

7695

FILED FOR RECORD
TIME: 11:30 AM

OCT 24 2019

NOTICE OF FORECLOSURE SALE

COKE COUNTY & DIST. CLERK
MONICA REYES

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 OR 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: BEING AN AREA OF 8.613 ACRES OF LAND OUT OF THE NORTH ONE-HALF (NORTH 2) OF THE SOUTHEAST ONE-FOURTH(SOUTHEAST 4) OF SURVEY 452, ABSTRACT NO. 2037, BLOCK 1-A, H. & T. C. R. R. CO., COKE COUNTY, TEXAS AND SAID 8.613 ACRE TRACT ALSO BEING OUT OF THAT CERTAIN 8.88 ACRE TRACT AND CERTAIN 1.12 ACRE TRACT DESCRIBED AND RECORDED IN VOLUME 56, PAGE 178, OFFICIAL PUBLIC RECORDS OF COKE COUNTY, TEXAS AND SAID 8.613 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A 1/2" IRON ROD WITH CAP SET FOR THE NORTH NORTHWEST CORNER OF THIS TRACT IN THE NORTHLINE OF SAID 8.88 ACRE TRACT AND SOUTH LINE OF CERTAIN 72.09 ACRE TRACT DESCRIBED AND RECORDED IN VOLUME 73, PAGE 258, OFFICIAL PUBLIC RECORDS OF COKE COUNTY, TEXAS AND BEING 50.00 FEET SOUTH 89 DEGREES 17' 45" EAST FROM THE NORTHWEST CORNER OF SAID 8.88 ACRE TRACT AND A SOUTHWEST CORNER OF SAID 72.09 ACRE TRACT AND SAID BEGINNING CORNER ALSO BEING THE NORTHEAST CORNER OF A CERTAIN 50 FEET X 50 FEET TRACT DESCRIBED AND RECORDED IN VOLUME 280, PAGE 166, OFFICIAL PUBLIC RECORDS OF COKE COUNTY, TEXAS; THENCE WITH THE NORTH LINE OF THIS TRACT AND SAID 8.88 ACRE TRACT AND THE SOUTH LINE OF SAID 72.09 ACRE TRACT, SOUTH 89 DEGREES 17' 45" EAST 1161.40 FEET TO A 1/2 INCH IRON PIPE FOUND FOR THE NORTHEAST CORNER OF THIS TRACT AND SAID 8.88 ACRE TRACT AND A REENTRANT CORNER OF SAID 72.09 ACRE TRACT; THENCE WITH THE EAST LINE OF THIS TRACT AND SAID 8.88 ACRE TRACT AND A WEST LINE OF SAID 72.09 ACRE TRACT, SOUTH 00 DEGREES 24' 15" WEST 358.82 FEET TO A 1/2 INCH IRON PIPE FOUND FOR THE SOUTHEAST CORNER OF THIS TRACT AND SAID 8.88 ACRE TRACT AND IN THE SOUTH LINE OF SAID NORTH 2 OF SOUTHEAST 4 OF SURVEY 452 AND ALSO BEING THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID 72.09 ACRE TRACT; THENCE WITH THE SOUTH LINE OF THIS TRACT AND SAID 8.88 ACRE TRACT AND SAID NORTH 2 OF SOUTHEAST 4 OF SURVEY 452, NORTH 89 DEGREES 17' 45" WEST 809.88 FEET TO THE SOUTH SOUTHWEST CORNER OF THIS TRACT AND THE SOUTHEAST CORNER OF A CERTAIN 1.330 ACRE TRACT DESCRIBED AND RECORDED IN VOLUME 282, PAGE 5, OFFICIAL PUBLIC RECORDS OF COKE COUNTY, TEXAS FROM WHICH A SOUTH 5/8 INCHES IRON ROD WITH CAP FOUND BEARS NORTH 48 DEGREES 38' 29" WEST 0.24 FEET; THENCE WITH AN EAST LINE OF SAID 1.330 ACRE TRACT, NORTH 03 DEGREES 04' 32" WEST 172.03 FEET (CALLED SOUTH 03 DEGREES 24' 23" EAST 171.89 FEET) TO A 5/8 INCHES IRON ROD WITH CAP FOUND FOR THE NORTHEAST CORNER OF SAID 1.330 ACRE TRACT; THENCE WITH THE NORTH LINE OF SAID 1.330 ACRE TRACT, SOUTH 89 DEGREES 12' 32" WEST 140.50 FEET (CALLED NORTH 88 DEGREES 51' 03" EAST 140.39 FEET) TO A 1- 1/2 INCHES IRON PIPE FOUND FOR CORNER; THENCE SOUTH 01 DEGREES 52' 59" EAST 7.68 FEET (CALLED NORTH 02 DEGREES 35' 20" WEST 7.65 FEET) TO A 5/8 INCHES IRON ROD WITH CAP FOUND FOR CORNER; THENCE NORTH 84 DEGREES 56' 25" WEST 7.15 FEET (CALLED SOUTH 83 DEGREES 43' 00" EAST 7.30 FEET) TO A POINT FOR CORNER; THENCE SOUTH 00 DEGREES 45" 04" WEST 23.69 FEET TO A 5/8 INCHES IRON ROD WITH CAP FOUND FOR CORNER; THENCE NORTH 89 DEGREES 06' 21" WEST 25.85 FEET TO A 5/8 INCHES IRON ROD WITH CAP FOUND FOR CORNER; THENCE SOUTH 00 DEGREES 10' 58" WEST 7.84 FEET TO A 5/8 INCHES IRON ROD WITH CAP FOUND FOR CORNER; THENCE SOUTH 89 DEGREES 46' 45" WEST 220.49 FEET TO A 1/2 INCH IRON ROD WITH CAP SET FOR THE WEST SOUTHWEST CORNER OF THIS TRACT AND NORTHWEST CORNER OF SAID 1.330 ACRE TRACT AND BEING IN THE WEST LINE OF SAID 1.12 ACRE TRACT AND IN THE EAST LINE OF U. S. HIGHWAY 277 NORTH; THENCE WITH THE WEST LINE OF THIS TRACT AND SAID 1.12 ACRE TRACT AND SAID 8.88 ACRE TRACT, NORTH 01 DEGREES 31' 28" EAST 181.29 FEET TO A 1/2 INCH IRON ROD WITH CAP SET FOR THE WEST NORTHWEST CORNER OF THIS TRACT AND BEING THE SOUTHWEST CORNER OF SAID 50 FEET X 50 FEET TRACT; THENCE WITH THE SOUTH LINE OF SAID 50 FEET X 50 FEET TRACT, SOUTH 89 DEGREES 17' 45" EAST 50.00 FEET TO A 1/2 INCH IRON ROD WITH CAP SET FOR THE SOUTHEAST CORNER OF SAID 50 FEET X 50 FEET TRACT AND A REENTRANT CORNER OF THIS TRACT; THENCE WITH THE EAST LINE OF SAID 50 FEET X 50 FEET TRACT, NORTH 01 DEGREES 31' 28" EAST 50.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING AN AREA OF 8.613 ACRES OF LAND.

2. Instrument to be Foreclosed. The instrument to be foreclosed is the Deed of Trust dated 10/28/2015 and recorded in Document 022573 real property records of Coke 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: 10:00 AM

Place: Coke County, Texas at the following location: THE AREA AND STEPS IN FRONT OF THE NORTH DOOR OF SAID COKE COUNTY COURTHOUSE, FRONTING THE NORTH AND FACING 7TH STREET. OUTSIDE THE COURTHOUSE DOORS, BEING UNDER THE OVERHAND OF SAID COURTHOUSE 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 CODY CUMMINGS AND KRISTY R CUMMINGS, provides that it secures the payment of the indebtedness in the original principal amount of \$176,739.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. First Guaranty Mortgage



Corporation is the current mortgagee of the note and deed of trust and RUSHMORE LOAN MANAGEMENT SERVICES, LLC is mortgage servicer. A servicing agreement between the mortgagee, whose address is First Guaranty Mortgage Corporation c/o RUSHMORE LOAN MANAGEMENT SERVICES, LLC, 15480 Laguna Cyn Road, Suite 100, IRVINE, CA 92618 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 TERRY BROWDER, LAURA BROWDER OR MARSHA MONROE, 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 Lorg, 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



TERRY BROWDER, LAURA BROWDER OR MARSHA
MONROE
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 Coke County Clerk and caused it to be posted at the location directed by the Coke County Commissioners Court.