

19-0015+C

FILED FOR RECORD
SHELBY COUNTY, TEXAS

2019 AUG 22 PM 1:58

JENNIFER L. BOSTAIN
COUNTY CLERK

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 the 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: 10/01/2019

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

Place: 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 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: 12089 ST HWY 87 S, SHELBYVILLE, TX 75973

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 06/09/2006 and recorded 06/16/2006 in Book 1051 Page 708 Document 2006-3927, real property records of Shelby County, Texas, with **DARRELL J. RICHARD MARRIED TO MARY RICHARD** grantor(s) and **MAXIM MORTGAGE CORPORATION, A TEXAS CORPORATION** as Lender, **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.** 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 **SHERYL LAMONT, ROBERT LAMONT, RONNIE HUBBARD, SHARON ST. PIERRE, ALLAN JOHNSTON, KATHLEEN ADKINS, EVAN PRESS, MARIEL MARROQUIN OR HARRIETT FLETCHER**, Substitute Trustee to act under and by virtue of said Deed of Trust.

5. Obligation Secured: Deed of Trust or Contract Lien executed by **DARRELL J. RICHARD MARRIED TO MARY RICHARD**, securing the payment of the indebtedness in the original principal amount of **\$125,190.00**, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. **HSBC BANK USA, N.A., AS TRUSTEE ON BEHALF OF ACE SECURITIES CORP. HOME EQUITY LOAN TRUST AND FOR THE REGISTERED HOLDERS OF ACE SECURITIES CORP. HOME EQUITY LOAN TRUST, SERIES 2006-ASAP5, ASSET BACKED PASS-THROUGH CERTIFICATES** is the current mortgagee of the note and deed of trust or contract lien.



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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 9.49 ACRES, A RESURVEY OF THE R. A. MYERS TRACT IN THE SAMUEL FISHER SURVEY, A-792 SHELBY COUNTY, TEXAS, DESCRIBED IN DEED FROM DINKINS EARL, TO ROSE MYERS, DATED JANUARY 18, 1974, RECORDED IN VOL. 495, PAGE 921, SHELBY COUNTY, TEXAS, AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT: BEGINNING AT A ½" STEEL ROD WE FOUND ON THE E.R.O.W. OF TEXAS HIGHWAY 87 AT THE RECOGNIZED S.W.C. OF THE R.A. MYERS TRACT IN THE SAMUEL FISHER SURVEY, A-792, SHELBY COUNTY, TEXAS, DESCRIBED IN DEED RECORDED IN VOL. 492, PAGE 921, DEED RECORDS, SHELBY COUNTY, TEXAS, SAID ROD BEING ALSO THE RECOGNIZED N.W.C. OF THE L. A. ALFORD TRACT DESCRIBED IN DEED RECORDED IN VOL. 95, PAGE 207, DEED RECORDED, SHELBY COUNTY, TEXAS, AND IS ON THE RECOGNIZED N.B.L. OF THE A. LOUT SURVEY, A-986 AND THE RECOGNIZED S.B.L. OF THE SAID SAMUEL FISHER SURVEY; THENCE N. 00° 32' 11" E ALONG THE E. R.O.W. OF TEXAS HIGHWAY 87 AS THE W. B. L. OF THE AFOREMENTIONED MYERS TRACT A DISTANCE OF 984.82 FT. TO AN 8 IN. POST AND FENCE CORNER WE FOUND AT THE RECOGNIZED N.W. C. OF THE SAID MYERS TRACT AND THE RECOGNIZED S.W.C. OF THE PAUL TAYLOR TRACT DESCRIBED IN DEED RECORDED IN VOL. 461, PAGE 216, DEED RECORDS, SHELBY COUNTY, TEXAS; THENCE S 88° 11' 09" E ALONG A FENCE WE FOUND ON THE RECOGNIZED N.B.L. OF THE AFOREMENTIONED MYERS TRACT AND 547.35 FT. TO A ½" STEEL ROD SET ON THE APPARENT CENTERLINE OF A SMALL DRY BRANCH OR DRAIN AS THE RECOGNIZED N.E.C. OF SAID MYERS TRACT AND THE RECOGNIZED S.E.C OF THE SAID TAYLOR TRACT; THENCE S 02° 12' 35" E GENERALLY ALONG THE AFOREMENTIONED BRANCH OR DRAIN A DISTANCE OF 485,321 FT. TO A ½" IN STEEL ROD WE SET ON THE APPARENT CENTERLINE OF SAID BRANCH AT ITS INTERSECTION WITH A FENCE WE FOUND ON THE RECOGNIZED S.B.L. OF THE AFOREMENTIONED MYERS TRACT AND THE RECOGNIZED N.B.L. OF THE L.A. ALFORD TRACT DESCRIBED IN DEED RECORDED IN VOL. 95, PAGE 207, SHELBY COUNTY, DEED RECORDS, SAID ROD BEING ALSO ON THE RECOGNIZED S.B.L. OF THE AFOREMENTIONED FISHER SURVEY AND THE RECOGNIZED S.B.L. OF THE AFOREMENTIONED LOUT SURVEY; THENCE S 50° 00' 00" W, ALONG THE AFOREMENTIONED FENCE A DISTANCE OF 750.62 FT. TO THE PLACE OF BEGINNING AND CONTAINING 9.49 ACRES OF LAND, MORE OR LESS.

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: August 16, 2019


Iman Walcott – 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


SHERYL LAMONT, ROBERT LAMONT, RONNIE HUBBARD, SHARON ST. PIERRE,
ALLAN JOHNSTON, KATHLEEN ADKINS, EVAN PRESS, MARIEL MARROQUIN OR
HARRIETT FLETCHER - Substitute Trustee(s)

C/O AVT Title Services, LLC
5177 Richmond Avenue Suite 1230
Houston, TX 77056

**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.**

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