

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

#115638

DATE: December 6, 2018

NOTE: Promissory Lien Note described as follows:

Date: December 31, 2003
Debtor: Clayton H Mitchell
Original Creditor: Bank of America, N.A.
Original Principal Amount: \$25,600.00
Current Holder: Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in its individual capacity but solely as trustee for BCAT 2017-19TT

DEED OF TRUST: Deed of Trust described as follows:

Date: December 31, 2003
Grantor: Clayton Hugh Mitchell, An Unmarried Person
Trustee: PRLAP, INC.
Current Beneficiary: Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in its individual capacity but solely as trustee for BCAT 2017-19TT
Recorded: January 13, 2004 in/under Official Records Book 1262, at Page 35 of the Public Records of Hill County, Texas

LENDER: Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in its individual capacity but solely as trustee for BCAT 2017-19TT

BORROWER: Clayton Hugh Mitchell, An Unmarried Person

FILED
NICOLE TANNER, COUNTY CLERK
HILL COUNTY, TEXAS

2018 DEC 10 A 9:34

PROPERTY: The real property described as follows:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND WHICH IS PART OF LOT NO. 63 OF THE MCMULLEN ADDITION TO THE CITY OF HILLSBORO, HILL COUNTY, TEXAS, BEGINNING IN THE EAST LINE OF WACO STREET AT THE SOUTH WEST CORNER OF A LOT SOLD TO L.H. SUIT BY A.L. LOWERY:

THENCE S, WITH THE E LINE OF WACO STREET, FIFTY (50) FEET; THENCE E 154 FEET; THENCE-W 154 FEET TO THE BEGINNING AND BEING THE SAME PROPERTY DESCRIBED IN A WARRANTY DEED FROM FRANK ORENBAUN, ET UX TO A.P. SULLIVAN, ET UX DATED 1/05/1933, RECORDED IN VOLUME 260 PAGE 710, DEED RECORDS OF HILL COUNTY TEXAS.

SUBSTITUTE TRUSTEE: BRENT W. MARTINELLI, JIM MILLS, SUSAN MILLS, EMILY NORTHERN, ED HENDERSON, KAM COOK, DAVID TEEL

Substitute Trustee's Mailing Address:

1700 Pacific Avenue, Suite 4545
Dallas, TX 75201

DATE AND TIME OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:

January 2, 2019, the first Tuesday of the month, to commence at 10:00 AM, or within three (3) hours after that time.

PLACE OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:

In Hill County, Texas, East Door of the Hill County Courthouse, 100 North Waco Street, Hillsboro, Texas or as designated by the County Commission's Office pursuant to Section 51.002 of the Texas Property Code, (if no such place is designated, then the sale will take place in the area where this Notice of Substitute Trustee's Sale is posted).

RECITALS

Default has occurred in the payment of the Note and/or in the performance of the obligations under the Deed of Trust that secures the Note. Because of this default, Lender, the owner and holder of the Note and the Deed of Trust lien under Texas Property Code Section 51.002, has requested that Substitute Trustee sell the Property according to the terms of the Deed of Trust and applicable law.

Formal notice is now given of Lender's election to proceed against and sell the real property described in the Deed of Trust, consistent with Lender's rights and remedies under the Deed of Trust and applicable law.

Therefore, notice is given that on the Date and Time of Substitute Trustee's Sale of Property and at the Place of Substitute Trustee's Sale of Property, I, as Substitute Trustee, or any other substitute trustee Lender may appoint, will sell the Property by public sale to the highest bidder

for cash or acceptable certified funds, according to the Deed of Trust and applicable law. The sale and conveyance of the Property will be subject to all matters of record applicable to the Property that are superior to the Deed of Trust and to any permitted exceptions to title described in the Deed of Trust. Substitute Trustee has not made and will not make any covenants, representations, or warranties about the Property other than providing the successful bidder at the sale with a deed to the Property containing any warranties of title required by the Deed of Trust. The Property will be sold AS IS, WHERE IS, AND WITH ALL FAULTS.

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.

Notice of Sale executed by:

Trustee

CAUSE NO. CV476-18DC

In Re: Order of Foreclosure
Concerning 319 South Waco Street,
Hillsboro, TX, 76645 Under Tex. R. Civ. P.
736

Petitioner:
Wilmington Savings Fund Society, FSB,
d/b/a Christiana Trust, not individually but
as Trustee for BCAT 2017-19TT

Respondent(s):
Clayton Hugh Mitchell

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IN THE DISTRICT COURT

HILL COUNTY, TEXAS

66TH JUDICIAL COURT

FILED
HILL COUNTY, TEXAS
NOV 13 11:54

DEFAULT ORDER ON APPLICATION FOR EXPEDITED FORECLOSURE
PROCEEDING PURSUANT TO RULE 736


1. On this day, the Court considered Petitioner's motion for a default order granting its application for an expedited order under Rule 736. Petitioner's application complies with the requirements of Texas Rule of Civil Procedure 736.1.
2. The name and last known address of each Respondent subject to this order is Clayton Hugh Mitchell whose last known address is 319 South Waco Street, Hillsboro, TX, 76645. Each Respondent was properly served with the citation, but none filed a response within the time required by law. The return of Service for each Respondent has been on file with the Court for at least 10 days.
3. The property that is the subject of this foreclosure proceeding is commonly known as 319 South Waco Street, Hillsboro, TX, 76645 with the following legal description:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND WHICH IS PART OF LOT NO. 63 OF THE MCMULLEN ADDITION TO THE CITY OF HILLSBORO, HILL COUNTY, TEXAS, BEGINNING IN THE EAST LINE OF WACO STREET AT THE SOUTH WEST CORNER OF A LOT SOLD TO L.H. SUIT BY A.L. LOWERY: THENCE S, WITH THE E LINE

OF WACO STREET, FIFTY (50) FEET; THENCE E 154 FEET; THENCE-
W 154 FEET TO THE BEGINNING AND BEING THE SAME PROPERTY
DESCRIBED IN A WARRANTY DEED FROM FRANK ORENBAUN, ET
UX TO A.P. SULLIVAN, ET UX DATED 1/05/1933, RECORDED IN
VOLUME 260 PAGE 710, DEED RECORDS OF HILL COUNTY TEXAS.

4. The lien to be foreclosed was recorded in/under Official Records Book 1262, at Page 35 of the Public Records of Hill County, Texas.
5. The material facts establishing Respondent's default are alleged in Petitioner's Application and the supporting Declaration. Those facts are adopted by the Court and incorporated by reference in this Order.
6. Based on the Declaration of Petition, no Respondent subject to this Order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 *et seq.*
7. Therefore, the Court grants Petitioner's Motion for a Default Order under Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner may proceed with foreclosure of the property described above in accordance with applicable law and the Texas Home Equity Security Instrument sought to be foreclosed.
8. This Order is not subject to a motion for rehearing, a new trial, a bill of review, or an appeal. Any challenge to this Order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

SIGNED this 13 day of Nov., 2018.



JUDGE PRESIDING