

NOTICE OF [SUBSTITUTE] TRUSTEE'S 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. Date, Time, and Place of Sale.

Date: March 03, 2020

Time: The sale will begin at 1:00 PM or not later than three hours after that time.

Place: LOBBY, GALVESTON COUNTY COURTHOUSE, 722 MOODY (21ST ST.), 1ST FLOOR, OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

2. Terms of Sale. Cash.

3. Instrument to be Foreclosed. The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated October 24, 2005 and recorded in Document CLERK'S FILE NO. 2005075586 real property records of GALVESTON County, Texas, with PATSY JOAN RICE, grantor(s) and WELLS FARGO BANK, N.A., mortgagee.

4. Obligations Secured. Deed of Trust or Contract Lien executed by PATSY JOAN RICE, securing the payment of the indebtednesses in the original principal amount of \$234,000.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY is the current mortgagee of the note and Deed of Trust or Contract Lien.

5. Property to Be Sold. The property to be sold is described in the attached Exhibit A.

6. 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. CHAMPION MORTGAGE COMPANY, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o CHAMPION MORTGAGE COMPANY
8950 CYPRESS WATERS BLVD.
COPPELL, TX 75019



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.

The undersigned as attorney for the mortgagee or mortgage servicer does hereby remove the original trustee and all successor substitute trustees and appoints in their stead PATRICIA POSTON, NICK POSTON, DAVID POSTON, ANNA SEWART, KEITH WOLFSHOHL, DAVID BARRY, BYRON SEWART, HELEN HENDERSON OR MELISSA KITCHEN whose address is c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320 as Substitute Trustee, who shall hereafter exercise all powers and duties set aside to the said original trustee under the said Deed of Trust; and, further does hereby request, authorize, and instruct said Substitute Trustee to conduct and direct the execution of remedies set aside to the beneficiary therein.

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Certificate of Posting

My name is Patricia Post, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320. I declare under penalty of perjury that on 2-10-2020 I filed at the office of the GALVESTON County Clerk and caused to be posted at the GALVESTON County courthouse this notice of sale.

Patricia Post
Declarants Name: Patricia Post
Date: 2-10-2020

12315 MARION LANE
DICKINSON, TX 77539

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GALVESTON

EXHIBIT "A"

PART OF LOT ONE-HUNDRED TWO (102), F H THAMANS FIRST ADDITION IN THE MARY AUSTIN LEAGUE GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 231, PAGE 6 IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS, BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING AT A 3/4" IRON PIPE FOUND FOR CORNER IN THE SOUTH LINE OF LOT 102, WHICH BEARS EAST, A DISTANCE OF 129.9 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 102;

THENCE NORTH PARALLEL TO THE WEST LINE OF LOT 102, A DISTANCE OF 177.0 FEET TO A 1/2" IRON ROD SET FOR CORNER IN THE SOUTH RIGHT-OF-WAY LINE OF 60.0 FEET COUNTY ROAD;

THENCE EAST PARALLEL TO THE SOUTH LINE OF LOT 102, AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD A DISTANCE OF 127.0 FEET TO A 1/2" IRON ROD SET FOR CORNER,

THENCE SOUTH PARALLEL TO THE WEST LINE OF LOT 102, A DISTANCE OF 177.0 FEET TO A 3/4" IRON PIPE FOUND FOR CORNER ON THE SOUTH LINE OF LOT 102,

THENCE WEST AND ALONG THE SOUTH LINE OF LOT 102, A DISTANCE OF 127.0 FEET TO THE PLACE OF BEGINNING

THENCE EAST PARALLEL TO THE SOUTH LINE OF LOT 102, AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD A DISTANCE OF 127 0 FEET TO A 1/2" IRON ROD SET FOR CORNER,

THENCE SOUTH PARALLEL TO THE WEST LINE OF LOT 102, A DISTANCE OF 177 0 FEET TO A 3/4" IRON PIPE FOUND FOR CORNER ON THE SOUTH LINE OF LOT 102,

THENCE WEST AND ALONG THE SOUTH LINE OF LOT 102, A DISTANCE OF 127 0 FEET TO THE PLACE OF BEGINNING

2. Defendant, Dodie Lynn McGinty, was vested with 100% of Patsy Joan Rice's interest in the Property upon the death of Patsy Joan Rice ("Decedent"). Under Tex.Const. art. XVI § 50(k)(6)(A), the death of Decedent qualified as a default event which required the payment of all principal and interest owed under the Loan Agreement. The necessary conditions precedent for Plaintiff to exercise its rights under the security interest by proceeding with a non-judicial foreclosure against the Property have been accomplished. Plaintiff will enforce its security interest pursuant to the terms of the Loan Agreement and Tex. Prop. Code § 51.002. The Trustee or Substitute Trustee, appointed to conduct the sale under Tex. Prop. Code § 51.002 is PATRICIA POSTON, NICK POSTON, DAVID POSTON, ANNA SEWART, KEITH WOLFSHOHL, DAVID BARRY, BYRON SEWART, HELEN HENDERSON OR MELISSA KITCHEN, or their successor.

IT IS THEREFORE ORDERED that the Loan Agreement between Mortgagee and Decedent is valid and under the terms of the Loan Agreement and Texas Law is in default;

IT IS FURTHER ORDERED that Defendant Dodie Lynn McGinty was immediately vested with all of Decedent's right, title and interest in the Property;

IT IS FURTHER ORDERED that Plaintiff or its successors or assigns in interest, in accordance with TEX. CONST. art. XVI, § 50(k)(11), is entitled to enforce the Loan Agreement default by foreclosing the security interest encumbering the Property pursuant to the Loan Agreement and Tex. Prop. Code § 51.002;

IT IS FURTHER ORDERED that upon non-judicial foreclosure sale all Defendants will be divested of all right, title, interest, and possession in and of the Property;

IT IS FURTHER ORDERED that upon the non-judicial foreclosure sale ordered above is held, the purchaser of the property at the non-judicial foreclosure sale shall be vested and quieted with all right, title, interest and possession in and of the Property;

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

All relief requested by any party not expressly granted herein is hereby DENIED. This is a final, appealable Judgment.

SIGNED this 12 day of December, 2019.



JUDGE PRESIDING

SUBMITTED BY:

/s/ Brian D. McGrath
Brian D. McGrath
State Bar No.: 24048649
4004 Belt Line Road, Suite 100
Addison, Texas 75001-4320
(972) 341-0602
(972) 341-0734 (Facsimile)
BrianMc@bdfgroup.com

ATTORNEY FOR PLAINTIFF

FILED

Instrument Number: *FILED2020000244*

Filing Fee: 23.00

Number Of Pages:7

Filing Date: 02/10/2020 10:31AM

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.*