

FILED  
NICOLE TANNER, COUNTY CLERK  
HILL COUNTY, TEXAS

### NOTICE OF FORECLOSURE SALE

2019 FEB 12 A 11: 28

**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: ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING AND SITUATED IN THE JOHN HAYS SURVEY, ABSTRACT 361, HILL COUNTY, TEXAS BEING ALL OF THAT CERTAIN TRACT DESCRIBED AS 4.46 ACRES IN THE DEED FROM CURTIS P. KNOWLES AND WIFE, ROXANN KNOWLES TO KAY C. JAMES DATED SEPTEMBER 17, 1988 RECORDED IN VOLUME 990 PAGE 783 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 06/01/2011 and recorded in Book 1926 Page 115 real property records of Hill County, Texas.

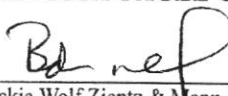
3. **Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:  
Date: 03/05/2019  
Time: 11:00 AM  
Place: Hill County Courthouse, Texas, at the following location: EAST DOOR OF THE HILL COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE 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 PEGGY HARRISON, provides that it secures the payment of the indebtedness in the original principal amount of \$53,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. Home Investment Fund II, LP is the current mortgagee of the note and deed of trust and SN SERVICING CORPORATION is mortgage servicer. A servicing agreement between the mortgagee, whose address is Home Investment Fund II, LP c/o SN SERVICING CORPORATION, 323 5th Street, Eureka, CA 95501 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 TIM LEWIS, DENISE BOERNER, BRENDA WIGGS, DONNA STOCKMAN, DAVID STOCKMAN, GUY WIGGS, KATHY ARRINGTON, JUANITA COX, JIMMY CARROLL BREWER, STEPHEN RAWLINGS, MICHAEL W. ZIENTZ, MICHELLE SCHWARTZ OR CARL NIENDORFF, 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 Long, 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

  
TIM LEWIS, DENISE BOERNER, BRENDA WIGGS, DONNA STOCKMAN, DAVID STOCKMAN, GUY WIGGS, KATHY ARRINGTON, JUANITA COX, JIMMY CARROLL BREWER, STEPHEN RAWLINGS, MICHAEL W. ZIENTZ, MICHELLE SCHWARTZ OR CARL NIENDORFF  
c/o AVT Title Services, LLC  
1101 Ridge Rd. Suite 222  
Rockwall, TX 75087

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 Hill County Clerk and caused it to be posted at the location directed by the Hill County Commissioners Court.



3. The deadline for the Defendants to file their answers has passed and no answers or entry of appearances have been filed; therefore, this Court grants Plaintiff's *Motion for Default Judgment*. It is therefore,

**ORDERED, ADJUDGED, AND DECREED** that the material allegations of the Second Amended Petition be and are deemed admitted as to Defendants. It is further,

**ORDERED, ADJUDGED AND DECREED** that Defendant Mom Haven 7, LP's claims, if any, to the Property are invalid and of no force or effect, and are removed as a cloud on title. It is further,

**ORDERED, ADJUDGED, and DECREED** that it was the intent of the parties at the time of the Loan Agreement to encumber the property commonly known as 4184 FM 67, Grandview, Hill County, Texas 76050 and that the legal description set forth in that certain Texas Home Equity Security Instrument (First Lien), dated June 1, 2011, signed by Defendant Peggy Freeman Harrison, that was recorded in the official public records of Hill county, Texas at Vol. 1926, Page 115 (hereafter "Security Instrument"). shall be corrected to read as set forth in the attached Exhibit A and such reformation shall relate back to June 1, 2011. It is further,

**ORDERED, ADJUDGED AND DECREED** that an event of default has occurred on that certain Loan Agreement executed on or about June 1, 2011 by Defendant Peggy Freeman Harrison and payable to Mom Haven 7, LP (hereinafter "Note"). It is further,

**ORDERED, ADJUDGED AND DECREED** that the Security Instrument provides Plaintiff, its successors in interest or assigns, as current holder of the Note and beneficiary of the Security Instrument, in the event of a default on the obligations on the Note, with a first lien security interest on that certain real property commonly known as 4184 FM 67, Grandview, Hill County, Texas 76050, It is further,

Kim Kirby

**ORDERED, ADJUDGED AND DECREED** that Plaintiff, or its successors in interest or assigns, is the current holder and owner of the Note and beneficiary of the Security Instrument. It is further,

**ORDERED, ADJUDGED AND DECREED** that the following are secured by the Security Instrument on the Property: the outstanding balance of the Note, including attorney's fees; pre-judgment interest; post-judgment interest; and costs of court. It is further,

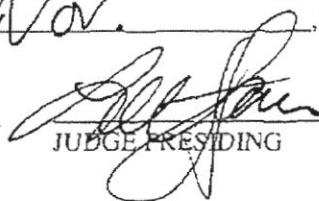
**ORDERED, ADJUDGED AND DECREED**, that, due to event of default on the Note, Plaintiff, or its successors in interest or assigns, may enforce the lien through non-judicial foreclosure of the Property as provided in the Security Instrument and section 51.002 of the Texas Property Code. It is further,

**ORDERED, ADJUDGED AND DECREED** that Plaintiff, may communicate with the Defendants and all third parties reasonably necessary to conduct the foreclosure sale.

**ORDERED, ADJUDGED AND DECREED** that this judgment is in rem and is not a personal judgment against Defendants Peggy Freeman Harrison and Mom Haven 7, LP. It is further,

**ORDERED, ADJUDGED, and DECREED** that this judgment is as to Defendants Peggy Freeman Harrison and Mom Haven 7, LP; the claims against all other defendants not otherwise disposed of remain pending before the Court.

SIGNED this 2 day of Nov., 2017.

  
\_\_\_\_\_  
JUDGE PRESIDING

May. 31. 2005 2:26PM

Eastland title

No. 4453 Filed 30/27/2017 2:59 PM

Angelia Orr  
District Clerk  
Hill County, Texas  
brendabattley

Loan No:  
Borrower: STANLEY D. BUSH

Data ID: 541

### LEGAL DESCRIPTION

Provide legal description here. Attach to the document to be recorded and file as one instrument.

All that certain lot, tract or parcel of land lying and situated in the John Hays Survey, Abstract 351, Hill County, Texas being all of that certain tract described as 4.48 acres in the deed from Curtis P. Knowles and wife, Roxann Knowles to Kay O. James dated September 17, 1998 recorded in Volume 890, Page 783 of the Official Public Records of Hill County, Texas and being more particularly described by metes and bounds as follows:  
BEGINNING at a 1/2 inch iron rod found for a corner lying on the southerly right-of-way line of F. M. Highway 67 that bears South 80 degrees 18 minutes 58 seconds West 1202.88 feet from the most northerly corner of that certain tract of land described as 64.21 acres in the deed to J.M. Wells recorded in Volume 228, Page 788 of the Deed Records of Hill County, Texas;  
THENCE South 30 degrees 08 minutes 45 seconds East 440.97 feet to a 3 inch steel fence post found for a corner;  
THENCE South 59 degrees 48 minutes 40 seconds West 545.57 feet to a 1/2 inch iron rod found for a corner lying on the easterly right-of-way line of said highway;  
THENCE North 27 degrees 58 minutes 50 seconds West 24.87 feet along said right of way line to a 1/2 inch iron rod found for a corner at the beginning of a circular curve to the right having a radius of 477.48 feet;  
THENCE in a northerly direction along the arc of said circular curve through a central angle of 73 degrees 58 minutes 50 seconds a distance of 633.17 feet, said chord bears North 14 degrees 30 minutes 07 seconds East 887.78 feet along said right-of-way line to a 1/2 inch iron rod found for a corner at the end of said curve;  
THENCE North 80 degrees 28 minutes 07 seconds East 131.48 feet along said right of way line to the point of beginning and containing 4.48 acres of land, more or less.

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