

POSTED

DATE 12-16-21
9:33 M. P.M.

Michelle Reynolds

BY KC Deputy

FILED
MICHELLE REYNOLDS
COUNTY CLERK
SOMERVELL CO., TEXAS

2021 DEC 16 AM 9:28

DEPUTY

KC

BY

3499 FM 202, GLEN ROSE, TX, 76043

**APPOINTMENT OF SUBSTITUTE TRUSTEE AND
NOTICE OF SUBSTITUTE TRUSTEE SALE**

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 AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

**APPOINTMENT OF
SUBSTITUTE TRUSTEE:**

WHEREAS, in my capacity as the attorney for the Mortgagee and/or its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I hereby name, appoint and designate Jack O'Boyle, Chris Ferguson, Travis Gray, Guy Wiggs, David Stockman, Donna Stockman, Angela Lewis, Brenda Wiggs, Michelle Schwartz, Kathy Arrington or Janet Pinder, Travis Gray, Chris Ferguson, or Jack O'Boyle, each as Substitute Trustee, to act under and by virtue of said Deed of Trust, including posting and filing the public notice required under Section 51.002 Texas Property Code as amended, and to proceed with a foreclosure of the Deed of Trust lien securing the payment of the Note.

**SUBSTITUTE TRUSTEE'S
ADDRESS:**

c/o JACK O'BOYLE & ASSOCIATE, PLLC, Mailing Address: P.O. Box 815369, Dallas, Texas 75381; Physical Address: 12300 Ford Road, Suite 212, Dallas, TX 75234.

**NOTICE OF SUBSTITUTE
TRUSTEE SALE:**

WHEREAS, default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on February 01, 2022 between the hours of 10am-1pm the Substitute Trustee will sell said real property at the place hereinafter set out and pursuant to the terms herein described. The sale will begin at the earliest time stated above or within three (3) hours after that time.

LOCATION OF SALE:

The place of the sale shall be: At the east door of the Somervell County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court in SOMERVELL County, Texas or as designated by the County Commissioners.

**INSTRUMENT TO BE
FORECLOSED:**

Deed of Trust or Contract Lien dated 02/28/2007 and recorded under Volume, Page or Clerk's File No. INSTRUMENT NO. 20071157 in the real property records of Somervell County Texas, with Dwain Whitfield and Sandra Adams, husband and wife as Grantor(s) and WORLDWIDE MORTGAGE COMPANY as Original Mortgagee.

OBLIGATIONS SECURED:

Deed of Trust or Contract Lien executed by Dwain Whitfield and Sandra Adams, husband and wife securing the payment of the indebtedness in the original principal amount of \$116,340.00 and obligations therein described including but not limited to the promissory note and all the modifications, renewals and extensions of the promissory note (the "Note") executed by DWAIN WHITFIELD, SANDRA ADAMS. CARRINGTON MORTGAGE SERVICES, LLC is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

**MORTGAGE SERVICING
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 property securing the above referenced loan. CARRINGTON MORTGAGE SERVICES, LLC is acting as the Mortgage Servicer for CARRINGTON MORTGAGE SERVICES, LLC who is the Mortgagee of the Note and Deed of Trust associated with the above referenced loan. CARRINGTON MORTGAGE SERVICES, LLC, as Mortgage Servicer, is representing the Mortgagee, whose address is:

CARRINGTON MORTGAGE SERVICES, LLC

3499 FM 202

NOS AND APPT (SVC) 210426



4738903

c/o CARRINGTON MORTGAGE SERVICES, LLC
1600 SOUTH DOUGLASS ROAD, SUITE 200-A
ANAHEIM, CA 92806

**LEGAL DESCRIPTION OF
PROPERTY TO BE SOLD:**

ALL OF THE FOLLOWING DESCRIBED REAL PROPERTY IN SOMERVELL COUNTY, TEXAS,
TO-WIT:

BEING ALL OF THAT CERTAIN 5.00 ACRE LOT, TRACT OR PARCEL OF LAND LOCATED IN
THE JOHN MARSHALL SURVEY, ABSTRACT NO 67, SOMERVELL COUNTY, TEXAS AND
BEING OUT OF A CALLED 25.00 ACRE TRACT DESCRIBED IN WARRANTY DEED FROM
WAYLAND G ADAMS, JR . AND WIFE, SHARON Y ADAMS TO DAVIS RUSH CARTER AND
WIFE, SUZANNE ADAMS CARTER, DATED JANUARY 24, 1994, RECORDED IN VOLUME 30,
PAGE 613, REAL RECORDS OF SOMERVELL COUNTY, TEXAS. SAID 5.00 ACRES TRACT OR
PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS
AS FOLLOWS:

COMMENCING AT A FOUND 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP
STAMPED "RPLS 314", SAID POINT BEING THE CALLED FOR SOUTHEAST CORNER OF
THE ABOVE MENTIONED 25.00 ACRE TRACT IN A NORTHERLY LINE THAT IS 30 FEET
FROM AND PARALLEL TO THE CENTER OF THE PAVEMENT OF FM 202;

THENCE NORTH 60 DEGREES 03 MINUTES 31 SECONDS EAST WITH THE SAID
NORTHERLY LINE OF FM 202 AND THE SOUTH LINE OF SAID 25.00 ACRE TRACT FOR A
DISTANCE OF 59.64 FEET TO A SET 1/2 INCH IRON ROD WITH A YELLOW PLASTIC CAP
STAMPED, "YARGER 5854", FOR THE SOUTHWEST CORNER OF THE DESCRIBED 5.00
ACRE TRACT AND THE SAID POINT OF BEGINNING;

THENCE NORTH 30 DEGREES 59 MINUTES 37 SECONDS WEST, (PER CALL AND BASIS OF
BEARING), PARALLEL WITH THE WEST LINE OF THE SAID 25.00 ACRE TRACT, A
DISTANCE OF 542.33 FEET, TO A SET 1/2 INCH IRON ROD WITH A YELLOW PLASTIC CAP
STAMPED, "YARGER 5854", FOR THE NORTHWEST CORNER OF THE DESCRIBED 5.00
ACRE TRACT;

THENCE NORTH 59 DEGREES 53 MINUTES 56 SECONDS EAST, WITH THE NORTHERLY
LINE OF THE DESCRIBED 5.00 ACRE TRACT, A DISTANCE OF 424.55 FEET, TO A SET 1/2
INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED, "YARGER 5854", FOR THE
NORTHEAST CORNER OF THE DESCRIBED 5.00 ACRE TRACT IN THE WESTERLY LINE OF
A CALLED 20.00 ACRE TRACT CONVEYED TO SCOTT E CRABTREE, JR , RECORDED IN
VOLUME 39, PAGE 379, REAL PROPERTY RECORDS OF SOMERVELL COUNTY, TEXAS;

THENCE SOUTH 31 DEGREES 00 MINUTES 31 SECONDS EAST, (CALLED SOUTH 30
DEGREES 59 MINUTES 37 SECONDS EAST), WITH THE EAST LINE OF THE DESCRIBED 5.00
ACRE TRACT AND THE WEST LINE OF THE SAID CRABTREE 20.00 ACRE TRACT FOR A
DISTANCE OF 442.33 FEET TO FOUND 5 INCH CEDAR FENCE CORNER POST FOR THE
SOUTHEAST CORNER OF THE DESCRIBED 5.00 ACRE TRACT FROM WHICH A FOUND
CONCRETE MONUMENT WITH A CAP STAMPED "RPLS 314", BEARS SOUTH 31 DEGREES
00 MINUTES 31 SECONDS EAST, (CALLED SOUTH 30 DEGREES 59 MINUTES 37 SECONDS
EAST), FOR A DISTANCE OF 0.85 FEET PER CALL FOR REFERENCE;

THENCE WITH THE NORTHERLY LINE OF SAID FM 202 ALONG A LINE THAT IS 30 FEET
FROM AND PARALLEL TO THE CENTER OF THE PAVEMENT OF SAID ROAD THE
FOLLOWING CALLS:

SOUTH 33 DEGREES 02 MINUTES 46 SECONDS WEST, FOR A DISTANCE OF 68.69 FEET FOR
CORNER,

SOUTH 37 DEGREES 29 MINUTES 12 SECONDS WEST, FOR A DISTANCE OF 70.37 FEET FOR
CORNER,

SOUTH 44 DEGREES 11 MINUTES 41 SECONDS WEST, FOR A DISTANCE OF 101.59 FEET
FOR CORNER,

SOUTH 52 DEGREES 26 MINUTES 50 SECONDS WEST, FOR A DISTANCE OF 117.99 FEET
FOR CORNER,

THENCE CONTINUING WITH SAID NORTHERLY LINE OF SAID FM 202, SOUTH 60
DEGREES 21 MINUTES 42 SECONDS WEST, FOR A DISTANCE 81.98 FEET TO THE SAID
POINT OF BEGINNING AND CONTAINING 5.00 ACRES OF LAND MORE OR LESS. (the
"Property")

**REPORTED PROPERTY
ADDRESS:**

3499 FM 202, GLEN ROSE, TX 76043

TERMS OF SALE:

The Substitute Trustee will sell the Property by public auction at the place and date specified herein.

3499 FM 202

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 and the priority of the lien being foreclosed.

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 Mortgagee and/or Mortgage Servicer 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 their bid immediately in cash if their bid is accepted.

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. 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 priority, nature and extent of such matters, if any.

In the event of a defect or other problem with the foreclosure process is discovered that may invalidate the sale, the consideration paid will be returned to the purchaser as the sole and absolute remedy. In the event of any claim or action brought by any person including the purchaser requiring or resulting in the invalidation of the sale and rescission of the Trustee's Deed or Substitute Trustee's Deed, purchaser's damages resulting therefrom are limited to the consideration paid to the Trustee or Substitute Trustee and the sole and absolute remedy shall be the return to purchaser of the consideration paid. The purchaser shall have no further recourse against the Trustee, Substitute Trustee, Mortgagee and/or Mortgage Servicer, or its attorney(s).

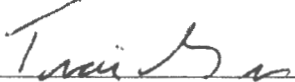
The Deed of Trust permits the Mortgagee and/or Mortgage Servicer to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deed of Trust or Substitute Trustee appointed herein need not appear at the date, time and place of a scheduled sale to announce the postponement, 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. The reposting or refiling may be after the date originally scheduled for this 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.

Signed on the 10 day of December, 2021.

Respectfully,

JACK O'BOYLE & ASSOCIATES, PLLC



____ Jack O'Boyle | SBN: 15165300

jack@jackoboyle.com

Travis H. Gray | SBN: 24044965

travis@jackoboyle.com

____ Chris Ferguson | SBN: 24069714

chris@jackoboyle.com

P.O. Box 815369

Dallas, Texas 75381

P: 972.247.0653 | F: 972.247.0642

ATTORNEYS FOR MORTGAGEE AND/OR ITS MORTGAGE
SERVICER

CERTIFICATE OF POSTING

My name is _____, and my address is c.o 12300 Ford Rd, Ste. 212, Dallas, TX 75234. I declare under the penalty of perjury that on _____ I filed at the office of the Somervell County Clerk and caused to be posted at the Somervell County courthouse (or other designated place) this notice of sale.

Signed: _____

Declarant's Name: _____

Date: _____