

**NOTICE OF [SUBSTITUTE] TRUSTEE'S 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.

**1. Date, Time, and Place of Sale.**

Date: June 04, 2019

Time: The sale will begin at 1:00 PM or not later than three hours after that time.

Place: THE NORTH FRONT DOOR OF THE HOWARD 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 26, 2009 and recorded in Document CLERK'S FILE NO. 2009-00000648 real property records of HOWARD County, Texas, with JAMES E JONES AND PHYLLIS JONES AND ESTATE OF PHYLLIS JONES, grantor(s) and WELLS FARGO BANK, N.A., mortgagee.

**4. Obligations Secured.** Deed of Trust or Contract Lien executed by JAMES E JONES AND PHYLLIS JONES AND ESTATE OF PHYLLIS JONES, securing the payment of the indebtednesses in the original principal amount of \$307,500.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY 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 in the attached Exhibit A.

**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. CHAMPION MORTGAGE COMPANY, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o CHAMPION MORTGAGE COMPANY  
8950 CYPRESS WATERS BLVD.  
COPPELL, TX 75019



JOHN MCCARTHY, OR DAVID CARRILLO

Substitute Trustee

c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP  
4004 Belt Line Road, Suite 100  
Addison, Texas 75001



NOS0000008079774

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BY DEPUTY  
COUNTY CLERK  
HOWARD COUNTY  
2019 MAY 13 AM 9:45  
FILED

5701 E MIDWAY ROAD  
BIG SPRING, TX 79720

0000008079774  
Date of Sale: 06/04/2019

Certificate of Posting

My name is David Cabel, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas. I declare under penalty of perjury that on 5/3/19 I filed at the office of the HOWARD County Clerk and caused to be posted at the HOWARD County courthouse this notice of sale.

Declarant's Name: David Cabel  
Date: 5/3/19

**EXHIBIT "A"**

BEING A TRACT OF LAND OUT OF AND PART OF THE SE/4 OF SECTION 48, BLOCK 32, T-1-N, T. & P. RY. CO. SURVEY, HOWARD COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" LR. FOUND IN THE NORTH RIGHT-OF-WAY LINE OF MIDWAY ROAD (60' RIGHT-OF-WAY) OUT OF THE SE/4 OF SECTION 48, BLOCK 32, T-1-N, T. & P. R.R. CO. SURVEY, HOWARD COUNTY, TEXAS, THE SW CORNER OF A 0.947 ACRE TRACT AND THE SE CORNER OF THIS TRACT; FROM WHENCE THE SE CORNER OF SAID SECTION 48 BEARS S. 05 DEGREES 32' E. 30.0' AND N. 74 DEGREES 35' E. 1245.0'

THENCE S. 74 DEGREES 35' 00" W. ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID MIDWAY ROAD, 207.50' TO A 3/4" LP. FOUND IN THE EAST RIGHT-OF-WAY LINE OF YENTS ROAD (60' RIGHT-OF-WAY) FOR THE SW CORNER OF THIS TRACT

THENCE N. 15 DEGREES 32' 00" W. ALONG THE EAST RIGHT-OF-WAY LINE OF SAID YENTS ROAD, 210.0' TO A 5/8" LR. FOUND FOR THE NW CORNER OF THIS TRACT

THENCE N 74 DEGREES 35' 00" E. ALONG THE SOUTH LINE OF A 1.0 ACRE TRACT, AT 207.5' PASS A 3/4" LP. FOUND FOR THE SE CORNER OF SAID 1.0 ACRE TRACT AND THE SW CORNER OF A 4.5 ACRE TRACT, 229.50' IN ALL TO A 3/4" LR. FOUND FOR THE NW CORNER OF SAID 0.947 ACRE TRACT AND THE NE CORNER OF THIS TRACT

THENCE S 09 DEGREES 33' 05" E. ALONG THE WEST LINE OF SAID 0.947 ACRE TRACT, 211.10' TO THE PLACE OF BEGINNING NOTE: THE COMPANY IS PROHIBITED FROM INSURING THE AREA OR QUANTITY OF THE LAND DESCRIBED HEREIN. ANY STATEMENT IN THE ABOVE LEGAL DESCRIPTION OF THE AREA OR QUANTITY OF LAND IS NOT A REPRESENTATION THAT SUCH AREA OR QUANTITY IS CORRECT, BUT IS MADE ONLY FOR INFORMATIONAL AND/OR IDENTIFICATION PURPOSES AND DOES NOT OVERRIDE ITEM 2 OF SCHEDULE B HEREOF.



BEING A TRACT OF LAND OUT OF AND PART OF THE SE/4 OF SECTION 48, BLOCK 32, T-1-N, T. & P R.R. CO. SURVEY, HOWARD COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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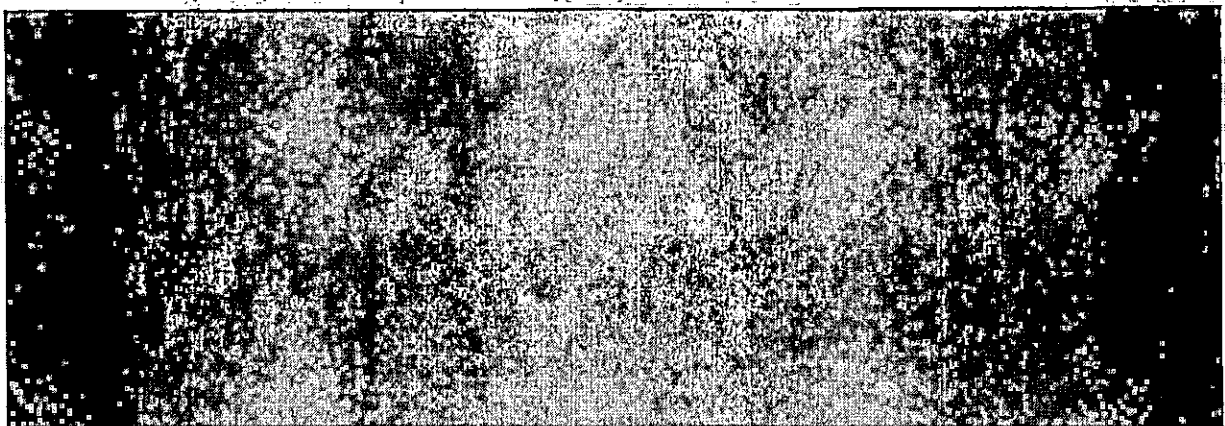
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3. Under TEX. CONST. art. XVI, § 50(k)(6)(C), the abandonment of the property for a period longer than 12 consecutive months qualified as a default event which required the payment of all principal and interest owed under the Loan Agreement. The necessary conditions precedent for plaintiff to exercise its rights under the security instrument by proceeding with a non-judicial foreclosure against the Property have been accomplished. Plaintiff will enforce its security interest by conducting a non-judicial foreclosure of its lien created under TEX. CONST. art. XVI §§ 50(a)(7) and



50(k) according to TEX. CONST. art. XVI § 50(k)(1), TEX. PROP. CODE § 51.002, and the terms of the Loan Agreement.

**IT IS ORDERED** All of Phillis Jones' ("Decedent") heirs-at-law have been made defendants to this suit and were immediately vested with all of Decedent's right, title and interest in the Property.

**IT IS FURTHER ORDERED** plaintiff has a valid lien on the Property by way of a security instrument dated January 26, 2009 and filed under Document Number 2009-00000648 of the Real Records of Howard County, Texas.

**IT IS FURTHER ORDERED** that plaintiff, or its successors or assigns in interest, according to TEX. CONST. art. XVI, § 50(k)(1) shall enforce the Loan Agreement default by foreclosing the security interest encumbering the Property pursuant to the Loan Agreement or TEX. PROP. CODE § 51.002.

**IT IS FURTHER ORDERED** that this Judgment serves as an Order of Foreclosure of a Reverse Mortgage Loan in accordance with TEX. CONST. ART. XVI §§ 50(a)(7) and (k)(11);

**IT IS FURTHER ORDERED** that a copy of this Judgment shall be sent to defendant(s) with the notice of the date, time and place of the foreclosure sale;

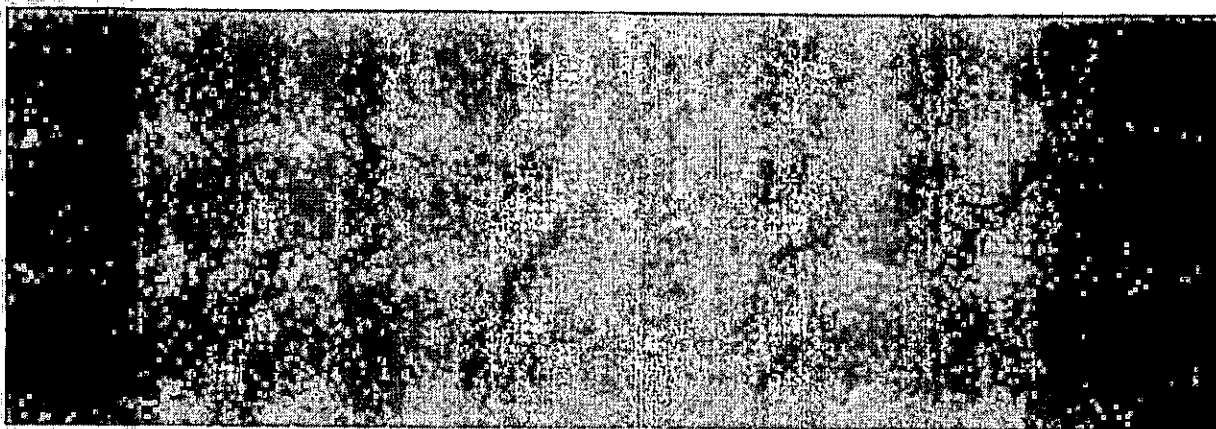
**IT IS FURTHER ORDERED** if a person occupying the Property fails to surrender the possession of the premises after foreclosure, plaintiff, or its successor in interest, shall be entitled to a Writ of Possession issued in accordance with Tex. R. Civ. P. 310; and

**IT IS FURTHER ORDERED** All costs of court are to be paid by the party by whom incurred.

All relief not granted herein is denied. This Judgment disposes of all parties and all claims and is appealable.

SIGNED this 29 day of April, 2019.

  
PRESIDING JUDGE



ORDER SUBMITTED BY:

/s/ Brian D. McGrath  
Brian D. McGrath  
State Bar No.: 24048649  
4004 Belt Line Road, Suite 100  
Addison, Texas 75001-4320  
(972) 341-0602  
(972) 341-0734 (Facsimile)  
[BrianMc@bdfgroup.com](mailto:BrianMc@bdfgroup.com)

ATTORNEY FOR PLAINTIFF

