

19-278289

Notice of Substitute Trustee's Sale

Notice Concerning Military Duty: 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. Tex. Prop. Code § 51.002(i)

FILED FOR RECORD
2019 MAY 09 AM 10:48
COUNTY CLERK
RAINS COUNTY TEXAS
BRIAN W. HENNING
DEPUTY

Deed of Trust Date: April 14, 2006	Original Mortgagor/Grantor: HARRY HIMELRIGHT
Original Beneficiary / Mortgagee: FINANCIAL FREEDOM SENIOR FUNDING CORPORATION, A SUBSIDIARY OF INDY MAC BANK, F.S.B. , ITS SUCCESSORS AND ASSIGNS	Current Beneficiary / Mortgagee: SEATTLE BANK
Recorded in: Volume: 471 Page: 204 Instrument No: N/A	Property County: RAINS
Mortgage Servicer: NATIONSTAR MORTGAGE LLC D/B/A Mr Cooper	Mortgage Servicer's Address: 14405 Walters Rd., Suite 200 Houston, TX 77014

* 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.

Secures:Note in the original principal amount of \$121,500.00, executed by HARRY HIMELRIGHT and payable to the order of Lender.

Property Address/Mailing Address: 421 OAK LEAF TRAIL, EAST TAWAKONI, TX 75472

Legal Description of Property to be Sold: ALL THAT CERTAIN LOT, TRACT OR PARCEL: OF LAND SITUATED IN THE M. TOLLETT SURVEY, ABSTRACT NO. 229, RAINS COUNTY, TEXAS, AND BEING ALL OF THAT 0.50 ACRES TRACT OF LAND AS DESCRIBED IN A WARRANTY DEED FROM JAMES M. FARRELL, AND WIFE, LORENE O. FARRELL TO REBECCA S. HENNING, DATED MAY 9, 1995 AND BEING RECORDED IN VOLUME 328, PAGE 145 OF THE DEED RECORDS OF RAINS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR CORNER AT THE SOUTHWEST CORNER OF THE ABOVE CITED TRACT OF LAND AT THE NORTHWEST CORNER OF LOT 448 OF WHISPERING OAKS ADDITION NO. 3, AN ADDITION TO RAINS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 137, PAGE 64 OF THE DEED RECORDS OF RAINS COUNTY, TEXAS, SAID POINT BEING IN THE EAST RIGHT-OF-WAY LINE OF OAK LEAF TRAIL (50 R.O.W.); THENCE N. 06 DEG. 15 MIN. 50 SEC. W. (CONTROLLING BEARING LINE) ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 103.90 FEET TO A 'A" IRON ROD FOUND FOR CORNER AT THE SOUTHWEST CORNER OF A 0.50 ACRE TRACT OF LAND DESCRIBED IN A DEED FROM JAMES M. FARRELL AND WIFE, LORENE O. FARRELL TO REBECCA S. HENNING DATED MAY 9, 1995 AND BEING RECORDED IN VOLUME 328, PAGE 145 OF THE DEED RECORDS OF RAINS COUNTY, TEXAS; THENCE N 87 DEG. 13 MIN. 43 SEC. E ALONG THE NORTH LINE OF SAID HENNING TRACT A DISTANCE OF 210.02 FEET TO A 1/2" IRON ROD FOUND FOR A CORNER; THENCE S. 06 DEG. 16 MIN. 11 SEC. E. A DISTANCE OF 103.98 FEET TO A 1/2" IRON ROD FOUND FOR CORNER IN THE NORTH LINE OF SAID LOT 448; THENCE S. 87 DEG. 15 MEN. 07 SEC. W. ALONG THE COMMON LINE BETWEEN SAID HENNING

TRACT AND LOT 448 A DISTANCE OF 210.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.50 ACRES OF LAND.

Date of Sale: AUGUST 06, 2019

Earliest time Sale will begin: 1:00 PM

Place of sale of Property: THE EASTMOST SIDE OF THE COURTHOUSE ANNEX WHICH IS LOCATED AT 220 WEST QUITMAN STREET OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE

OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE

The Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that time.

Appointment of Substitute Trustee: Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust, the same is now wholly due. Because of that default, *SEATTLE BANK*, the owner and holder of the Note, has requested Sue Spasic , Zoran W. Spasic, Robert LaMont, Sheryl LaMont, Harriet Fletcher, Ronnie Hubbard, Sharon St. Pierre or Allan Johnston, whose address is 14800 Landmark Blvd. Suite 850 Dallas, TX 75254, to sell the property. The Trustee(s) has/have been appointed Substitute Trustee in the place of the original trustee, in the manner authorized by the deed of trust.

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that *SEATTLE BANK* bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (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.

Pursuant to section 51.0075(a) of the Texas Property Code, Sue Spasic , Zoran W. Spasic, Robert LaMont, Sheryl LaMont, Harriet Fletcher, Ronnie Hubbard, Sharon St. Pierre or Allan Johnston, whose address is 14800 Landmark Blvd. Suite 850 Dallas, TX 75254, Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Sue Spasic , Zoran W. Spasic, Robert LaMont, Sheryl LaMont, Harriet Fletcher, Ronnie Hubbard, Sharon St. Pierre or Allan Johnston, whose address is 14800 Landmark Blvd. Suite 850 Dallas, TX 75254, Trustee.

Limitation of Damages: If the sale is set aside for any reason, the purchaser at the sale shall be entitled only to a return of the funds paid. The purchaser shall have no further recourse against Mortgagor, the Mortgagee, or the Mortgagee's attorney.

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.

/s/CHEYENNE M. ZOKAIE
CHEYENNE M. ZOKAIE
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Sue Spasic