

FILED FOR RECORD

at _____ o'clock _____ M

JUL 06 2017

POSTED
The Law

22466 State Highway 6, Hico, TX 76457

17-010668

Kiesha Bagwell
County Clerk, Hamilton Co., Texas

NOTICE OF [SUBSTITUTE] TRUSTEE'S 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.

1. **Date, Time, and Place of Sale.**

Date: 8/1/2017

Time: Between 1pm-4pm and beginning not earlier than 1pm-4pm or not later than three hours thereafter.

Place: The area designated by the Commissioners Court of Hamilton County, pursuant to §51.002 of the Texas Property Code as amended: if no area is designated by the Commissioners' Court, the sale will be conducted in the area immediately adjacent (next) to the location where this Notice of Trustee's Sale was posted.

2. **Terms of Sale.** Highest bidder for cash.

3. **Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated 07/21/2009 and recorded in the real property records of Hamilton County, TX and is recorded under Clerk's File/Instrument Number 1805, Book 441, Page 616, with Clayton Carter and Donita Carter (grantor(s) and Bank of America, N.A mortgagee to which reference is herein made for all purposes.

4. **Obligations Secured.** Deed of Trust or Contract Lien executed by Clayton Carter and Donita Carter, securing the payment of the indebtedness in the original amount of \$110,000.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. Bank of America, N.A. is the current mortgagee of the note and Deed of Trust or Contract Lien.

5. **Property to be Sold.** THE FOLLOWING DESCRIBED PROPERTY SITUATED IN HAMILTON COUNTY, TEXAS: ALL THAT CERTAIN 60.00 ACRE TRACT OF LAND OUT OF THE JOHN BELDEN SURVEY, ABSTRACT NO. 45, IN ERATH COUNTY, TEXAS, BEING PART OF THAT CERTAIN 175 ACRE TRACT DESCRIBED AS FIRST TRACT AND PART OF THE CERTAIN 6.60 ACRE TRACT DESCRIBED AS THIRD TRACT IN DEED FROM W.F. JOHNSON, ET AL TO IRA T.HAVENS, DATED APRIL 17, 1974 AND RECORDED IN VOLUME 519, PAGE 387 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY NO. 6 AND THE EAST LINE OF THE IRA T. HAVENS 175 ACRE TRACT, FOR THE NE CORNER OF THIS TRACT;

THENCE S 30 DEGREES 31 MINUTES 22 SECONDS E, AT 0.75 FEET PASS AN IRON ROD SET A FENCE CORNER POST, CONTINUING ALONG A FENCE LINE IN ALL 1,425.81 FEET TO AN IRON PIPE FOUND AT A FENCE CORNER POST AT THE NE CORNER OF THE HAVENS 6.60 ACRE TRACT, BEING IN THE NORTH LINE OF THE OLD M.K.T. RAILROAD, FOR A CORNER OF THIS TRACT;

THEN S 30 DEGREES 13 MINUTES 41 SECOND E ALONG A FENCE LINE, AT 825.94 FEET PASS AN IRON SPIKE SET IN A PECAN TREE, CONTINUING IN ALL 871.22 FEET TO THE SE CORNER OF SAID HAVENS 175 ACRE TRACT, BEING IN THE CENTERLINE OF GREEN CREEK, FOR THE SE CORNER OF THIS TRACT;

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Kiesha Bagwell, County Clerk - Hamilton County, Texas



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THENCE UP THE CENTERLINE OF GREEN CREEK AND THE SOUTH LINE OF THE HAVENS 175 ACRE TRACT AS FOLLOWS: N 83 DEGREES 59 MINUTES W, 382.62 FEET; N 73 DEGREES 44 MINUTES W, 118.30 FEET; S 83 DEGREES 11 MINUTES W, 132.40 FEET; S 63 DEGREES 41 MINUTES W, 340.90 FEET, N 75 DEGREES 53 MINUTES W, 205.60 FEET; AND N 85 DEGREES 56 MINUTES 30 SECONDS W, 209.2 FEET TO THE SW CORNER OF THE SAID 175 ACRE TRACT AND THE SE CORNER OF THE HAVENS 180 ACRE SECOND TRACT, FOR THE SW CORNER OF THIS TRACT;

THENCE ALONG A FENCE LINE ALONG THE WEST LINE OF SAID 175 ACRE TRACT AS FOLLOWS: N 32 DEGREES 39 MINUTES 41 SECONDS W, AT 184.23 FEET PASS AN IRON ROD SET IN FENCE, CONTINUING IN ALL 275.91 FEET TO AN IRON ROD SET IN FENCE, CONTINUING IN ALL 275.91 FEET TO AN IRON ROD SET; N 33 DEGREES 41 MINUTES 58 SECONDS W, 286.17 FEET TO AN IRON SPIKE SET IN AN ELM TREE FENCE CORNER; N 30 DEGREES 17 MINUTES 34 SECONDS W, 514.34 FEET TO AN IRON ROD SET IN THE SOUTH FENCE LINE OF THE HAVENS 6.60 ACRE TRACT, FOR A CORNER OF THIS TRACT;

THENCE N 01 DEGREE 34 MINUTES 58 SECONDS W, CROSSING PASTURE, 1,241.83 FEET TO AN IRON SET IN THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NO.6, FOR THE NW CORNER OF THIS TRACT;

THENCE S 71 DEGREES 48 MINUTES 47 SECONDS E ALONG THE SOUTH LINE OF STATE HIGHWAY NO .6, 904.94 FEET TO THE PLACE OF BEGINNING AND CONTAINING 60.00 ACRES OF LAND.

BEING THE SAME PROPERTY CONVEYED TO CARTER TRUST BY DEED FROM CLAYTON G. STACKS AKA CLAYTON GROVER STACKS, A SINGLE PERSON DATE 11/21/2002 RECORDED 12/03/2002 IN DEED BOOK 1101 PAGE 0574, IN THE REGISTER'S OFFICE OF HAMILTON COUNTY, TEXAS.

6. **Mortgage Servicer Information.** The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code §51.002, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the Property referenced above. Bank of America, N.A., as Mortgage Servicer, is representing the current Mortgagee whose address is:

Bank of America, N.A.
9000 Southside Boulevard, Building 400
Jacksonville, FL 32256

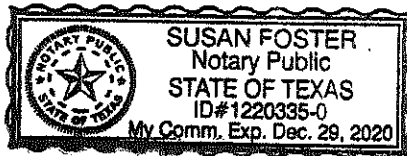
Linda Reppert

SUBSTITUTE TRUSTEE
Cory Jacocks, Esq., Stacey Mestayer, Esq., Linda Reppert, Juanita Cox, Jimmy Carroll Brewer, Stephen Rawlings at 1320 Greenway Drive, Suite 300 Irving, TX 75038 OR Linda Reppert, Juanita Cox, Jimmy Carroll Brewer, Stephen Rawlings, Diasha Perkins, Jason Brewer, Howard Whitney, Aarti Patel, Maryna Danielian, Patricia Sanders, Frederick Britton, Jack Burns II, Kristopher Holub, Patrick Zwiers at 1 Mauchly, Irvine, CA 92618

STATE OF Texas
COUNTY OF Hamilton

Before me, the undersigned authority, on this day personally appeared Linda Reppert as Substitute Trustee, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and who acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 6th day of July, 2017.



Susan Foster
NOTARY PUBLIC in and for
Hamilton COUNTY
My commission expires: 12/29/2020
Print Name of Notary:
Susan Foster

CERTIFICATE OF POSTING

My name is _____, and my address is 1320 Greenway Drive, Suite 300, Irving, TX 75038. I declare under penalty of perjury that on _____ I filed at the office of the Hamilton County Clerk and caused to be posted at the Hamilton County courthouse this notice of sale.

Declarants Name: _____
Date: _____

FILED and RECORDED

Instrument Number: 20171048 B: RP V: 523 P: 589

Filing and Recording Date: 07/06/2017 03:13:19 PM Recording Fee: 2.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the REAL PROPERTY RECORDS of Hamilton County, Texas.



Kiesha Bagwell

Kiesha Bagwell, County Clerk
Hamilton County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.