terry County, Texas.

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

Date: 12/02/2014

Time: The sale will begin no earlier than 10:00 AM or no later than three hours thereafter.

Place: Terry County Courthouse, Texas, at the following location: TERRY COUNTY LAW ENFORCEMENT CENTER, 1311 TAHOKA RD., BROWNFIELD, TEXAS, IN LOBBY AREA (THE 2 ENTRANCE DOORS FACE EAST AND WEST)(FRONT OF BUILDING FACES SOUTH) OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.

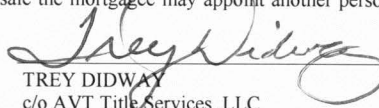
4. **Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property.

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.

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. 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.

5. **Obligations Secured.** The Deed of Trust executed by WILLIAM L. MCELROY, provides that it secures the payment of the indebtedness in the original principal amount of \$48,795.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. PLANET HOME LENDING, LLC FKA GREEN PLANET SERVICING, LLC is the current mortgagee of the note and deed of trust and PLANET HOME LENDING, LLC is mortgage servicer. A servicing agreement between the mortgagee, whose address is PLANET HOME LENDING, LLC FKA GREEN PLANET SERVICING, LLC c/o PLANET HOME LENDING, LLC, 321 Research Parkway, Suite 303, Meriden, CT 06450 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. **Default and Request to Act.** Default has occurred under the deed of trust, and the mortgagee has requested a Substitute Trustee conduct this sale. Notice is given that before the sale the mortgagee may appoint another person substitute trustee to conduct the sale.



TREY DIDWAY
c/o AVT Title Services, LLC
13770 Noel Road #801529
Dallas, TX 75380-1529

14-00005-680
1941 COUNTY RD 620
BROWNFIELD, TX 79316

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.

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EXHIBIT "A"
LEGAL DESCRIPTION

A 3.15 acre tract of land out of Section 95, Block T, D.&W. Railway Company Survey, Terry County, Texas described by metes and bounds as follows:


BEGINNING at a 1/2 inch steel rod with cap set in the North right-of-way line of County Road 620 as described in Volume 4, Page 47 of the County Commissioners Records of Terry County, Texas for the Southeast corner of this tract, the Southeast corner of Section 95 bears South a distance of 24.00 feet and East a distance of 2892.12 feet;

THEN West along said right-of-way line a distance of 330.00 feet to a 1/2 inch steel rod with cap set for the Southwest corner of this tract;

THEN North a distance of 415.80 feet to a 1/2 inch steel rod with cap set for the Northwest corner of this tract;

THEN East a distance of 330 feet to a 1/2 inch steel rod with cap set for the Northeast corner of this tract;

THEN South a distance of 415.80 feet to the POINT OF BEGINNING.

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2014 NOV 10 PM 2:25
KIM CARTER
TERRY COUNTY CLERK
BY 

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