

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:

LOT 16, IN BLOCK 6, OF SUPER CITY SUBDIVISION NO. 2 CORRECTED, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 254-A, PAGE 60 OF THE MAP RECORDS AND TRANSFERRED TO PLAT RECORD 8, MAP NO. 43, BOTH OF THE MAP RECORDS OF GALVESTON COUNTY, TEXAS.

2. Instrument to be Foreclosed. The instrument to be foreclosed is the Deed of Trust dated January 22, 2007, and recorded in real property records of Galveston County, Texas as Document 2007006259.

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

Date: February 4, 2020

Time: 1:00 PM

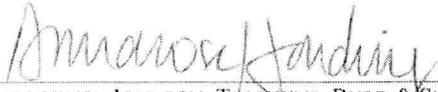
Place: Galveston County Courthouse, Texas at the following location: THE FIRST FLOOR LOBBY OF THE GALVESTON COUNTY COURTHOUSE, 722 MOODY (21st STREET), GALVESTON, TX 77550 OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE.

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 § 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 SCHARLINE HOPE MESSINGER, provides that it secures the payment of the indebtedness in the original principal amount of \$139,500.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. NEXBANK SSB is the current mortgagee of the note and deed of trust. REVERSE MORTGAGE SOLUTIONS, INC. is the current mortgage servicer. A servicing agreement between the mortgagee, whose address is 14405 Walters Rd., Suite 200, Houston, Texas 77014, and the mortgage servicer exists. 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 § 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint Patricia Poston, Nick Poston, David Poston, Anna Sewart, Keith Wolfshohl, David Barry, Byron Sewart, Helen Henderson, Melissa Kitchen, or Branch M. Sheppard as 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.



GALLOWAY, JOHNSON, TOMPKINS, BURR & SMITH, A
PLC

Branch M. Sheppard, Attorney at Law
Sara A. Morton, Attorney at Law
Annarose M. Harding, Attorney at Law
1301 McKinney Drive, Suite 1400
Houston, Texas 77010
(713) 599-0700



PATRICIA POSTON, NICK POSTON, DAVID
POSTON, ANNA SEWART, KEITH WOLFSHOHL,
DAVID BARRY, BYRON SEWART, HELEN
HENDERSON, MELISSA KITCHEN, OR BRANCH M.
SHEPPARD

c/o GALLOWAY, JOHNSON, TOMPKINS, BURR &
SMITH, A PLC
1301 McKinney Drive, Suite 1400
Houston, Texas 77010
(713) 599-0700

CERTIFICATE OF POSTING

I am Patricia Poston whose address is c/o GALLOWAY, JOHNSON, TOMPKINS, BURR & SMITH, A PLC, 1301 McKinney Drive, Suite 1400, Houston, TX 77010. I declare under penalty of perjury that on 1-9-2020 I filed this Notice of Foreclosure Sale at the office of the Galveston County Clerk and caused it to be posted at the location directed by the Galveston County Commissioners Court.

FILED

CAUSE NO. 19-CV-1437

19 DEC -5 PM 3:08
IN THE DISTRICT COURT OF
[Signature]
DISTRICT CLERK
GALVESTON COUNTY, TEXAS

IN RE: ORDER FOR FORECLOSURE
CONCERNING

4308 STRAWN STREET
LA MARQUE, TEXAS 77568

UNDER TEX. R. CIV. P. 736

PETITIONER:

GALVESTON COUNTY, TEXAS

NEXBANK SSB

RESPONDENT(S):

SCHARLINE H. MESSINGER

212th JUDICIAL DISTRICT

REVERSE MORTGAGE FORECLOSURE ORDER

On this day, the Court determined it had jurisdiction over the subject matter and the parties to this proceeding. After reviewing the Motion for Final Judgment and Reverse Mortgage Foreclosure Order, the pleadings, the affidavits and the arguments of counsel, the Court finds:

1. Applicant is the current mortgagee, as that term is defined in Tex. Prop. Code. §51.001, of a valid Texas reverse mortgage "loan agreement," as that term is defined in Tex. Bus. & Comm. Code §26.02 ("Loan Agreement") that was created in accordance with Tex. Const. Art. XVI §50(a)(7) and secured by the real property and improvements (the "Property") commonly known as 4308 Strawn Street, La Marque, Texas 77568 and more particularly described as:

LOT 16, IN BLOCK 6, OF SUPER CITY SUBDIVISION NO. 2 CORRECTED, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 254-A, PAGE 60 OF THE MAP RECORDS AND TRANSFERRED TO THE PLAT RECORD 8, MAP NO. 43, BOTH OF THE MAP RECORDS OF GALVESTON COUNTY, TEXAS.

19 - CV - 1437
DCJUA00
Judgment - Final - All Other Dispositions -
1947702



2. Under Tex. Const. Art. XVI §50(k)(6)(D), the advancement of funds on Mortgagor's behalf to insure and pay taxes on the Property in conjunction with Secretary approval qualified as a default event which required the payment of all principal and interest owed under the Loan Agreement. The necessary conditions precedent for Applicant to exercise its rights under the security instrument by proceeding with a non-judicial foreclosure against the Property has been accomplished. Applicant will enforce its security interest pursuant to the terms of the Loan Agreement and Tex. Prop. Code §51.002. The Trustee or Substitute Trustee Robert K. Fowler, or their successor, was appointed to conduct the sale under Tex. Prop. Code §51.002.

3. Mortgagors failed on an obligation specified in the loan documents to repair and maintain, pay taxes and assessments on and/or insure the homestead property, which accelerated the maturity of the Reverse Mortgage debt and subjected the Property to payment of all principal, interest and other fees and expenses allowed under the Reverse Mortgage made the subject of this proceeding by a nonjudicial foreclosure under Tex. Const. Art. XVI § 50(k)(6)(D) and Tex. Const. Art. XVI §50(k)(11).

IT IS THEREFORE ORDERED that Applicant, its successors and/or assigns in accordance with Tex. Const. Art. XVI §50(k)(11) shall enforce the Loan Agreement default by foreclosing its security interest encumbering the Property pursuant to the Loan Agreement or Tex. Prop. Code §51.002;

IT IS FURTHER ORDERED that if a person occupying the Property fails to surrender possession of the premises after foreclosure, Applicant, or its successor in interest, shall be entitled to a Writ of Possession issued in accordance with Tex. R. Civ. P. 310;

IT IS FURTHER ORDERED that Petitioner shall be, and the same hereby is, awarded reasonable and necessary attorneys' fees and costs of \$2000 to be assessed to the loan;

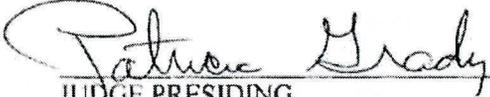
IT IS FURTHER ORDERED that all costs are to be paid by the party by whom incurred;

IT IS FURTHER ORDERED that as part of the costs of court, and payable by Applicant,
the Guardian and/or Attorney *Ad Litem* is hereby granted the sum of \$ 0; and

IT IS FURTHER ORDERED Applicant is entitled to all writs necessary to enforce this
Judgment.

All relief not granted herein is denied.

SIGNED this 5 day of December, 2019.


JUDGE PRESIDING

ORDER PREPARED BY:

GALLOWAY, JOHNSON, TOMPKINS, BURR & SMITH
A Professional Law Corporation

//s// Branch M. Sheppard
BRANCH M. SHEPPARD
Texas State Bar No. 24033057
BSheppard@gallowaylawfirm.com
SARA A. MORTON
Texas State Bar No. 24051090
SMorton@gallowaylawfirm.com
1301 McKinney, Suite 1400
Houston, Texas 77010
(713) 599-0700 (Telephone)
(713) 599-0777 (Facsimile)
**ATTORNEYS FOR APPLICANT,
NEXBANK SSB**

FILED

Instrument Number: *FILED2020000024*

Filing Fee: 23.00

Number Of Pages:5

Filing Date: 01/09/2020 9:45AM

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



Dwight D. Sullivan

Dwight D. Sullivan, County Clerk
Galveston County, Texas

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*