

Posted

FILED  
AT 1:08 O'CLOCK P M  
FEB 24 2022  
JENNIFER WRIGHT  
CLERK OF COUNTY COURT  
JEFF DAVIS COUNTY, TEXAS  
BY *[Signature]* DEPUTY

### 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 OR 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. **Property to Be Sold.** The property to be sold is described as follows: A 0.67 ACRE TRACT OF LAND, OUT OF LOTS SIX (6) AND FIFTEEN (15), BLOCK ONE (1), FORT DAVIS ABANDONED MILITARY RESERVATION, JEFF DAVIS COUNTY, TEXAS, AND BEING OUT OF SECTION 261, B.B.B & C. RY. CO. SURVEY, JEFF DAVIS COUNTY, TEXAS. SAID 0.67 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED IN FIELD NOTES (METES AND BOUNDS DESCRIPTION) AND AS SHOWN BY PLAT, PREPARED BY TONY TRUJILLO, R.P.L.S. NO. 5358, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FIELD NOTES (METES AND BOUNDS DESCRIPTION) FIELD NOTES DESCRIBING A 0.67 ACRE TRACT OF LAND, OUT OF LOTS 6 AND 15, BLOCK 1, FORT DAVIS ABANDONED MILITARY RESERVATION, IN FORT DAVIS JEFF DAVIS COUNTY, TEXAS, PLAT RECORDED IN THE MAP FILE, ROW 2, SLOT 2, OF THE JEFF DAVIS COUNTY PLAT RECORDS, SAID 0.67 ACRE TRACT, BEING PART OF A TRACT OF LAND DESCRIBED BY DEED RECORDED IN VOLUME 167, PAGE 179, OF THE JEFF DAVIS COUNTY, TEXAS, DEED RECORDS AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH ROD WITH A CAP MARKED "TRUJILLO RPLS 5358", SET ON THE NORTH LINE OF A ROAD EASEMENT RECORDED IN VOLUME 117, PAGE 674, "EXHIBIT C", OF THE JEFF DAVIS COUNTY, TEXAS, DEED RECORDS, WHENCE A 1 INCH GALVANIZED IRON PIPE, RECOVERED AT THE SOUTHWEST CORNER OF A 41.55 ACRE TRACT, RECORDED IN VOLUME 67, PAGE 570, OF SAID DEED RECORDS, BEARS NORTH 82 DEGREES 04 MINUTES 19 SECONDS WEST 1154.64 FEET, FRM WHENCE A 1/2 INCH ROD WITH A CAP MARKED "TRUJILLO RPLS 5358", RECOVERED AT THE WEST COMMON CORNER OF LOTS 6 AND 7, BLOCK 1, FORT DAVIS ABANDONED MILITARY RESERVATION, IN FORT DAVIS, JEFF DAVIS COUNTY, TEXAS, PLAT RECORDED IN THE MAP FILE, ROW 2, SLOT 2, OF THE JEFF DAVIS COUNTY, TEXAS, PLAT RECORDS, BEARS SOUTH 7 DEGREES 55 MINUTES 00 SECONDS WEST 31.90 FEET, FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 7 DEGREES 51 MINUTES 49 SECONDS EAST 95.12 FEET, ALONG THE COMMON LINE OF THIS TRACT, AND A 1.12 ACRE TRACT, TO A SET 1/2 INCH ROD WITH CAP MARKED "TRUJILLO RPLS 5358", AT THE NORTHEAST CORNER OF SAID 1.12 ACRE TRACT AND THE NORTHWEST CORNER OF THIS TRACT;

THENCE SOUTH 82 DEGREES 04 MINUTES 19 SECONDS EAST, ALONG COMMON LINE OF SAID THIS TRACT AND SAID 41.55 ACRE TRACT, AT 69.84 FEET, PASS A 1 INCH GALVANIZED IRON PIPE RECOVERED ON THE COMMON LINE OF LOTS 6 AND 15, OF SAID BLOCK 1, IN ALL 248.02 FEET, TO A POINT, WHENCE A 1/2 INCH IRON ROD WITH A CAP MARKED "TRUJILLO RPLS 5358", BEARS SOUTH 82 DEGREES 04 MINUTES 19 SECONDS EAST 0.32 FRET, FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 7 DEGREES 51 MINUTES 55 SECONDS WEST 127.02 FEET, TO A POINT, WHENCE A 1/2 INCH ROD, WITH A CAP MARKED "TRUJILLO RPLS 5358", ON THE COMMON LINE OF SAID LOTS 15 AND 14, OF SAID BLOCK 1, BEARS SOUTH 82 DEGREES 04 MINUTES 19 SECONDS EAST 0.32 FEET, FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE NORTH 82 DEGREES 04 MINUTES 19 SECONDS WEST 178.15 FEET, ALONG SAID COMMON LOT LINE, TO A 1/2 INCH ROD WITH A CAP MARKED "TRUJILLO RPLS 5358", SET AT THE COMMON CORNER OF LOTS 6, 7, 14 AND 15, OF SAID BLOCK 1, BEING THE SOUTHEAST CORNER OF SAID ROAD EASEMENT, FOR A CORNER OF THIS TRACT;

THENCE NORTH 7 DEGREES 51 MINUTES 55 SECONDS EAST 31.90 FEET, ALONG THE COMMON LINE OF SAID LOTS 6 AND 15, AND THE EAST LINE OF SAID ROAD EASEMENT, TO A 1/2 INCH ROD WITH A CAP MARKED "TRUJILLO RPLS 5358", SET AT THE NORTHEAST CORNER OF SAID ROAD EASEMENT, AND AN INTERIOR CORNER OF THIS TRACT;

THENCE NORTH 82 DEGREES 04 MINUTES 19 SECONDS WEST 69.84 FEET, ALONG THE NORTH LINE OF SAID ROAD EASEMENT, TO THE POINT OF BEGINNING, CONTAINING 0.67 ACRES OF LAND MORE OR LESS.

BEARINGS ARE GRID, BASED ON GPS OBSERVATIONS, TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD 1927, TO CONVERT TO TRUE ROTATE BY - 1 DEGREE 49 MINUTES 46.2 SECONDS. DISTANCES ARE GROUND SURFACE, TO CONVERT TO GRID MULTIPLY BY A COMBINED FACT OF 0.99967420.

2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 11/19/2007 and recorded in Book 196 Page 877 real property records of Jeff Davis County, Texas.

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

Date: 05/03/2022  
Time: 01:00 PM



Place: Jeff Davis County, Texas at the following location: SOUTH SIDE OF THE JOHN ROBERTS PRUDE BUILDING 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.

5. *Obligations Secured.* The Deed of Trust executed by JAMES BRUCE MCELLIGOTT AND YVONNE MARIE MCELLIGOTT, provides that it secures the payment of the indebtedness in the original principal amount of \$225,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. Seattle Bank is the current mortgagee of the note and deed of trust and PHH MORTGAGE CORPORATION is mortgage servicer. A servicing agreement between the mortgagee, whose address is Seattle Bank c/o PHH MORTGAGE CORPORATION, 14405 Walters Road, Suite 200, Houston, TX 77014 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. *Substitute Trustee(s) Appointed to Conduct Sale.* In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.

**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.**



Mackie Wolf Zientz & Mann, P.C.  
Brandon Wolf, Attorney at Law  
L. Keller Mackie, Attorney at Law  
Michael Zientz, Attorney at Law  
Lori Liane Long, Attorney at Law  
Chelsea Schneider, Attorney at Law  
Ester Gonzales, Attorney at Law  
Sydney Brock, Attorney at Law  
Parkway Office Center, Suite 900  
14160 Dallas Parkway  
Dallas, TX 75254

I am shelley nail Certificate of Posting  
whose address is c/o AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230,  
Houston, TX 77056. I declare under penalty of perjury that on 2/24/22 I filed this Notice of Foreclosure Sale at the office  
of the Jeff Davis County Clerk and caused it to be posted at the location directed by the Jeff Davis County Commissioners Court.