

HOME EQUITY POSTING WITH ORDER ATTACHED

122 HCR 3134 NORTH  
HILLSBORO, TX 76645

20120093800005

NOTICE OF SUBSTITUTE TRUSTEE SALE

(See TEX. CONST. art. XVI, § 50a(6) Order attached)

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: February 03, 2015

Time: The sale will begin at 11:00AM or not later than three hours after that time.

Place: THE EAST DOOR OF THE HILL 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 January 09, 2008 and recorded in Document VOLUME 1528, PAGE 192 real property records of HILL County, Texas, with RICHARD D. WILSON AND MELISSA KAY WILSON, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), AS NOMINEE, mortgagee.

4. **Obligations Secured.** Deed of Trust or Contract Lien executed by RICHARD D. WILSON AND MELISSA KAY WILSON, securing the payment of the indebtednesses in the original principal amount of \$220,000.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. FLAGSTAR BANK, F.S.B. 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 as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES.

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. FLAGSTAR BANK, F.S.B., as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o FLAGSTAR BANK, F.S.B.  
5151 CORPORATE DRIVE  
TROY, MI 48098

*Cecil Kester*

CECIL KESTER, LARRY PETR, OR BRIAN JACKSON

Substitute Trustee

c/o  
15000 Surveyor Boulevard, Suite 100  
Addison, Texas 75001

FILED  
HILL COUNTY SOCIETY CLERK  
HILL COUNTY, TEXAS  
2015 JAN 12 AM 9:36



NOS20120093800005



ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING AND SITUATED IN THE SARAH COOK SURVEY, ABSTRACT 123 AND THE A. HODGE SURVEY, ABSTRACT 1124, HILL COUNTY, TEXAS, BEING ALL THAT CERTAIN TRACT OF LAND DESCRIBED IN THE DEED TO MELBA LYNN DUKE, RECORDED IN VOLUME 1192, PAGE 839 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY, TEXAS, AND BEING A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE DEED TO MELBA LYNN DUKE, RECORDED IN VOLUME 1129, PAGE 834 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND AT THE CORNER LYING ON THE EASTERLY-LINE OF COUNTY ROAD 3134 THAT BEARS SOUTH 27 DEGREES 39 MINUTES 52 SECONDS EAST 671.33 FEET FROM THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 159.362 ACRES IN THE DEED FROM FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF AMERICAN BANK OF HALTOM CITY TO JAMES DONALD DUKE TRUST # 1, DAVID DUKE TRUSTEE DATED DECEMBER 1, 1993, RECORDED IN VOLUME 803, PAGE 386 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY, TEXAS:

THENCE NORTH 59 DEGREES 11 MINUTES 06 SECONDS EAST 1243.57 FEET TO A 5/8 INCH IRON ROD SET AT A CORNER;

THENCE SOUTH 30 DEGREES 48 MINUTES 54 SECONDS EAST 370.00 FEET TO A 5/8 INCH IRON ROD SET AT A CORNER;

THENCE SOUTH 59 DEGREES 11 MINUTES 06 SECONDS EAST 443.57 FEET TO A 5/8 INCH IRON ROD SET AT A CORNER;

THENCE NORTH 30 DEGREES 48 MINUTES 54 SECONDS WEST 269.87 FEET TO A 5/8 INCH IRON ROD SET AT A CORNER;

THENCE SOUTH 58 DEGREES 55 MINUTES 46 SECONDS WEST 835.49 FEET TO A 5/8 INCH IRON ROD FOUND AT A CORNER LYING ON THE EASTERLY LINE OF THE SAID COUNTY ROAD;

THENCE NORTH 27 DEGREES 39 MINUTES 52 SECONDS WEST 100.00 FEET, ALONG SAID EASTERLY LINE TO THE POINT OF BEGINNING AND CONTAINING 5.65 ACRES OF LAND MORE OR LESS.



3. The property that is the subject of this foreclosure proceeding is commonly known as 122

HCR 3134 NORTH, HILLSBORO, TX 76645 with the following legal description:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING AND SITUATED IN THE SARAH COOK SURVEY, ABSTRACT 123 AND THE A. HODGE SURVEY, ABSTRACT 1124, HILL COUNTY, TEXAS, BEING ALL THAT CERTAIN TRACT OF LAND DESCRIBED IN THE DEED TO MELBA LYNN DUKE, RECORDED IN VOLUME 1192, PAGE 839 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY, TEXAS, AND BEING A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE DEED TO MELBA LYNN DUKE, RECORDED IN VOLUME 1129, PAGE 834 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND AT THE CORNER LYING ON THE EASTERLY-LINE OF COUNTY ROAD 3134 THAT BEARS SOUTH 27 DEGREES 39 MINUTES 52 SECONDS EAST 671.33 FEET FROM THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 159.362 ACRES IN THE DEED FROM FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF AMERICAN BANK OF HALTOM CITY TO JAMES DONALD DUKE TRUST # 1, DAVID DUKE TRUSTEE DATED DECEMBER 1, 1993, RECORDED IN VOLUME 803, PAGE 386 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY, TEXAS:

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4. The lien to be foreclosed is indexed or recorded at VOLUME 1528, PAGE 192 and recorded in the real property records of HILL County, Texas.

5. The material facts establishing Respondent(s)' default are alleged in Petitioner's application and the supporting affidavit. Those facts are adopted by the court and

incorporated by reference in this order.

6. Based on the affidavit of Petitioner, no Respondent subject this order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 *et seq.*
7. Therefore, the Court grants Petitioner's motion for a default order under Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner may proceed with foreclosure of the property described above in accordance with the applicable law and the loan agreement, contract, or lien sought to be foreclosed.
8. This order is not subject to a motion for rehearing, a new trial, a bill of review, or an appeal. Any challenge to this order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

Signed this

day of

*John J. Turner*, 20 14

*John J. Turner*  
JUDGE PRESIDING

SUBMITTED BY:

**BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP**

*Joseph M. Vacek*  
Joseph M. Vacek (JosephV@bdfgroup.com)  
State Bar No. 24039948  
Lauren Christoffel (LaurenC@bdfgroup.com)  
State Bar No. 24065045  
Darrya Fuller Gladney (DanyaF@bdfgroup.com)  
State Bar No. 24059786  
Christopher H. Pochyta (ChrisPO@bdfgroup.com)

Receipt# 45492 \*\*\* Reprint \*\*\*  
Cause #

Charges:  
COPY

3.00

Total Paid: -----  
\$3.00

Total Paid: \$3.00 by Cash

PAYEE:  
Cecil Kester

Date Received: 01/05/2015  
Issued by: DKERZEE

Angelia Orr, District Clerk  
P. O. Box 634  
Hillsboro, Tx 76645  
(254) 582-4042

Make online payments 24 hours a day at  
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