

19-0023 FC

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 EXHIBIT "A"
- 2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust dated 07/09/2012 and recorded in Document 2012004141 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: 01/07/2020

Time: 01:00 PM

Place: Shelby County, 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 JOSEPHINE RATCLIFF, provides that it secures the payment of the indebtedness in the original principal amount of \$94,500.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. LIVE WELL FINANCIAL, INC. is the current mortgagee of the note and deed of trust and FIRST HORIZON BANK is mortgage servicer. A servicing agreement between the mortgagee, whose address is LIVE WELL FINANCIAL, INC. c/o FIRST HORIZON BANK, PO BOX 1469, Knoxville, TN 37901 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. *Order to Foreclose.* LIVE WELL FINANCIAL, INC. obtained a Order from the UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS, LUFKIN DIVISION on 05/10/2019 under Cause No. 9:16-cv-00197-RC-KFG. The mortgagee has requested a Substitute Trustee conduct this sale pursuant to the Court's Order.

7. *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 OR RONNIE HUBBARD, 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.

Brandon Wolf

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

Sheryl Lamont 11-21-19

ROBERT LAMONT, SHERYL LAMONT, ALLAN JOHNSTON,
SHARON ST. PIERRE, HARRIETT FLETCHER OR RONNIE
HUBBARD
c/o AVT Title Services, LLC
5177 Richmond Avenue Suite 1230
Houston, TX 77056

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.

FILED FOR RECORD
SHELBY COUNTY, TEXAS

2019 NOV 21 AM 11:34

JENNIFER L. FOUNTAIN
COUNTY CLERK

BY TP DEPUTY



EXHIBIT A - LEGAL DESCRIPTION

Tax Id Number(s): R298998

Land Situated in the City of Center in the County of Shelby in the State of TX

All that certain tract or parcel of land situated about 13-3/4 miles Southeast of the City of Center, Shelby County, Texas on the HARBARD L. WIGGINS SURVEY, A-763 and being the same land described as a 1 acre tract in a conveyance from Pearl Lee Jones to Willie George Ratcliff et UX, dated July 29, 1976 and recorded in Volume 522, Page 9 of the Deed Records of Shelby County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set for corner at the NWC of said 1 acre tract, said beginning corner being in the called SBL of a 46 acre tract described in a conveyance from Margaret Ellis and Mary McFarland Adams to Mary McFarland Adams, dated August 25, 2005 and recorded in Volume 1028, Page 63 of the Deed Records of Shelby County, Texas;

THENCE EAST, 150.00 feet with the NBL of said 1 acre tract and the called SBL of said 46 acre tract to a 1/2" iron rod set for corner, said corner being the NEC of said 1.00 acre tract;

THENCE SOUTH, 290.40 feet with the EBL of said 1 acre tract to the SEC of same, a 3/8" iron rod found for corner;

THENCE WEST, 150.00 feet with the SBL of said 1 acre tract to the SWC of same, a 3/8" iron rod found for corner;

THENCE NORTH, 290.40 feet with the WBL of said 1 acre tract to the place of BEGINNING, containing 1.00 acre.

NOTE: The Company is prohibited from insuring the area or quantity of the land. The Company does not represent that any acreage or footage calculations are correct. References to quantity are for identification purposes only.

Commonly known as: 1915 County Road 2569 , Center, TX 75935-6663