

NOTICE OF ACCELERATION AND NOTICE OF TRUSTEE'S SALE

DEED OF TRUST INFORMATION:

Date: 07/12/2004
Grantor(s): JIMMY GAGE AND NELDA GAGE HIS WIFE
Original Mortgagee: WELLS FARGO BANK, N.A.
Original Principal: \$108,000.00
Recording Information: Book 572 Page 792 Instrument 1643
Property County: Lamb
Property:

6099
FILED FOR RECORD
2011 AUG 28 A 8 45
TONYA RITCHIE
COUNTY CLERK LAMB CO. TX

2.43 ACRES, MORE OR LESS, OUT OF LABOR 13, LEAGUE # 1649, STATE CAPITOL LANDS, ABNER TAYLOR ORIGINAL GRANTEE, LAMB COUNTY, TEXAS, DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A 1/2" IR SET 40' SOUTH OF THE NE CORNER OF LABOR 13, IN THE E/LINE OF LABOR 13, FROM WHENCE A 1/2" IR FOUND FOR THE SE CORNER OF LABOR 13 BEARS S 0 DEG. 32' 20" W, A DISTANCE OF 2737.56'; THENCE S 0 DEG. 32' 20" W, ALONG THE E/LINE OF LABOR 13, A DISTANCE OF 297.14' TO A 1/2" IR FOUND FOR THE SE CORNER OF THIS TRACT; THENCE S 89 DEG. 55' 30" W, A DISTANCE OF 356.33' TO A 1/2" IR SET FOR THE SW CORNER OF THIS TRACT; THENCE N 0 DEG. 32' 30" E., A DISTANCE OF 297.14' TO A 1/2" IR FOUND FOR THE NW CORNER OF THIS TRACT; THENCE N 89 DEG. 55' 30" E, ALONG THE S/LINE OF FM HIGHWAY 37, A DISTANCE OF 356.33' TO THE PLACE OF BEGINNING.

Reported Address: RR 1 BOX 30, AMHERST, TX 79312

MORTGAGE SERVICING INFORMATION:

The Mortgage Servicer, if not the Current Mortgagee, is representing the Current Mortgagee pursuant to a Mortgage Servicing Agreement.

Current Mortgagee: Wells Fargo Bank, N.A.
Mortgage Servicer: Wells Fargo Bank, N.A.
Current Beneficiary: Wells Fargo Bank, N.A.
Mortgage Servicer Address: 3476 Stateview Boulevard, Fort Mill, SC 29715

SALE INFORMATION:

Date of Sale: Tuesday, the 7th day of November, 2017
Time of Sale: 10:00AM or within three hours thereafter.
Place of Sale: THE STEPS AT THE FRONT DOORS ON THE NORTH SIDE OF LAMB COUNTY COURTHOUSE in Lamb County, Texas, or, if the preceding area is no longer the designated area, at the area most recently designated by the Lamb County Commissioner's Court.
Substitute Trustee(s): Ronald Byrd, Braden Barnes, Michael Burns, Thuy Frazier, Alexander Wolfe, Suzanne Suarez or Adam Womack, any to act
Substitute Trustee Address: 14841 Dallas Parkway, Suite 425, Dallas, TX 75254

WHEREAS, the above-named Grantor previously conveyed the above described property in trust to secure payment of the Note set forth in the above-described Deed of Trust; and

WHEREAS, a default under the Note and Deed of Trust was declared; such default was reported to not have been cured; and all sums secured by such Deed of Trust were declared to be immediately due and payable; and

WHEREAS, the original Trustee and any previously appointed Substitute Trustee has been removed and Ronald Byrd, Braden Barnes, Michael Burns, Thuy Frazier, Alexander Wolfe, Suzanne Suarez or Adam Womack, any to act, have been appointed as Substitute Trustees and requested to sell the Property to satisfy the indebtedness; and

WHEREAS, the undersigned law firm has been requested to provide these notices on behalf of the Current Mortgagee, Mortgage Servicer and Substitute Trustees;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN of the foregoing matters and that:

1. The maturity of the Note has been accelerated and all sums secured by the Deed of Trust have been declared to be immediately due and payable.
2. Ronald Byrd, Braden Barnes, Michael Burns, Thuy Frazier, Alexander Wolfe, Suzanne Suarez or Adam Womack, any to act, as Substitute Trustee will sell the Property to the highest bidder for cash on the date, at the place, and no earlier than the time set forth above in the Sale Information section of this notice. The sale will begin within three hours after that time.
3. This sale shall be subject to any legal impediments to the sale of the Property and to any exceptions referenced in the Deed of Trust or appearing of record to the extent the same are still in effect and shall not cover any property that has been released from the lien of the Deed of Trust.
4. No warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose shall be conveyed at the sale, save and except the Grantor's warranties specifically authorized by the Grantor in the Deed of Trust. The property shall be offered "AS-IS", purchasers will buy the property "at the purchaser's own risk" and "at his peril", and no representation is made concerning the quality or nature of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property, subject to any liens or interests of any kind that may survive the sale. Interested persons are encouraged to consult counsel of their choice prior to participating in the sale of the property.

Very truly yours,

Buckley Madole, P.C.

2.43 ACRES, MORE OR LESS, OUT OF LABOR 13, LEAGUE 649, STATE CAPITOL LANDS, ABNER TAYLOR ORIGINAL GRANTEE, LAMB COUNTY, TEXAS, DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IR SET 40' SOUTH OF THE NE CORNER OF LABOR 13, IN THE E/LINE OF LABOR 13, FROM WHENCE A 1/2" IR FOUND FOR THE SE CORNER OF LABOR 13 BEARS S 0 DEG. 32' 20" W, A DISTANCE OF 2737.56';

THENCE S 0 DEG. 32' 20" W, ALONG THE E/LINE OF LABOR 13, A DISTANCE OF 297.14' TO A 1/2" IR FOUND FOR THE SE CORNER OF THIS TRACT;

THENCE S 89 DEG. 55' 30" W, A DISTANCE OF 356.33' TO A 1/2" IR SET FOR THE SW CORNER OF THIS TRACT;

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THENCE N 89 DEG. 55' 30" E, ALONG THE S/LINE OF FM HIGHWAY 37, A DISTANCE OF 356.33' TO THE PLACE OF BEGINNING.

4. The lien to be foreclosed is indexed or recorded at Volume: 572, Page: 792, Instrument Number: 1643 and recorded in the real property records of Lamb County, Texas.
5. The material facts establishing Respondent's default are alleged in Petitioner's application and the supporting affidavit. Those facts are adopted by the court and incorporated by reference in this order.
6. Based on the affidavit of Petitioner, 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 loan agreement, contract, or lien 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 27 day of July, 2017.



JUDGE PRESIDING