

Notice of [Substitute] Trustee 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.

ATL 12:00 CLOCK
DEC 12 2016
COUNTY CLERK
ANGELINA COUNTY TEXAS
BY: [Signature]
LAW

1. Date, Time, and Place of Sale.

Date: 01/03/2017

Time: The sale will begin at **01:00 PM** or not later than three hours after that time

Place: The Angelina County Courthouse Annex 606 East Lufkin Ave, Lufkin, TX in the hallway outside the commissioner's courtroom adjacent to the atrium; or the front steps of the main entrance to the Angelina County Courthouse if the courtroom is closed for holidays or elections or any other area designated by the County Commissioners Court pursuant to Section 51.002 of the Texas Property Code as the place where foreclosure sales are to take place OR AS DESIGNATED BY THE COUNTY COMMISSIONERS

Property Address: 5348 FM 2251, Lufkin, TX 75904

2. Terms of Sale: Cash

3. Instrument to be Foreclosed: The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated 05/05/2004 and recorded 05/07/2004 in Document 00183733, Book RP 1972 Page 320, real property records of Angelina County Texas, with Virden M. Hays and Wife, and Caroline E. Smith grantor(s) and Amerifund Financial, Inc. d/b/a All Fund Mortgage, a Corporation., as Lender Mortgage Electronic Registration Systems, Inc., as Beneficiary.

4. Appointment of Substitute Trustee: The undersigned has been appointed Substitute Trustee in the place of said original Trustee, upon the contingency and in the manner authorized by the above referenced Deed of Trust.

5. Obligation Secured: Deed of Trust or Contract Lien executed by Virden M. Hays and Wife, and Caroline E. Smith securing the payment of the indebtedness in the original principal amount of \$ **64,000.00**, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. Deutsche Bank Trust Company Americas, as Trustee for Residential Accredited Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2004-QS10 is the current mortgagee of the note and the deed of trust or contract lien.

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6. **Default:** A default has occurred in the payment of indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness.
7. **Property to be sold:** The property to be sold is described as follows:

BEING all that certain tract or parcel or land lying situated in Angelina County, Texas, out of the V. MICHELLI SURVEY, ABSTRACT NO. 29 and being all of that certain 2.8667 acre tract described in a deed from Eula B. Jacobs to Stephen Taylor, et ux dated September 5, 1985 and recorded in Volume 604 on Page 854 of the Real Property Records of Angelina County, Texas, to which reference is hereby made for any and all purposes and the said tract or parcel being described by metes and bounds as follows, to wit:

BEGINNING at the Northeast corner of the aforesaid referred to 2.8667 acre tract and an interior ell corner of that certain 23.551 acre tract described in a deed from William J. Lyon & Associates, Inc., et al to Elsworth (L.T) Berthelot dated September 8, 1997 and recorded in Volume 1119 on Page 762 of the Real Property Records of Angelina County, Texas, a 3/4" pipe found for corner (at a fence corner);

THENCE S 00° 02' 29" E (called S 00° 02' 29" E) with the East boundary line of the said 2.8667 acre tract and a West boundary line of the said 23.553 acre tract, at 306.29 feet (called 306.28 feet) the Southeast corner of the said 2.8667 acre tract and the Northeast corner of that certain 2.210 acre tract described in a deed from John Robert West to Walter Wesley Baskin dated August 27, 1984 and recorded in Volume 565 on Page 345 of the Deed Records of Angelina County, Texas, an 1" pipe found for corner witnessed by a fence corner bearing N 18° 00' W 1.7 feet and a fence corner bearing S 00° 22' 21" W 103.83 feet;

THENCE S 68° 33' 07" W (called S 68° 31' 24" W) with the South boundary line of said 2.8667 acre tract and the North boundary line of the said 2.210 acre tract, at 421.47 feet the Southwest corner of the said 2.8667 acre tract and the Northwest corner of the said 2.210 acre tract, a 1/2" pipe set for corner (at a fence corner) in the East right-of-way line of F. M. Highway No. 2251 (100 feet wide right-of-way), said pipe witnessed by and iron stake bearing S 68° 33' 07" W 0.37 feet;
THENCE two calls with the West boundary line of the said 2.8667 acre tract and the East right-of-way line of the said F.M. Highway No. 2251 as follows:

(1) N 44° 52' 42" W (called N 44° 04' 41" W), at 17.45 feet (called 17.50 feet) the beginning of a 06° 19' 53" curve to the right, a concrete right-of-way monument found for corner;

(2) Northwesterly with the said curve to the right (Central Angle = 12° 32' 15" Radius = 904.93 feet with Long Chord Bearing and Distance = N 38° 36' 35" W 197.62 feet (called N 38° 37' 02" W 197.34 feet)), at 198.02 feet the Northwest corner of the said 2.8667 acre tract and a Southwest corner of the aforesaid 23.553 acre tract, a 1/2" pipe set for corner witnessed by a concrete right-of-way monument bearing N 18° 34' 54" W 430.46 feet;

THENCE N 60° 54' 29" E (called N 60° 52' 34" E) with the North boundary line of said 2.8667 acre tract and a South boundary line of the said 23.553 acre tract, at 3.75 feet pass on line of a fence corner found for reference, at 603.88 feet (called 603.95 feet) the point and place of beginning and containing 2.87 acres of land, more or less.

Basis of Bearings: The East boundary line of the said 2.8667 acre tract (deed call - S 00° 02' 29" E 306.28 feet).

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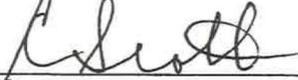
8. **Mortgage Servicer Information:** The Mortgage Service is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code §51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the property referenced above. **Ocwen Loan Servicing, LLC**, as Mortgage Servicer, is representing the current mortgagee, whose address is:

C/O Ocwen Loan Servicing, LLC
1661 Worthington Rd., Suite 100
West Palm Beach, FL 33409
Phone: 1-800-746-2936

9. **Limitation of Damages:** If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's attorney.

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

Date: December 7, 2016



Stephanie Spurlock, Laterrika Thompkins, Camisha Scott, Keisha Lyons, Melisa Jones, Iman Walcott, Tanesha Humphrey – Attorney or Authorized Agent of The Mortgagee or Mortgage Servicer



Allan Johnston, ~~Sheryl Lamont~~, Robert Lamont, David Sims, Harriett Fletcher, Sharon St. Pierre, Karen Lilley, Ben Lilley, Ken Hammond, Evan Press, Amy Bowman, Reid Ruple, Matthew Wolfson, Aarti Patel, Dann Porter, Chris Demarest, Kelley Burns, Leb Kemp, Traci Yeaman, Wes Wheat, Chance Oliver, Max Murphy or Bret Allen – Substitute Trustee(s)

C/O Power Default Services, Inc.
Northpark Town Center
1000 Abernathy Rd NE; Bldg 400, Suite 200
Atlanta, GA 30328
Telephone: 855-427-2204
Fax: 866-960-8298

POWER DEFAULT SERVICES, INC. MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE.