

116-00294C

FILED FOR RECORD
SHELBY COUNTY, TEXAS

NOTICE OF FORECLOSURE SALE 16 PM 2 57

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 07/29/2008 and recorded in Document 2008008169 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: 10/04/2016
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 JOSEPH RAYBON, provides that it secures the payment of the indebtedness in the original principal amount of \$95,247.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. MIDDLEBANK is the current mortgagee of the note and deed of trust and MIDDLEBANK MORTGAGE, A DIVISION OF MIDDLEBANK is mortgage servicer. A servicing agreement between the mortgagee, whose address is MIDDLEBANK c/o MIDDLEBANK MORTGAGE, A DIVISION OF MIDDLEBANK, 999 N.W. Grand Blvd, Oklahoma City, OK 73118 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, DAVID SIMS, AURORA CAMPOS, RAMIRO CUEVAS, MATTHEW WOLFSON, FREDERICK BRITTON, EVAN PRESS, CHRIS DEMAREST, KELLEY BURNS, TANYA GRAHAM OR DANIEL WILLISIE, 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.
Brandal Wolf, Attorney at Law
L/Keller Mackie, Attorney at Law
Vort Liane Long, Attorney at Law
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Parkway Office Center, Suite 900
14160 North Dallas Parkway
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Sheryl Lamont 8-16-16
ROBERT LAMONT, SHERYL LAMONT, ALLAN JOHNSTON,
SHARON ST. PIERRE, HARRIETT FLETCHER, DAVID SIMS,
AURORA CAMPOS, RAMIRO CUEVAS, MATTHEW WOLFSON,
FREDERICK BRITTON, EVAN PRESS, CHRIS DEMAREST,
KELLEY BURNS, TANYA GRAHAM OR DANIEL WILLISIE
c/o AVT Title Services, LLC
13770 Noel Road #801529
Dallas, TX 75380-1529

I am _____ whose address is 14160 N. Dallas Pkwy, Suite 900, Dallas, TX 75254. 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.

Certificate of Posting



Exhibit "A"

Being 1.407 acres of land situated in the Mannan Smith Survey, Abstract 631, Shelby County, Texas, being part of Block 25 of the City of Joaquin as shown on the Map of Joaquin recorded in Volume 73, Page 445, in the Deed Records of Shelby County, Texas, and being comprised of a called 17,550 square foot tract described in a Warranty Deed from Kenneth L. Shinnell and Joyce D. Shinnell to James R. Swindell and wife, Nettie Swindell, dated March 30, 1971, and recorded in Volume 474, Page 746, in the Deed Records of Shelby County, Texas, and a called 0.676 of an acre tract described in a Warranty Deed with Vendor's Lien from Francis E. Smith to James R. Swindell and wife, Nettie Swindell, dated April 1, 1983, and recorded in Volume 620, Page 664, in the Deed Records of Shelby County, Texas, and a called 15,000 square foot tract described in deed from Johnnie Kathryn Pittman to James Swindell and wife, Nettie P. Swindell, dated May 28, 1986, and recorded in Volume 665, Page 442, in the Deed Records of Shelby County, Texas, said 1.407 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron pipe found for the Northeast corner of said called 17,550 square foot tract in the South right-of-way line of Farm to Market Road 2428 (based on 80-foot width), and being 118.6 feet westerly of the East line of said Block 25 and the West right-of-way line of Richardson Street (based on 60-foot right-of-way);

THENCE S 01°23'23" W, with the East line of said called 17,550 square foot tract, a distance of 149.42 feet (called N 08° E, 150 feet) to a 1/2-inch iron rod found for the Southwest corner of said called 17,550 square foot tract;

THENCE S 86°08'24" W, with the South line of said called 17,550 square foot tract, a distance of 117.39 feet (called S 82° E, 117 feet) to a 2-inch iron pipe found for the Southwest corner of said called 17,550 square foot tract and being in the East line of said called 15,000 square foot tract;

THENCE S 00°57'30" W, with said East line of the called 15,000 square foot tract (called S 01° W), a distance of 73.52 feet to a 2-inch iron pipe found for the Southeast corner of said called 15,000 square foot tract;

THENCE S 52°17'26" W, with the South line of said called 15,000 square foot tract, a distance of 77.10 feet (called S 53° W, 77 feet) to 2-inch iron pipe found for the Southwest corner of said called 15,000 square foot tract and the Southeast corner of said called 0.676 of an acre tract, from which a 2-inch iron pipe found for the Northeast corner of said called 0.676 of an acre tract in said South right-of-way line of Farm to Market Road 2428 bears N 01°00'00" E, 262.65 feet (basis of bearing orientation, called 262.69 feet);

SR

Exhibit "A"

THENCE S 53°43'55" W, with the South line of said called 0.676 of an acre tract, a distance of 36.03 feet (called N 34°09'53" E, 36.52 feet) to a 2-inch iron pipe found for the Southwest corner of said called 0.676 of an acre tract in the East line of a called 1-3/4 acre tract described in Warranty Deed with Vendor's Lien from Bruce Penmeter to Charles E. Stevens and wife, Jacqueline Stevens, dated December 30, 1981, and recorded in Volume 600, Page 360, in the Deed Records of Shelby County, Texas;

THENCE N 30°51'42" W, with the West line of said called 0.676 of an acre tract and the East line of said called 1-3/4 acre tract, a distance of 286.46 feet (called S 30°54'25" E, 286.55 feet) to a 4-inch iron post found for the Northwest corner of said called 0.676 of an acre tract in said South right-of-way line of Farm to Market Road 2428, and being in a curve to the right;

THENCE in an Easterly direction with said South right-of-way line of Farm to Market Road 2428 and the North line of said called 0.676 acre tract, along said curve to the right, passing at an arc length of 184.85 feet said 2-inch iron pipe found for the Northeast corner of the called 0.676 of an acre tract (called 185.59 feet), and continuing along said curve to the right having a Radius of 914.93 feet, a central angle of 12°50'07", an arc total length of 204.96, and a chord bearing N 78°44'20" E, and distance of 204.53 feet to the end of said curve in the North line of said called 15,000 square foot tract;

THENCE N 85°09'23" E, with the North lines of said called 15,000 square foot tract and said called 17,550 square foot tract and continuing with said South right-of-way of Farm to Market Road 2428, a distance of 158.94 feet to the POINT OF BEGINNING and containing 1.407 acres of land within these calls.

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FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Allison Harbison

2008008169

August 05, 2008 03:30:48 PM

FEE: \$56.00

Allison Harbison, County Clerk
Shelby County, Texas