

18-0034 FC

FILED FOR RECORD  
SHELBY COUNTY, TEXAS

2018 DEC 20 PM 1:44

NOTICE OF FORECLOSURE 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. *Property to Be Sold.* The property to be sold is described as follows: SEE ATTACHED EXHIBIT A
- 2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust dated 01/31/2018 and recorded in Document 2018000378 real property records of Shelby County, Texas.

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: 02/05/2019

Time: 01:00 PM

Place: Shelby County Courthouse, Texas, at the following location: THE AREA WITHIN A RADIUS OF 100 FEET OF THE SOUTHEASTERN DOOR OF THE HOUSE PROVIDED FOR THE HOLDING OF THE DISTRICT COURT IN THE CITY OF CENTER, IN SHELBY COUNTY, 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 TINA MILLER AND MARK MILLER, provides that it secures the payment of the indebtedness in the original principal amount of \$230,743.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. LOAN SIMPLE, INC is the current mortgagee of the note and deed of trust and LOAN SIMPLE, INC. is mortgage servicer. A servicing agreement between the mortgagee, whose address is LOAN SIMPLE, INC c/o LOAN SIMPLE, INC., 1 Corporate Dr., Suite 360, Lake Zurich, IL 60047 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 ROBERT LAMONT, SHERYL LAMONT, ALLAN JOHNSTON, SHARON ST. PIERRE, HARRIETT FLETCHER, RONNIE HUBBARD OR DAVID SIMS, 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.



Mackie Wolf Zientz & Mann, P.C.

Brandon Wolf, Attorney at Law

L. Keller Mackie, Attorney at Law

Lori Liane Long, Attorney at Law

Chelsea Schneider, Attorney at Law

Ester Gonzales, Attorney at Law

Parkway Office Center, Suite 900

14160 North Dallas Parkway

Dallas, TX 75254

 12-20-18

ROBERT LAMONT, SHERYL LAMONT, ALLAN JOHNSTON,

SHARON ST. PIERRE, HARRIETT FLETCHER, RONNIE

HUBBARD OR DAVID SIMS

c/o AVT Title Services, LLC

1101 Ridge Rd. Suite 222

Rockwall, TX 75087

Certificate of Posting

I am \_\_\_\_\_ whose address is c/o AVT Title Services, LLC, 1101 Ridge Rd., Suite 222, Rockwall, TX 75087. I declare under penalty of perjury that on \_\_\_\_\_ I filed this Notice of Foreclosure Sale at the office of the Shelby County Clerk and caused it to be posted at the location directed by the Shelby County Commissioners Court.



All that certain tract or parcel of land situated about 16 miles Northwest of the City of Center, Shelby County, Texas on the WILLIAM McFADDEN SURVEY, A-466 and being the same land described as a 5.000 acre tract in a conveyance from Harvey A. Tipton et ux to Donald D. Tipton et ux, dated July 9, 1991 and recorded in Volume 723, Page 775 of the Deed Records of Shelby County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner at a fence corner in the North margin of County Road 4919, said beginning corner being the East corner of said 5.000 acre tract and also being the South corner of a 39-1/8 acre tract described in a conveyance from Grady Bob Ritter to Bobby Joe Ritter, dated December 31, 1981 and recorded in Volume 623, Page 113 of the Deed Records of Shelby County, Texas;

THENCE S 61°08' 50" W, 338.02 feet (called S 61°04' 04" W, 338.47') with the North margin of County Road 4919 and the SEBL of said 5.000 acre tract to the South corner of same, a 1/2" iron rod found for corner;

THENCE N 26°04' 38" W, 644.28 feet (Bearing base) with the SWBL of said 5.000 acre tract to the West corner of same, a 1/2" iron rod found for corner;

THENCE N 61°05' 02" E, 338.36 feet (called N 61°04' 01" E, 338.47') with the NWBL of said 5.000 acre tract to the North corner of same, a 1/2" iron rod found for corner in the SWBL of said 39-1/8 acre tract;

THENCE S 26°02' 57" E, 644.67 feet (called S 26°04' 38" E, 644.29') with the NEBL of said 5.000 acre tract and the SWBL of said 39-1/8 acre tract to the place of BEGINNING, containing 5.00 acres.

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Jennifer L. Fountain*



Jennifer L. Fountain, County Clerk  
Shelby County, Texas

February 02, 2018 01:39:24 PM

FEE: \$66.00 JCAGLE  
DT

2018000378