

[RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:]

Carrington Foreclosure Services, LLC
P.O. Box 3309
Anaheim, California 92803
For Sale Information: (888) 313-1969
For Reinstatement Requests: 1-866-874-5860
Pay Off Requests: 1-800-561-4567

TS#: 16-16585

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

WHEREAS, on 3/17/2004, JAMES SMITH, BORROWER JOINED HEREIN PRO FORMA BY NICKIE SMITH, as Grantor/Borrower, executed and delivered that certain Deed of Trust, in favor of CARL W. ODOM, as Trustee, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. FOR PLAINSCAPITAL MCAFEE MORTGAGE COMPANY, as Beneficiary which deed of trust secures the payment of that certain promissory note of even date therewith in the original amount of \$64,490.00, payable to the order of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. FOR PLAINSCAPITAL MCAFEE MORTGAGE COMPANY, which Deed of Trust is Recorded on 3/17/2004 as Volume 227488, Book , Page , and under Loan Modification RECORDED 04/27/2015, MODIFYING AMOUNT AND MATURITY DATE, NEW AMOUNT \$65,122.87 NEW MATURITY DATE 04/01/2045 in Terry County, Texas, Deed of Trust covers all of the real property, personal property, and fixtures described therein, including , but not limited to, all the following described property, rights and interests (the "Property"), to-wit;

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.

Commonly known as: **1211 EAST HARRIS STREET, BROWNFIELD, TX 79316**

WHEREAS, the Trustee named in the Deed of Trust having been removed, the legal holder of the indebtedness described in the Deed of Trust appointed **Ronald Byrd, Stefanie Morgan, Jonathan Schendel, Ramiro Cuevas, Frederick Britton, Doug Woodard, Chris Demarest, Kristie Alvarez** or either of them, as Substitute Trustee (each being referred to as the "Substitute Trustee"), upon the contingency and in the manner authorized by the Deed of Trust: and

WHEREAS, defaults have occurred in the covenants of the Deed of Trust, monetary or otherwise, and the indebtedness secured by and described in the Deed of Trust is now wholly due, and Carrington Mortgage Services, LLC whose address is 1600 Douglass Road, Suite 200 A, Anaheim, CA 92806 is acting as the mortgage servicer for **BANK OF AMERICA, N.A.**, which is the mortgagee of the Note and Deed of Trust or mortgage and the legal holder of such indebtedness and the liens securing same has requested either one of the Substitute Trustees to sell the Property in accordance with applicable law and the terms and provisions of the Deed of Trust. Carrington Mortgage Services, LLC is authorized to represent the mortgagee by virtue of a written servicing agreement with the mortgagee. Pursuant to that



4598997

64

agreement and Texas Property Code Section 51.0025, Carrington Mortgage Services, LLC is authorized to administer the foreclosure referenced herein.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN, that on **TUESDAY, 12/6/2016 at 10:00 AM**, or no later than three (3) hours after such time, being the first Tuesday of such month, of **Terry County, Texas**, the Substitute Trustee will sell the Property at public venue to the highest bidder for cash. The sale will take place at the area designated by the Commissioner's Court for sales of real property under a power of sale conferred by a deed of trust or other contract lien as follows: **THE TERRY COUNTY LAW ENFORCEMENT CENTER, 1311 TAHOKA RD, BROWNFIELD, TEXAS IN LOBBY AREA (THE TWO ENTRANCE DOORS FACE EAST AND WEST) (FRONT OF BUILDING FACES SOUTH)**

NOTICE IS FURTHER GIVEN that , except to the extent that the Substitute Trustee may bind and obligate Mortgagors to warrant title the Property under the terms of the Deed of Trust, conveyance of the Property shall be made without any representations or warranties whatsoever, express or implied.

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

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.

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.

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.

WITNESS, my hand this 11/10/2016

Ronald Byrd

By: Substitute Trustee(s)

Ronald Byrd, Stefanie Morgan, Jonathan Schendel, Ramiro Cuevas, Frederick Britton, Doug Woodard, Chris Demarest, Kristie Alvarez

C/O Carrington Foreclosure Services, LLC
P.O. Box 3309
Anaheim, California 92803

FILED FOR RECORD	
BY	<i>Hancy [Signature]</i>
1:21 o'clock	NOV 14 2016 P.M.
COUNTY CLERK-TERRY COUNTY, TEXAS	

65