

POSTED
DATE 8-5-21
A.M. 3:38 P.M.
Miller, Referee
BY KC Deputy

FILED
MICHELLE REYNOLDS
COUNTY CLERK
SOMERVELL CO., TEXAS

2021 AUG -5 PM 3:33

NOTICE OF FORECLOSURE SALE

DEPUTY KC

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: AN 11.22 ACRE TRACT OF LAND IN THE JOSE A. HERNANDEZ SURVEY, ABSTRACT NO. 41, SOMERVELL COUNTY, TEXAS, AS SURVEYED ON THE GROUND IN DECEMBER OF 2002 BY W. L. VAUGHN, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1807, BEING THE SAME TRACT DESCRIBED IN A DEED FROM KENNETH R. MILLER, ET UX, TO MICHAEL R. DOUGLAS, ET UX, DATED FEBRUARY 13, 2001, RECORDED IN VOLUME 84, PAGE 458 OF THE SOMERVELL COUNTY REAL PROPERTY RECORDS AND, BEING MORE PARTICULARLY DESCRIBED, REFERENCED TO TEXAS STATE COORDINATE SYSTEM, NORTH CENTRAL ZONE, 1993 DATUM, AS FOLLOWS:
BEGINNING AT A POINT IN THE SOUTHERLY LINE OF COUNTY ROAD 413, AT THE NORTHWESTERLY CORNER OF SAID DOUGLAS TRACT, BEING IN A CURVE WITH CENTER BEARING SOUTH 46 DEGREES 02 MINUTES 31 SECONDS EAST, 1169.70 FEET AND, FROM WHICH, A FOUND 5/8 INCH IRON, FOR REFERENCE, BEARS SOUTH 27 DEGREES 54 MINUTES 40 SECONDS EAST, 1.97 FEET;
THENCE NORTHEASTERLY, ALONG SAID SOUTHERLY LINE AND CURVE, THROUGH A CENTRAL ANGLE OF 18 DEGREES 28 MINUTES 36 SECONDS, FOR AN ARC DISTANCE OF 377.20 FEET (CHORD BEARS NORTH 53 DEGREES 11 MINUTES 46 SECONDS, EAST, 375.57 FEET) TO AN "A/C", 5/8 INCH IRON WITH AN ALUMINUM CAP MARKED "VAUGHN SURVEYOR...1807", SET AT THE NORTHEASTERLY CORNER OF SAID DOUGLAS TRACT, BEING THE NORTHWESTERLY CORNER OF A TRACT DESCRIBED IN A DEED TO DAVID CRISP, ET UX, RECORDED IN VOLUME 43, PAGE 40, SOMERVELL COUNTY REAL PROPERTY RECORDS;
THENCE SOUTH 27 DEGREES 15 MINUTES 14 SECONDS EAST, ALONG THE COMMON LINE OF SAID DOUGLAS AND CRISP TRACTS, IN THE GENERAL LINE OF A FENCE, FOR A DISTANCE OF 1354.74 FEET TO A FOUND 2 INCH PIPE FENCE CORNER POST AT THE COMMON SOUTHERLY CORNER OF SAID TRACTS, IN THE NORTHWESTERLY LINE OF A TRACT DESCRIBED IN A DEED TO EARL V. CROMEANS, RECORDED IN VOLUME 52, PAGE 512, SOMERVELL COUNTY DEED RECORDS;
THENCE SOUTH 58 DEGREES 37 MINUTES 04 SECONDS WEST, ALONG THE COMMON LINE OF SAID DOUGLAS AND CROMEANS TRACTS, IN THE GENERAL LINE OF A FENCE, FOR A DISTANCE OF 141.10 FEET TO A FOUND 2 INCH PIPE WITH A BRASS CAP MARKED "314" AT A BAND IN SAID LINE;
THENCE SOUTH 58 DEGREES 47 MINUTES 20 SECONDS WEST, ALONG SAID COMMON LINE, IN THE GENERAL LINE OF A FENCE, FOR A DISTANCE OF 215.04 FEET TO A FOUND 5/8 INCH IRON AT THE SOUTHWESTERLY CORNER OF SAID DOUGLAS TRACT;
THENCE NORTH 27 DEGREES 54 MINUTES 40 SECONDS WEST, ALONG THE WESTERLY LINE OF SAID DOUGLAS TRACT, IN THE GENERAL LINE OF A FENCE, FOR A DISTANCE OF 1317.51 FEET TO THE PLACE OF BEGINNING AND, CONTAINING 11.22 ACRES OF LAND.

2. Instrument to be Foreclosed. The instrument to be foreclosed is the Deed of Trust dated 03/31/2003 and recorded in Book 0109 Page 124 Document 034262 real property records of Somervell County, Texas.

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

Date: 09/07/2021

Time: 10:00 AM

Place: Somervell County, Texas at the following location: THE EAST DOOR OF THE COURTHOUSE IN GLEN ROSE, TEXAS 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 MICHAEL R. DOUGLAS AND MINA D. DOUGLAS, provides that it secures the payment of the indebtedness in the original principal amount of \$324,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. Wells Fargo Bank, National Association as Trustee for ABFC Asset-Backed Certificates, Series 2003-OPT1 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 Wells Fargo Bank, National Association as Trustee for ABFC Asset-Backed Certificates, Series 2003-OPT1 c/o PHH MORTGAGE CORPORATION, 1Mortgage Way, Mail Stop SV-22, Mt. Laurel, NJ 08054 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. Order to Foreclose. Wells Fargo Bank, National Association as Trustee for ABFC Asset-Backed Certificates, Series 2003-OPT1 obtained a Order from the US District Court, Western District on 07/30/2020 under Cause No. C10669. The mortgagee has requested a Substitute Trustee conduct this sale pursuant to the Court's Order.

7. 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

Parkway Office Center, Suite 900

14160 Dallas Parkway

Dallas, TX 75254

Certificate of Posting

I am _____ 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 _____ I filed this Notice of Foreclosure Sale at the office of the Somervell County Clerk and caused it to be posted at the location directed by the Somervell County Commissioners Court.