

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**Angelina County Deed of Trust**

Date: March 18, 2002  
Amount: \$60,000.00  
Grantor(s): Wesley Archer Boothe and Deborah W. Boothe  
Original Mortgagee: Capital One, National Association  
Current Mortgagee: Capital One, National Association

Recording Information: Document #00153889, Bk RP Vol 1551 Pg 158 of the Real Property Records of Angelina County Texas

Legal Description:

**ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING AND BEING, MORE PARTICULARLY LOCATED IN ANGELINA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS LOT NO. FORTY SEVEN (47) OF BLOCK NO. TWO (2) OF THE IDLEWOOD SUBDIVISION TO THE COUNTY OF ANGELINA, STATE OF TEXAS, AS SHOWN BY THE PLAT OF RECORD IN CABINET A, SLIDE 137B AND SLIDE 138A OF THE MAP AND PLAT RECORDS OF ANGELINA COUNTY, TEXAS TO WHICH REFERENCE IS HEREBY MADE FOR ANY AND ALL PURPOSES.**

Date of Sale: November 5, 2013

Earliest Time Sale Will Begin: The sale shall begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale shall be completed by no later than 1:00 p.m.

Place of Sale: The Angelina County Courthouse Annex, 606 Lufkin Ave., in the hallway outside the Commissioner's Court adjacent to the atrium.

The undersigned has been appointed as Substitute Trustee(s), each empowered to act independently, in the place of said Original Trustee, upon the contingency and in the manner authorized by said Deed of Trust.

The Substitute Trustee will sell the Property to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that time.

**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**

AT 10:00 O'CLOCK A.M.

OCT 15 2013

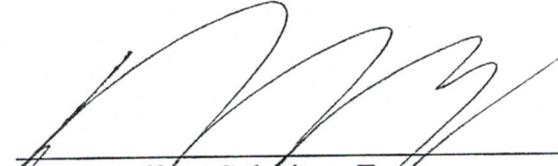
BY JOANN CHASTAIN,  
County Clerk, County Court at Law  
Angelina County, Texas

**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 IS FURTHER GIVEN that, except to the extent that the Substitute Trustee(s) may bind and obligate the Mortgagors to warrant title to the Property under the terms of the Deed of Trust, conveyance of the Property shall be made 'AS IS' 'WHERE IS' without any representations and warranties whatsoever, express or implied, and subject to all matters of record affecting the Property.

Further, this sale is being conducted and pursuant to that certain Order Granting Application For Order Of Foreclosure And Sale Of Texas Homestead Property Pursuant to T.R.C.P. 736, signed June 20, 2013, in Cause No. CV-02160-13-02; In Re: Order for Foreclosure Concerning 102 Spring Branch, Lufkin, TX 75904; In the 217<sup>th</sup> Judicial District, Angelina County, Texas, a copy of which is attached hereto as Exhibit "1." Additionally, an Affidavit of Military Status and Affidavit of Service of Notice of Substitute Trustee's Sale is attached hereto and Exhibit "2."

EXECUTED this the 4 day of October, 2013.



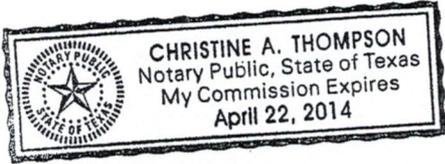
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Ray B. Jeffrey, Substitute Trustee  
Jeffrey & Mitchell, P.C.  
2631 Bulverde Rd., Suite 105  
Bulverde, TX 78163  
(830) 438-8935 Telephone  
(830) 438-4958 Facsimile

STATE OF TEXAS )  
 )  
COUNTY OF COMAL )

Given under my hand and seal of office this 14 day of October, 2013.

Signed: *Christine Thompson*  
Notary Public for the State of Texas



[NOTARIAL SEAL]

FILED AT 4:46 O'CLOCK PM

FILED

JUN 20 2013 2013 JUN 19 PM 1:01

CAUSE NO. CV-02160-13-02 JOANN CHASTAIN,  
County Clerk, County Court at Law,  
Angelina County, Texas

By JOANN CHASTAIN  
COUNTY CLERK  
ANGELINA COUNTY, TEXAS  
217<sup>TH</sup> JUDICIAL DISTRICT DEPUTY

IN RE: ORDER FOR FORECLOSURE  
CONCERNING

102 SPRING BRANCH,  
LUFKIN, TX 75904,

UNDER TEX. R. CIV. P. 736

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ANGELINA COUNTY, TEXAS

**ORDER GRANTING APPLICATION FOR ORDER OF FORECLOSURE AND SALE  
OF TEXAS HOMESTEAD PROPERTY PURSUANT TO T.R.C.P. 736**

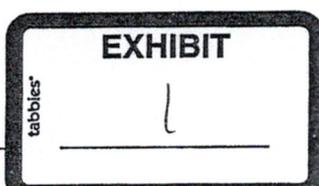
In re: Order Of Foreclosure Concerning 102 Spring Branch, Lufkin, Texas 75904, Under  
Tex. R. Civ. P. 736. See Exhibit "A" for true and correct copy of full legal description.

In the District Court  
of Angelina County, Texas  
217<sup>th</sup> Judicial District

**ORDER**

The Court finds that:

1. On March 18, 2002, Respondents, WESLEY ARCHER BOOTHE and DEBORAH W. BOOTHE, executed a security instrument encumbering the property in the form of a Promissory Note payable to Hibernia National Bank, now known as Capital One, N.A., and in the amount of \$60,000.00, wherein Respondents agreed to make one-hundred eighty (180) regular monthly payments in the amount of \$571.11/month, beginning on April 15, 2002, with the final payment of the entire unpaid balance of principal and accrued unpaid interest due on March 15, 2017 (the "Note").
2. Petitioner, CAPITAL ONE, NATIONAL ASSOCIATION, through its attorney, mailed to Respondents at both the property address and Respondents' last known mailing address, 815 County Road 419, Nacogdoches, Texas 75961, by certified mail return receipt requested and first class mail, the requisite Notice of Default, Demand for Payment and Notice of Intent to Accelerate dated November 2, 2012 (the "Notice").
3. On February 28, 2013, Petitioner filed an application herein for an order foreclosing a lien on real property and ordering the sale of such property.
4. The mailing address of the property is 102 Spring Branch, Lufkin, Texas 75904; the legal description of the property is attached as Exhibit "A".



5. The names of Respondents are WESLEY ARCHER BOOTHE and DEBORAH W. BOOTHE. Respondents' last known mailing address is 815 County Road 419, Nacogdoches, Texas 75961.
6. Petitioner's lien is secured by that certain Homestead Lien Contract and Deed of Trust, recorded in the Official Public Records of Real Property of Angelina County, Texas, under Document # 00153889, Bk RP Vol 1551 Pg 158..
7. After considering the evidence presented the court finds that the Petitioner has proved the elements of Rule 736.1(E), and the application is therefore granted.

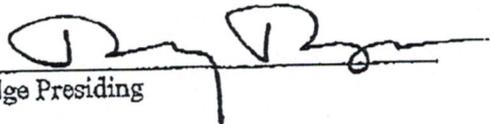
**ORDERED, ADJUDGED AND DECREED** that Capital One, National Association, its successors, or assigns, shall be allowed to proceed with foreclosure of the lien and sale of the property in accordance with Texas Property Code Section 51.002, and the Deed of Trust or Security Instrument held by Capital One, National Association, its successors or assigns, which are secured by the property located at 102 Spring Branch, Lufkin, Texas 75904; the legal description of the property is attached as exhibit "A".

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Applicant or its counsel shall mail a copy of this signed order to respondent with the notice of sale required under Section 51.002 of the Texas Property Code. Applicant may communicate with respondents and all third parties necessary to conduct the foreclosure sale.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that if respondent is represented by legal counsel, applicant or its counsel shall mail notice of the foreclosure sale to Respondent's counsel via certified mail.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Applicant shall file a certified copy of this order in the real property records of Angelina County, Texas within ten business days after the date of entry of this Order.

Signed on the 18 day of June, 2013.

  
Judge Presiding

## EXHIBIT "2"

### AFFIDAVIT OF MILITARY STATUS AND AFFIDAVIT OF SERVICE OF NOTICE OF SUBSTITUTE TRUSTEE'S SALE

Ray B. Jeffrey, being of lawful age and being first duly sworn on oath, states and deposes as follows:

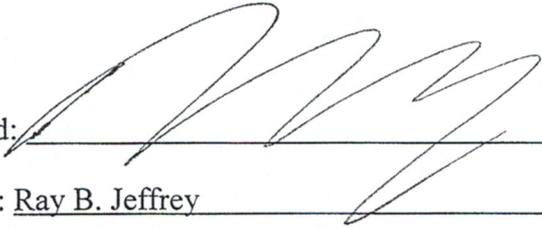
1. I am employed by Jeffrey & Mitchell, P.C. ("Firm"). The Firm was responsible for administration of the foreclosure sale conducted pursuant to that Homestead Lien Contract and Deed of Trust dated March 18, 2002, granted by Wesley Archer Boothe and Deborah W. Boothe ("Grantors") to Fay F. Paysse, Trustee(s), and recorded in the office of the County Clerk under File No. 00153889, BK RP 1551, Page 158, of the Office Public Records of Real Property of Angelina County, Texas (the "Deed of Trust"); and pursuant to that Order Granting Application For Order Of Foreclosure And Sale Of Texas Homestead Property Pursuant to T.R.C.P. 736, signed June 18, 2013, in Cause No. CV-02160-13-02; In Re: Order for Foreclosure Concerning 102 Spring Branch, Lufkin, Texas 75904; In the 217<sup>th</sup> Judicial District, Angelina County, Texas.

2. In the regular performance of my job functions, I have access to and am familiar with the Firm's business records (the "Records") relating to the administration of the above-described foreclosure sale (the "Sale"). The Records record transactions relating to the preparation for and conduct of the Sale (the "Transactions"), and it is the Firm's regular practice to make and keep such Records in the usual course of the Firm's business. The Records were made at or near the time of the Transactions documented thereby by a person with knowledge of the Transactions or from information transmitted by a person with knowledge of the Transactions. In connection with making this Affidavit, I reviewed and relied upon the Records.

3. According to the Records, the Firm, at least twenty-one (21) days preceding the date of the Sale, served or caused to be served written notice, by certified mail, on each debtor

obligated to pay the indebtedness secured by the Deed of Trust. The notice, mailed to each such debtor's last known address, gave notice of the acceleration of the indebtedness and stated the time, place, and terms of the Sale.

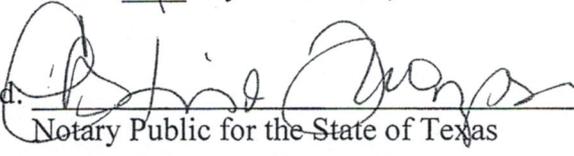
4. According to the Records, (a) Grantor was alive as of the date of the Sale; (b) was not shown by the Department of Defense Manpower Data Center to have been on active duty with any branch of the Armed Forces of the United States of America during the nine (9) months preceding the date of the Sale; (c) did not have a pending petition for bankruptcy as of the date of the Sale; and (d) was not, as of the date of the Sale, a party in any divorce proceedings where a receiver was appointed.

Signed:   
Name: Ray B. Jeffrey

STATE OF TEXAS                    )  
  )  
COUNTY OF COMAL                )

Given under my hand and seal of office this 14 day of October, 2013.



Signed:   
Notary Public for the State of Texas

[NOTARIAL SEAL]