

FILED  
MICHELLE REYNOLDS  
COUNTY/DISTRICT CLERK  
SOMERVELL COUNTY, TEXAS

2016 AUG 16 PM 2:36

**NOTICE OF FORECLOSURE SALE**

DEPUTY

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. *ILF*

- 1. *Property to Be Sold.* The property to be sold is described as follows: SEE EXHIBIT A
- 2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust dated 12/29/1995 and recorded in Book 0041 Page 323 Document 019112 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: 10/04/2016  
Time: 10:00 AM  
Place: Somervell County Courthouse, 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 MILDRED A. MCCARLEY AND HERBERT L. MCCARLEY, provides that it secures the payment of the indebtedness in the original principal amount of \$37,350.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. BANK OF AMERICA, N.A. is the current mortgagee of the note and deed of trust and BANK OF AMERICA, N.A. is mortgage servicer. A servicing agreement between the mortgagee, whose address is BANK OF AMERICA, N.A. c/o BANK OF AMERICA, N.A., 4500 PARK GRANADA, CALABASAS, CA 91302 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 DONNA STOCKMAN, BRENDA WIGGS, GUY WIGGS, DAVID STOCKMAN, TIM LEWIS, LORI MCCARTY OR DENISE BOERNER, 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.**

*[Signature]*  
 Mackie Wolf Zientz & Mang, P.C.  
 Brandon Wolf, Attorney at Law  
 L. Keller Mackie, Attorney at Law  
 Lori Liane Long, Attorney at Law  
 Tracey Midkiff, Attorney at Law  
 Joseph Modric, Attorney at Law  
 Parkway Office Center, Suite 900  
 14160 North Dallas Parkway  
 Dallas, TX 75254

*[Signature: Donna Stockman]*  
 DONNA STOCKMAN, BRENDA WIGGS, GUY WIGGS, DAVID STOCKMAN, TIM LEWIS, LORI MCCARTY OR DENISE BOERNER  
 c/o AVT Title Services, LLC  
 13770 Noel Road #801529  
 Dallas, TX 75380-1529

Certificate of Posting

I am \_\_\_\_\_ whose address is 14160 N. Dallas Pkwy, Suite 900, Dallas, TX 75254. 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.

**POSTED**  
 DATE 8/16/16  
A.M. 2:30 P.M.  
*Michelle Reynolds*  
 BY ILF Deputy

EXHIBIT "A"

A 1.00 ACRE TRACT OF LAND IN THE ISAAC ADDISON SURVEY ABSTRACT NO. 2, SOMERVELL COUNTY, TEXAS, SAME BEING A PART OF A TRACT OF LAND DESCRIBED IN A RELEASE OF DEED OF TRUST TO O. S. PLUMMER RECORDED IN VOLUME 31, PAGE 544 OF THE DEED RECORDS OF SOMERVELL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A 5/8" IRON WITH AN ALUMINUM CAP IN THE EASTERLY LINE OF A GRAVEL ROAD, ON THE NORTHERLY SIDE OF A FENCE POST AT THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO RUDOLPH KIRK BY DEED RECORDED IN VOLUME 65, PAGE 513 OF SAID SOMERVELL COUNTY DEED RECORDS, SAID 5/8" IRON BEING NORTH 64 DEGREES 38 MINUTES WEST, 219.8 FEET FROM THE SOUTHWESTERLY CORNER OF SAID O. S. PLUMMER TRACT, IN THE NORTHERLY LINE OF F.M. HIGHWAY NO. 202;  
THENCE NORTH 64 DEGREES 40-1/2 MINUTES WEST ALONG THE EASTERLY LINE OF SAID GRAVEL ROAD AND GENERALLY ALONG A FENCE, 233.2 FEET TO A 5/8" IRON WITH AN ALUMINUM CAP AT AN ANGLE POINT IN SAID LINE;  
THENCE NORTH 50 DEGREES 06 MINUTES WEST ALONG SAID LINE 10.1 FEET TO A 5/8" IRON WITH AN ALUMINUM CAP FOR CORNER;  
THENCE NORTH 56 DEGREES 17 MINUTES EAST, PARALLELING SAID KIRK TRACT, 204.9 FEET TO A 5/8" IRON WITH AN ALUMINUM CAP FOR CORNER;  
THENCE SOUTH 64 DEGREES 40-1/2 MINUTES EAST, PARALLELING SAID EASTERLY LINE OF SAID GRAVEL ROAD, 244.5 FEET TO A 5/8" IRON WITH AN ALUMINUM CAP ON THE NORTHERLY SIDE OF A FENCE CORNER POST, AT THE NORTHEASTERLY CORNER OF SAID KIRK TRACT;  
THENCE SOUTH 56 DEGREES 17 MINUTES WEST, RUNNING JUST NORTH OF A NEW FENCE ON THE NORTH LINE OF SAID KIRK TRACT, 207.8 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.00 ACRES OF LAND.

A CERTIFIED COPY  
Attest: 7-13 2001  
Lovella Williams  
County & District Clerk  
Somervell County, Texas  
By 4 Deputy