

**POSTED**  
AT 12:59 o'clock P M

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

AUG 11 2020

SHERRY LEMON, COUNTY CLERK  
WISE COUNTY, TEXAS  
By [Signature] DEPUTY  
Sarah Enochs

STATE OF TEXAS                     §  
   §  
COUNTY OF WISE                   §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Commercial Deed of Trust, Security Agreement, Financing Statement and Assignment of Rents dated August 15, 2019, recorded in the Official Public Records of Wise County, Texas under Instrument Number 201910422 (the "Deed of Trust"), 287 Plaza, L.P. (the "Borrower") conveyed to Princess Brown as Trustee (the "Trustee"), the property situated in Wise County, Texas, together with all buildings, fixtures and improvements, more particularly described as follows, to wit:

*All that certain tract or parcel of land situated in Wise County, Texas, being a part of the A.J. WALKER SURVEY, ABSTRACT NO. 860, containing 3.026 acres of land, more or less, and being more fully described in Exhibit "A" Part One attached hereto and made a part hereof for all purposes.*

*Together with all Personal Property including but not limited to Personal Property described in Exhibit "A" Part Two attached hereto and made a part hereof for all purposes.*

WHEREAS, the Property secures that one certain Commercial Promissory Note therein described in the original principal amount of \$509,597.54 (the "Indebtedness"), executed by 287 Plaza L.P. and made payable to First National Bank & Trust Co. of McAlester, Oklahoma (the "Lender"); and

WHEREAS, the undersigned has been appointed as Substitute Trustee in the place and instead of Princess Brown, Trustee in the Deed of Trust, said appointment being in the manner authorized by the Deed of Trust; and

WHEREAS, default has occurred under the terms of the Indebtedness secured by the Deed of Trust, the Indebtedness is now wholly due, and the owner and holder of the Indebtedness has

requested the undersigned to sell the Property to satisfy same.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, September 1, 2020 (that being the first Tuesday of said month), at 1:00 p.m., (or not later than three (3) hours thereafter), I will sell the Property at public auction to the highest bidder, or bidders, at the door of the first floor in the southeast corner of the Wise County Courthouse located at 101½ North Trinity Street, Decatur, Texas 76234 said location having been designated by the County Commissioners (the "Commissioners") of Wise County, Texas (or such other location as may be designated by the Commissioners after the sending of this Notice and before the time of the sale). I will make due conveyance of the Property to the purchaser or purchasers by general warranty deed binding mortgagor, its successors and assigns. The Lender may cause the sale to be canceled or adjourned from time to time without further notice.

The Property will be sold to the highest bidder, subject to the reservations hereinafter stated. Unless the Lender is the highest bidder and thus the purchaser at the sale, the purchase price must be paid in cash or other immediately available funds satisfactory to the undersigned at the conclusion of the sale. The undersigned will not be liable for any finder's fees or commissions in connection with the sale.

The Lender shall have the right to bid for and purchase the Property at the sale. If the Lender is the highest bidder and thus the purchaser of the Property, it will credit the net proceeds of the sale (after deduction of all sale expenses and other sums properly charged against the sale proceeds) against the unpaid balance of the Indebtedness.

The Property shall be sold for cash, except that Lender's bid may be by credit against the Indebtedness.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT

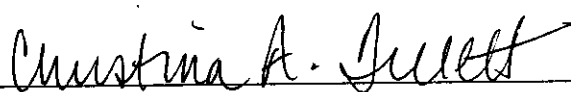
REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. THERE IS NO WARRANTY RELATING TO TITLE, POSSESSION, QUIET ENJOYMENT, OR THE LIKE IN THIS DISPOSITION OF PERSONAL PROPERTY.

EXCEPT AS EXPRESSLY PROVIDED HEREIN, NEITHER THE LENDER NOR THE SUBSTITUTE TRUSTEE MAKES ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, NOR WITH RESPECT TO CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

**ACTIVE MILITARY SERVICE NOTICE**

**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.**

EXECUTED on the 10<sup>th</sup> day of August, 2020.

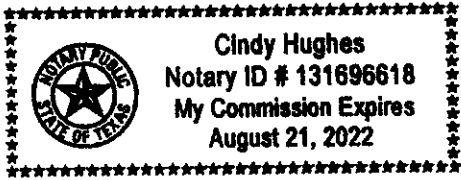
  
CHRISTINA A. TILLETT  
WILLIAM B. MUNSON  
GARLAND D. CARDWELL  
PRINCESS D. BROWN  
Substitute Trustees under the Deed of Trust  
123 South Travis Street  
Sherman, Texas 75090  
Tel. (903) 893-8161

STATE OF TEXAS

§  
§  
§

COUNTY OF GRAYSON

This instrument was acknowledged before me this the 10<sup>th</sup> day of August, 2020, by Christina A. Tillett, as Substitute Trustee under the Deed of Trust.



*Cindy Hughes*  
\_\_\_\_\_  
Notary Public, State of Texas

EXHIBIT "A"

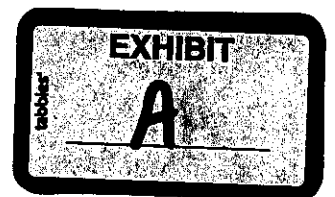
PART ONE:

Being 3.026 acres of land, more or less, in the A. J. WALKER SURVEY, Abstract No. 860, City of Decatur, Wise County, Texas, and being part of that certain 4.728-acre tract of land as described in deed to Decatur Travelers, L. P., recorded in Volume 1765, page 748, Official Records, Wise County, Texas; said 3.026 acres of land being portions of Blocks 85, 86, and 102, SOUTH DECATUR ADDITION, a portion of Shady View Park, and portions of Ford Street, Blewett Street, Border Street, and Murphy Street (said portions of these streets never having been opened, and having been closed by Ordinance recorded in Volume 329, page 546, Deed Records, Wise County, Texas), according to the plat recorded in Volume 8, page 642, Deed Records, Wise County, Texas; said 3.026 acres of land being more particularly described by metes and bounds as follows, to wit:

BEGINNING at an iron stake found for the west corner of the tract described herein, same being the west corner of that certain 4.728-acre tract of land as described in deed to Decatur Travelers, L. P., recorded in Volume 1765, page 748, Official Records, Wise County, Texas, and being the south corner of a 0.042-acre tract of land as described in deed to Allsup's Convenience Stores, Inc., recorded in Volume 671, page 447, Real Records, Wise County, Texas; said stake being located 251.51 feet South 24° 21' 17" East from the west corner of a 2.35-acre tract of land as described in deed to Allsup's Convenience Stores, Inc., recorded in Volume 566, page 731, Real Records, Wise County, Texas; said stake being further located in a northeast right of way line of US Highway No. 81-287, same being the southwest line of that certain 26.38-acre tract of land as described in deed to Wayne Long, recorded in Volume 533, page 684, Real Records, Wise County, Texas, and being situated in Block 85, South Decatur Addition, an addition to the City of Decatur, Wise County, Texas, according to the plat recorded in Volume 8, page 642, Deed Records, Wise County, Texas;

THENCE with the southeast line of said 0.042-acre tract, same being a northwest line of the tract described herein, North 63° 09' 55" East, passing the east line of said Block 85, same being the west line of Murphy Street (unopened) according to said plat, and continuing with the southeast line of said 0.042-acre tract, passing the east right of way line of said Murphy Street, same being the west line of Block 86, South Decatur Addition, and continuing with the southeast line of said 0.042-acre tract, passing the east line of said Block 86, same being the west right of way line of Border Street (unopened) according to said plat, and continuing with the southeast line of said 0.042-acre tract, passing the east right of way line of said Border Street, same being the west line of Shady View Park according to said plat, and continuing with the southeast line of said 0.042-acre tract a total distance of 282.76 feet to an iron stake found for the southeast corner of said 0.042-acre tract, same being an inner corner of the tract described herein, and being situated in said Shady View Park;

THENCE with the east line of said 0.042-acre tract, same being a west line of the tract described herein, North 00° 37' 06" West 8.16 feet to an iron stake found in the east line of said 0.042-acre tract for the northeast corner of the tract described herein, same being a



southwest corner of a tract of land as described in deed to Tommy Fenoglio et al, recorded in Volume 1577, page 424, Official Records, Wise County, Texas;

THENCE with the southeast line of said Fenoglio et al tract, same being a northwest line of the tract described herein, North  $62^{\circ} 00' 01''$  East 48.64 feet to an iron stake found for an inner corner of said Fenoglio et al tract, same being a north corner of the tract described herein;

THENCE with a south line of said Fenoglio et al tract, same being the north line of the tract described herein, South  $81^{\circ} 51' 17''$  East 127.15 feet to a point for the northeast corner of the tract described herein;

THENCE South, passing the south line of Shady View Park according to said plat, same being the north right of way line of Ford Street (unopened) according to said plat, and continuing with said course, passing the south right of way line of said Ford Street near the intersection of the west right of way line of Blewett Street (unopened) according to said plat, and continuing with said course in said Blewett Street a total distance of 328.62 feet to a capped iron stake set for the southeast corner of the tract described herein; said stake being further located in the northwest line of a tract of land as deeded to Mark Linn, recorded in Volume 1018, page 478, Official Records, Wise County, Texas;

THENCE with the northwest line of said Lin tract, same being the southeast line of the tract described herein, South  $62^{\circ} 10' 13''$  West, passing the west line of Block 102, South Decatur Addition, and continuing with said northwest line a total distance of 278.40 feet to an capped iron stake found in the west corner of said Lin tract for the south corner of the tract described herein, same being the west corner of the tract described herein; said stake being further located in the northeast right of way line of US Highway No. 81-287, and being situated in said Block 102;

THENCE with the northwest right of way line of said US Highway No. 81-287, same being the southwest line of the tract described herein, the following calls:

North  $28^{\circ} 52' 10''$  West 198.20 feet to an iron stake found for corner;

North  $32^{\circ} 09' 59''$  West 92.31 feet to an iron stake found for corner;

and North  $24^{\circ} 21' 24''$  West 72.72 feet to the PLACE OF BEGINNING, containing 3.026 acres of land, more or less.

These field notes were prepared from a true and accurate survey as surveyed on the ground under my personal supervision on July 12, 2007.



William David Edwards  
Texas L.S.L.S./R.P.L.S.#5627

## EXHIBIT "A"

### PART TWO:

### PERSONAL PROPERTY

TO THE EXTENT LOCATED AT, INSTALLED ON, DEPOSITED IN, AFFIXED OR ATTACHED TO, USED IN CONNECTION WITH OR RESULTING FROM OPERATIONS CONDUCTED ON THE REAL PROPERTY DESCRIBED IN EXHIBIT "A" PART ONE ATTACHED HERETO.

All of Debtor's presently existing and hereafter arising or acquired "Accounts" which shall mean and include all of Debtor's present and future rights to payment for real property, goods, merchandise or Inventory (as hereinafter defined) sold, rented or leased or for services rendered, including, without limitation, those which are not evidenced by instruments or chattel paper, and whether or not they have been earned by performance; account(s), accounts receivable, proceeds of any letters of credit on which Debtor is named as beneficiary; contract rights; acceptances; notes; chattel paper; instruments (other than margin stock); drafts; documents; insurance proceeds; deposits or other sums credited by or due from the Secured Party to Debtor; and all such obligations whatsoever owing to Debtor, together with all instruments and all documents of title representing any of the foregoing, all rights in any goods, merchandise or Inventory which any of the same may represent, all rights in any returned or repossessed goods, merchandise and Inventory, and all right, title, security and guaranties with respect to each of the foregoing, including, without limitation, any right of stoppage in transit. In addition, this definition shall include the definition of "accounts" as that term is used in the Uniform Commercial Code of each state in which the Debtor's Accounts are located.

All of Debtor's presently existing and hereafter arising or acquired "General Intangibles" which shall mean all choses in action, causes of action, and all other intangible personal property of Debtor of every kind and nature (other than Accounts) now owned or hereafter acquired by Debtor, including, without limitation, corporate or other business records, evidences of corporate debt or equity, inventions, designs, patents, patent applications, trademarks, trademark applications, assumed names, trade styles, service marks, trade secrets, goodwill, copyrights, registrations, licenses, franchises, tax refund claims, tax refunds, deposit accounts, customer lists and any letters of credit, rights or claims against carriers and shippers, rights to indemnification, security interests or other security held by or granted to Debtor to secure payment by an account debtor of any of the Accounts. In addition, this definition shall include the definition of "general intangibles" as that term is defined in the Uniform Commercial Code of each state in which the Debtor's General Intangibles are located.

All of Debtor's presently existing and hereafter arising or acquired "Inventory" which shall mean any and all goods, merchandise and other personal property, wheresoever located and whether or not in transit, now owned or hereafter acquired by Debtor which is or may at any time be held for sale or lease, furnished under any contract of service or held as raw materials, work in process, finished goods, supplies or material used or consumed in Debtor's business and all such property the sale or other disposition of which has given rise to Accounts and which has been returned to

or repossessed or stopped in transit by Debtor or which is or might be used in connection with the manufacture, packing, shipping, advertising, selling or finishing of such goods, merchandise and other personal property, all returned or repossessed goods now, or at any time or times hereafter, in the possession or under the control of Debtor or Secured Party, and all documents of title or documents representing the same. In addition, this definition shall include the definition of "inventory" as that term is used in the Uniform Commercial Code of each state in which the Debtor's Inventory is located.

All of Debtor's presently existing and hereafter arising or acquired "Equipment" which shall mean all of Debtor's now owned or hereafter acquired fixtures, machinery and equipment, including, without limitation, furniture, rolling stock, vehicles, trade fixtures and machinery, together with any and all improvements, accessions, parts and appurtenances thereto, substitutions therefor and replacements thereof. In addition, this definition shall include the definition of "equipment" as that term is defined in the Uniform Commercial Code of each state in which the Debtor's Equipment is located.

All of Debtor's presently existing or hereafter arising depository accounts and all of Debtor's rights, title and interest in and to any deposits or other sums at any time credited by or due from financial institutions to Debtor.

All accessions to, substitutions for and all replacements, products and proceeds of the foregoing, including, without limitation, proceeds of insurance policies insuring any of the foregoing.

All books and records (including, without limitation, customer lists, credit files, computer programs, printouts and other computer materials and records) of Debtor pertaining to any of the foregoing.



# NOTICE OF TRUSTEE'S SALE

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER.

STATE OF TEXAS  
COUNTY OF Wise

**COPY** KNOW ALL MEN BY THESE PRESENTS

WHEREAS, on **August 2, 2017**, **Mayra Rivera**, as grantor(s) executed a deed of trust to Kristi K. Frazier Special Needs Trust, transferred by Assignment of Lien to **KKF Supplemental Needs Trust**, filed in **Deed Records, Wise County, Texas** certain real property located in the county of **Wise State of Texas**, and being more particularly described as **Lot 91, Hills of Oliver Creek, more specifically described in Exhibit A attached hereto and made a part hereof for all intents and purposes.**, to secure payment of one certain Real Estate Note in the amount of **\$32,000.00** (the note), the Deed of Trust being recorded in **Instrument Number 201708677**, Deed Records, **Wise County, Texas**.

WHEREAS, (i) default has occurred in the payment of the Note secured by the Deed of Trust and/or in the performance of the covenants, agreements, and conditions set forth in the Deed of Trust, and (ii) the sums due and payable under the Note and the Deed of Trust are now wholly due and payable, and (iii) owner and holder of the Note, pursuant to the Deed of Trust has requested the undersigned to sell the property and satisfy the note, the proceeds of such sale to be applied in accordance with the provisions of the Deed of Trust; and

WHEREAS, the undersigned **Trustee**, acting upon the request of **KKF Supplemental Needs Trust** by these presents is hereby posting, filing and giving notice of the foreclosure of the Deed of Trust and lien thereof in accordance with §51.002 of the Texas Property Code and the terms and provisions of the Deed of Trust.

NOW, THEREFORE, the undersigned, the Trustee as aforesaid, does hereby give notice that after due publication of this notice as required by law and the Deed of Trust, will sell the Property at Public Venue to the highest bidder, or bidders, for cash, at a time no earlier than **10:00 a.m.** and not later than **1:00 p.m.** on the first Tuesday in **September, 2020** at the **Wise County Courthouse, Decatur, Texas**. The same being **September 1, 2020, At the southeast entrance of the Courthouse, 101 N. Trinity, in the city of Decatur, Texas.**

**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.**

In Witness Whereof, this Notice of Trustee's Sale has been executed on **August 4, 2020**.

  
Emory Russell, Trustee

After Filing Return To:  
KKF Supplemental Needs Trust  
8659 White Settlement Rd.  
Fort Worth, Texas 76108

**POSTED**  
AT 10:40 o'clock A M

AUG 04 2020

SHERRY LEMON, COUNTY CLERK  
WISE COUNTY, TEXAS  
BY  DEPUTY  
Kyla Griffith

**EXHIBIT "A"**

Being a 3.549 acre tract of land out of the P.P. Harding Survey, Abstract #373, situated in Wise County, Texas, and being a portion of that certain 590.334 acre tract of land out of the M.E.P. & P.R.R. Co. Survey, Abstract #633, B.G. Brock Survey, Abstract #131, P.P. Harding Survey, Abstract #373, E.M. Thomasson Survey, Abstract #801, and the R.M. Thompson Survey, Abstract #1248, as conveyed to AP Land Investments Limited Partnership, Dee Ring, Inc., Sandra Sue Faust, The George and Jean Kaelber Trust, the Pepper Family Limited Partnership, and Jack Doege, in Volume 664, Page 238, Real Records, Wise County, Texas, and this tract being described by metes and bounds as follows:

BEGINNING at a point in Oliver Creek for the southeast corner of the herein described tract, and being North 85° 01' 54" West, 135.72 feet, South 73° 59' 08" West, 193.76 feet, South 83° 48' 24" West, 274.06 feet, North 78° 32' 41" West, 331.48 feet, South 84° 42' 34" West, 431.68 feet, North 89° 01' 58" West, 624.70 feet, South 65° 27' 24" West, 601.23 feet and North 63° 06' 38" West, 145.71 feet, from the most easterly southeast corner of said 590.334 acre tract;

THENCE North 63° 06' 38" West, along said creek, a distance of 149.38 feet, to a point for corner;

THENCE South 69° 20' 48" West, continuing along said creek, a distance of 168.35 feet, to a point for corner, a 1/2" iron pin set, bears North 00° 06' 05" West, 82.45 feet;

THENCE North 00° 06' 05" West, at 82.45 feet, passing a 1/2" iron pin set, in all a distance of 692.91 feet, to a 1/2" iron pin set in the south right-of-way line of a proposed 60' private road and being the beginning of a non-tangent curve to the left, having a radius of 830.00 feet;

THENCE along said south right-of-way line, along said curve to the left, an arc distance of 133.45 feet to a 1/2" iron pin set, for end of said curve and then North 80° 41' 10" East, a distance of 41.79 feet, to a 1/2" iron pin set for corner;

THENCE South 09° 18' 50" East, at 618.72 feet, passing a 1/2" iron pin set, in all a distance of 728.39 feet to the Point of Beginning and containing 3.549 acres of land.

(ALSO KNOWN AS - LOT 91, HILLS OF OLIVER CREEK, AN UNRECORDED SUBDIVISION.)

# NOTICE OF TRUSTEE'S SALE

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER.

STATE OF TEXAS  
COUNTY OF Wise

**COPY** KNOW ALL MEN BY THESE PRESENTS

WHEREAS, on **September 1, 2018, Mayra Rivera and David Miranda**, as grantor(s) executed a deed of trust to **Debbie Clay**, filed in **Deed Records, Wise County, Texas** certain real property located in the county of **Wise State of Texas**, and being more particularly described as **Lot 13, Coyote Ridge, Phase II, more specifically described in Exhibit A attached hereto and made a part hereof for all intents and purposes**, to secure payment of one certain Real Estate Note in the amount of **\$56,400.00** (the note), the Deed of Trust being recorded in **Instrument Number 201810722, Deed Records, Wise County, Texas**.

WHEREAS, (i) default has occurred in the payment of the Note secured by the Deed of Trust and/or in the performance of the covenants, agreements, and conditions set forth in the Deed of Trust, and (ii) the sums due and payable under the Note and the Deed of Trust are now wholly due and payable, and (iii) owner and holder of the Note, pursuant to the Deed of Trust has requested the undersigned to sell the property and satisfy the note, the proceeds of such sale to be applied in accordance with the provisions of the Deed of Trust; and

WHEREAS, the undersigned **Trustee**, acting upon the request of **Debbie Clay** by these presents is hereby posting, filing and giving notice of the foreclosure of the Deed of Trust and lien thereof in accordance with §51.002 of the Texas Property Code and the terms and provisions of the Deed of Trust.

NOW, THEREFORE, the undersigned, the Trustee as aforesaid, does hereby give notice that after due publication of this notice as required by law and the Deed of Trust, will sell the Property at Public Venue to the highest bidder, or bidders, for cash, at a time no earlier than **10:00 a.m.** and not later than **1:00 p.m.** on the first Tuesday in **September, 2020** at the **Wise County Courthouse, Decatur, Texas**. The same being **September 1, 2020, At the southeast entrance of the Courthouse, 101 N. Trinity, in the City of Decatur, TX.**

**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.**

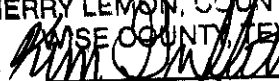
In Witness Whereof, this Notice of Trustee's Sale has been executed on **August 4, 2020**.

  
Emory Russell, Trustee

After Filing Return To:  
Debbie Clay  
8659 White Settlement Rd.  
Fort Worth, Texas 76108

POSTED  
AT 10:40 o'clock A M

AUG 04 2020

SHERRY LEMON, COUNTY CLERK  
WISE COUNTY, TEXAS  
By  DEPUTY  
Kim Griffith

**EXHIBIT "A"**

Being a 2.000 acre tract of land out of the M.E.P. & P.R.R. Co. Survey, Abstract #633, situated in Wise County, Texas, and being a portion of that certain 350.066 acre in the A.J. Walker Survey, Abstract #861 and the M.E.P. & P.R.R. Co. Survey, Abstract #633, as conveyed to JCEF LIMITED, in Volume 538, Page 738, Real Records, Wise County, Texas, and being described by metes and bounds as follows:

**BEGINNING** at a  $\frac{1}{8}$ " iron pin set in the east line of said 350.066 acre tract and in the west line of a 590.334 acre tract, as recorded in Volume 664, Page 238, Real Records, Wise County, Texas, for the southeast corner of the herein described tract and being North  $00^{\circ} 49' 41''$  East, 1274.49 feet, from the most easterly southeast corner of said 350.066 acre tract;

**THENCE** North  $89^{\circ} 10' 19''$  West, a distance of 573.25 feet, to a  $\frac{1}{8}$ " iron pin set in the east right-of-way line of a 60' private road, for the southwest corner of the herein described tract;

**THENCE** North  $00^{\circ} 49' 41''$  East, along the said east right-of-way line, a distance of 151.98 feet, to a  $\frac{1}{8}$ " iron pin set for the northwest corner of the herein described tract;

**THENCE** South  $89^{\circ} 10' 19''$  East, a distance of 573.25 feet to a  $\frac{1}{8}$ " iron pin set, in the common line of said 350.066 and 590.334 acre tracts, for the northeast corner of the herein described tract;

**THENCE** South  $00^{\circ} 49' 41''$  West, along the said common line, a distance of 151.98 feet to the **POINT OF BEGINNING** and containing 2.000 acres of land.

**SAID 2.000 ACRE TRACT ALSO BEING KNOWN AS  
TRACT 13, COYOTE RIDGE, PHASE II,  
AN UNRECORDED SUBDIVISION IN WISE COUNTY, TEXAS.**

# NOTICE OF SUBSTITUTE TRUSTEE'S SALE

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STATE OF TEXAS  
COUNTY OF Wise

COPY

KNOW ALL MEN BY THESE PRESENTS

WHEREAS, on **December 8, 2009**, **Angela Bennet**, as grantor(s) executed a Deed of Trust, conveying to Kristi K. Frazier Special Needs Trust, transferred by Assignment of Lien to **KKF Supplemental Trust**, filed in **Deed Records, Wise County, Texas**, certain real property located in the County of **Wise**, State of Texas, and being more particularly described as **Lot 14, Cottondale, more specifically described in Exhibit A attached hereto and made a part hereof for all intents and purposes**, to secure payment of one certain Real Estate Note in the amount of, **\$26,942.40** (the note), the Deed of Trust being recorded in Deed Records, **Wise County, Texas**, in **Volume 2114, Page 845**. WHEREAS, (i) default has occurred in the payment of the Note secured by the Deed of Trust and/or in the performance of the covenants, agreements, and conditions set forth in the Deed of Trust, and (ii) the sums due and payable under the Note and the Deed of Trust are now wholly due and payable, and (iii) owner and holder of the Note, pursuant to the Deed of Trust has requested the undersigned to sell the property and satisfy the note, the proceeds of such sale to be applied in accordance with the provisions of the Deed of Trust; and


WHEREAS, the undersigned **Substitute Trustee**, acting upon the request of **KKF Supplemental Trust**, by these presents is hereby posting, filing and giving notice of the foreclosure of the Deed of Trust and lien thereof in accordance with §51.002 of the Texas Property Code and the terms and provisions of the Deed of Trust.

NOW, THEREFORE, the undersigned, the **Substitute Trustee** as aforesaid, does hereby give notice that after due publication of this notice as required by law and the Deed of Trust, will sell the Property at Public Venue to the highest bidder, or bidders, for cash, at a time no earlier than **10:00 a.m.** and not later than **1:00 p.m.** on the first Tuesday in September, 2020 at the **Wise County Courthouse, Decatur, Texas**. The same being **September 1, 2020, At the southeast entrance of the Wise County Courthouse, 101 N. Trinity, in the City of Decatur, Texas**.

Substitute Trustee does give testimony under oath that to his knowledge, all of the debtors to whom notice was given were living on the date notice of sale was posted.

**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.**

In Witness Whereof, this notice of **Substitute Trustee's Sale** has been executed on August 4, 2020.

  
Emory Russell  
Substitute Trustee

After Filing Return To:  
KKF Supplemental Trust  
8659 White Settlement Rd.  
Fort Worth, Texas 76108

POSTED  
AT 10:40 o'clock A M

AUG 04 2020

SHERRY LEMON, COUNTY CLERK  
WISE COUNTY, TEXAS  
By  DEPUTY  
Kim Griffith

EXHIBIT "A"

BEING a 5.000 acre tract of land out of Block 73, LOWER MATAGORDA SCHOOL LAND SURVEY, ABSTRACT NO. 534, situated in Wise County, Texas, and being a portion of that certain 156.267 acre tract of land in said survey, as conveyed to Audra Frazier, Trustee, in Volume 566, Page 8, Real Records, Wise County, Texas, and this tract being described by metes and bounds as follows:

BEGINNING at a  $\frac{1}{4}$ " iron pin set in the occupied East right of way line of a North-South county road for the Northwest corner of the herein described tract, and said iron pin being South  $89^{\circ}42'18''$  East, 30.00 feet and South  $00^{\circ}35'08''$  West, 897.16 feet from the Northwest corner of said Frazier tract;

THENCE South  $89^{\circ}42'18''$  East a distance of 971.07 feet to a  $\frac{1}{4}$ " iron pin set for the Northeast corner of the herein described tract;

THENCE South  $00^{\circ}35'08''$  West a distance of 224.29 feet to a  $\frac{1}{4}$ " iron pin set for the Southeast corner of the herein described tract;

THENCE North  $89^{\circ}42'18''$  West a distance of 971.07 feet to a  $\frac{1}{4}$ " iron pin set in the East right of way line of said county road for the Southwest corner of the herein described tract;

THENCE North  $00^{\circ}35'08''$  East along the East right of way line of said county road, a distance of 224.29 feet to the POINT OF BEGINNING, and containing 5.000 acres of land.

(AKA LOT 14, COTTONDALE ESTATES, an unrecorded subdivision situated in Wise County, Texas.)

C&M No. 44-20-0799/ FILE NOS

JUL 16 2020

**NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF TRUSTEE**

SHERRY DEMON, COUNTY CLERK  
OF WISE COUNTY, TEXAS  
By Vicky Gaona 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. Sender is: Codilis & Moody, P.C., 400 North Sam Houston Parkway East, Suite 900A, Houston, Texas 77060**

**INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION**

Deed of Trust dated October 24, 2003 and recorded under Vol. 1363, Page 691, or Clerk's File No. 339665, in the real property records of WISE County Texas, with Gary McDaniel as Grantor(s) and Ameriquet Mortgage Company as Original Mortgagee.

Deed of Trust executed by Gary McDaniel securing payment of the indebtedness in the original principal amount of \$276,000.00 and obligation therein described including but not limited to the promissory note and all modifications, renewal and extensions of the promissory note (the "Note") executed by Gary McDaniel. U.S. Bank National Association, not in its individual capacity, but solely as Trustee for NRZ Pass-Through Trust VII (NPL) is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

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. PHH Mortgage Corporation is acting as the Mortgage Servicer for the Mortgagee. PHH Mortgage Corporation, is representing the Mortgagee, whose address is: 1 Mortgage Way, Mount Laurel, NJ 08054.

**Legal Description:**

**BEING A 4.99 ACRE TRACT IN BLOCK 16, MATAGORDA COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 535, WISE COUNTY, TEXAS, AND ALSO BEING ALL OF A CERTAIN CALLED 4.994 ACRE TRACT DESCRIBED IN INSTRUMENT RECORDED IN VOLUME 729, PAGE 888, REAL RECORDS, WISE COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES**

**SALE INFORMATION**

**Date of Sale: 09/01/2020**

**Earliest Time Sale Will Begin: 1:00 PM**

**Location of Sale:** The place of the sale shall be: WISE County Courthouse, Texas at the following location: On the southeast porch of the Wise County Courthouse steps, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

**TERMS OF SALE**

A 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.

The Sale will be conducted as a public auction to the highest bidder for cash, except that Mortgagee's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust. 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.

44-20-0799  
WISE



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The sale will begin at the earliest time stated above, or within three (3) hours after that time. 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 the 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.**

**WHEREAS**, in my capacity as attorney for the Mortgagee and/or Its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, **I HEREBY APPOINT AND DESIGNATE Denise Boerner, Brenda Wiggs, Donna Stockman, Guy Wiggs, David Stockman, Tim Lewis, Michelle Schwartz, Kathy Arrington, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or ServiceLink Agency Sales And Posting, as Substitute Trustee.**

The address for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:  
Codilis & Moody, P.C.  
400 N. Sam Houston Pkwy E, Suite 900A  
Houston, TX 77060  
(281) 925-5200

Executed on 07/15/2020.



/s/ Lisa Collins SBOT No. 24115338, Attorney at Law  
Codilis & Moody, P.C.  
400 N. Sam Houston Pkwy E, Suite 900A  
Houston, TX 77060  
(281) 925-5200

Posted and filed by: \_\_\_\_\_

Printed Name: \_\_\_\_\_

C&M No. 44-20-0799



## EXHIBIT "A"

BEING a 4.99 acre tract in Block 16, MATAGORDA COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 535, Wise County, Texas, and also being all of a certain called 4.994 acre tract described in instrument recorded in Volume 729, Page 888, Real Records, Wise County, Texas and being described by metes and bounds as follows;

BEGINNING at a 1/4" iron rod found in the North ROW of County Road # 3336 for the Southwest corner of said 4.994 acre tract; THENCE North 00° 04' 21" East with the West line of said 4.994 acre tract a distance of 512.29 feet to a 1/4" iron rod found for the Northwest corner of said 4.994 acre tract;

THENCE South 69° 57' 31" East with the North line of said 4.994 acre tract a distance of 283.30 feet to a 1/2" iron rod found for corner;

THENCE South 00° 07' 01" West a distance of 28.62 feet to a 1/4" rod found for an ell corner of said 4.994 acre tract;

THENCE South 89° 55' 30" East with a North line of said 4.994 acre tract a distance of 105.29 feet to PK Nail set for a corner in County Road #3331;

THENCE South 00° 04' 33" West with the East line of said 4.994 acre tract a distance of 482.67 feet to a PK Nail set in said County Road #3331;

THENCE South 69° 58' 23" West with the South line of said 4.994 acre tract and the said North ROW a distance of 433.54 feet to the POINT of BEGINNING and containing 4.99 acres of land, more or less.

POSTED  
AT 9:14 o'clock 6 M

JUL 23 2020

TS No.: 2019-02095-TX  
19-001022-673

SHERRY LEMON, COUNTY CLERK  
WISE COUNTY, TEXAS  
By Vicky Gaona DEPUTY

Notice of [Substitute] Trustee 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:** 09/01/2020

**Time:** The sale will begin at 01:00 PM or not later than three hours after that time

**Place:** Wise County, Texas at the following location: **THE SOUTHEAST PORCH AT THE COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE AS THE PLACE WHERE FORECLOSURE SALES ARE TO TAKE PLACE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS**

**Property Address:** 200 SUMMITT STREET, ALVORD, TX 76225

2. **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. Any conveyance of the property is subject to all matters of record affecting the property.

3. **Instrument to be Foreclosed:** The instrument to be foreclosed is the Deed of Trust or Contract Lien dated 04/23/2004 and recorded 04/26/2004 in Book OR 1415 Page 499 Document 347736, real property records of Wise County, Texas, with **Robert N Ponder and Latecia Kay Ponder, husband and wife** grantor(s) and **NEW CENTURY MORTGAGE CORPORATION** as Lender, **U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE REGISTERED HOLDER OF ASSET BACKED SECURITIES CORPORATION HOME EQUITY LOAN TRUST 2004-HE5 ASSET BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-HE5** as Beneficiary.

4. **Appointment of Substitute Trustee:** In accordance with Texas Property Code Sec. 51.0076, the undersigned authorized agent 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.

5. **Obligation Secured:** Deed of Trust or Contract Lien executed by **Robert N Ponder and Latecia Kay Ponder, husband and wife**, securing the payment of the indebtedness in the original principal amount of **\$89,100.00**, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. **U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE REGISTERED HOLDER OF ASSET BACKED SECURITIES CORPORATION HOME EQUITY LOAN TRUST 2004-HE5 ASSET BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-HE5** is the current mortgagee of the note and deed of trust or contract lien.

### **Notice of [Substitute] Trustee Sale**

**6. Default:** A default has occurred in the payment of indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness.

**7. Property to be sold:** The property to be sold is described as follows:

**BEING LOT ONE (1), BLOCK ONE (1), TRIO ADDITION, TO THE CITY OF ALVORD, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET "A", SECTION 48, MAP RECORDS, WISE COUNTY, TEXAS.**

**8. 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. **PHH Mortgage Corporation**, as Mortgage Servicer, is representing the current mortgagee, whose address is:

**C/O PHH Mortgage Corporation**

**1 Mortgage Way  
Mt. Laurel, NJ 08054**


**Phone: 877-744-2506**

### Notice of [Substitute] Trustee Sale

**9. 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 the 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.**

Date: July 16, 2020



Stephanie Spurlock, Camisha Scott, Iman Walcott, Tanesha Humphrey, Claire Buxton – Attorney or Authorized Agent of The Mortgagee or Mortgage Servicer

C/O Power Default Services, Inc.  
Northpark Town Center  
1000 Abernathy Rd NE; Bldg 400, Suite 200  
Atlanta, GA 30328  
Telephone: 855-427-2204  
Fax: 866-960-8298

**POWER DEFAULT SERVICES, INC. MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE.**

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 Wise County Clerk and caused it to be posted at the location directed by the Wise County Commissioners Court.