

**NOTICE OF FORECLOSURE 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. Property to Be Sold.** The property to be sold is described as follows:  
SEE ATTACHED EXHIBIT "A".

**2. Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated April 21, 2010, and recorded in real property records of Dewitt County, Texas as Document 68883.

**3. Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:

Date: March 3, 2020

Time: 12:00 PM

Place: Dewitt County Courthouse, Texas at the following location: THE PATIO AREA IN FRONT OF THE WEST DOOR OF THE COURTHOUSE BUILDING, FACING GONZALES STREET, (BUILDING LOCATED AT 307 N. GONZALES ST.)

**4. Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the Deed of Trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the Property. Pursuant to § 51.009 of the TEXAS PROPERTY CODE, the Property will be sold in "AS IS", "WHERE IS" condition, without any express or implied warranties, except as to the warranties of title, if any, provided for under the Deed of Trust.

**5. Obligations Secured.** The Deed of Trust executed by SYLVIA P. CLARKE, provides that it secures the payment of the indebtedness in the original principal amount of \$133,500.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. BANK OF AMERICA, N.A. is the current mortgagee of the note and deed of trust and REVERSE MORTGAGE SOLUTIONS, INC. is the current mortgage servicer. A servicing agreement between the mortgager, whose address is 14405 Walters Rd., Suite 200, Houston, Texas 77014, and the mortgage service exists. TEXAS PROPERTY CODE § 51.0025 authorizes the mortgage servicer to collect the debt.

**6. Substitute Trustee(s) Appointed to Conduct Sale.** In accordance with Texas Property Code § 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra Mendoza, Vicki Hammonds, Jodi Steen, Jamie Steen, or Branch M. Sheppard as Substitute Trustee to act under and by virtue of said Deed of Trust.

**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.**



GALLOWAY, JOHNSON, TOMPKINS, BURR & SMITH,  
A PROFESSIONAL LAW CORPORATION  
Branch M. Sheppard, Attorney at Law  
Sara A. Morton, Attorney at Law  
Annarose M. Harding, Attorney at Law  
1301 McKinney Drive, Suite 1400  
Houston, Texas 77010  
(713) 599-0700



JO WOOLSEY, BOB FRISCH, ARNOLD MENDOZA,  
SANDRA MENDOZA, VICKI HAMMONDS, JODI  
STEEN, JAMIE STEEN, OR BRANCH M.  
SHEPPARD  
c/o Galloway Johnson Tompkins Burr & Smith  
1301 McKinney Drive, Suite 1400  
Houston, Texas 77010  
(713) 599-0700

CERTIFICATE OF POSTING

I am \_\_\_\_\_ whose address is c/o Galloway, Johnson, Tompkins, Burr & Smith 1301 McKinney Drive, Suite 1400, Houston, TX 77010. I declare under penalty of perjury that on \_\_\_\_\_ I filed this Notice of Foreclosure Sale at the office of the Dewitt County Clerk and caused it to be posted at the location directed by the Dewitt County Commissioners Court.

Exhibit "A"

LYING A BEING SITUATE WITHIN THE CORPORATE LIMITS OF THE CITY OF CUERO, DEWITT COUNTY, TEXAS, PART OF THE J. J. TUMLINSON LEAGUE, ABSTRACT NO. 45, AND BEING ALL OF THE EAST ONE-HALF (E-1/2) OF LOT NO. FOUR (4), AND THE ADJOINING MOST WESTERLY 52-1/2 FEET OF LOT NO. THREE (3), ALL IN BLOCK NO. TWO (2), OF THE WOFFORD-BLACKWELL SUBDIVISION, UNIT II, AS SAME IS SHOWN, MARKED, NUMBERED, AND DESIGNATED ON THE RECORDED MAP OR PLAT OF SAID SUBDIVISION IN VOLUME 185, PAGE 249, DEED RECORDS OF DEWITT COUNTY, TEXAS, AND BEING PART OF THE SAME PROPERTY CONVEYED BY NEWMAN'S OF CUERO, INC. TO ALAMO LUMBER COMPANY BY DEED DATED DECEMBER 27, 1972, RECORDED IN THE DEED RECORDS OF SAID COUNTY; SAID EAST ONE-HALF OF LOT NO. 4 IN SAID BLOCK BEING FURTHER DESCRIBED AS FRONTING 35 FEET ON THE SOUTH LINE OF CLEVELAND STREET AND EXTENDING BACK BETWEEN THE COMMON LINE OF SAID LOTS 3 AND 4 AND A LINE PARALLEL THERETO THE FULL DEPTH OF SAID LOT NO. 4 TO THE SOUTH LINE OF SAID BLOCK NO TWO (2); AND SAID WESTERLY 52-1/2 FEET OF LOT NO. 3 BEING FURTHER DESCRIBED AS FRONTING 52-1/2 FEET ON THE SOUTH LINE OF CLEVELAND STREET AND EXTENDING BACK BETWEEN THE SAID COMMON LINE OF LOTS NOS. 3 AND 4 AND A LINE PARALLEL THERETO THE FULL DEPTH OF SAID LOT NO. 3 TO THE SOUTH LINE OF SAID BLOCK NO 2, TOGETHER WITH ANY IMPROVEMENTS THEREON SITUATED.

Filed for Record

This, the 10<sup>th</sup> day of February 20 20  
at 4:25 o'clock P M

NATALIE CARSON, COUNTY CLERK OF  
DeWitt County, Texas

James Brandt  
DEPUTY

Received  
11/13/2019 4:49 PM  
Tabeth Gardner  
DeWitt County  
District Clerk  
JG

**CAUSE NO. 19-08-24,929**

IN RE: ORDER FOR FORECLOSURE  
CONCERNING

605 W. CLEVELAND ST.  
CUERO, TX 77954

UNDER TEX. R. CIV. P. 736

PETITIONER:

BANK OF AMERICA, N.A.

RESPONDENT(S):

SYLVIA CLARKE

IN THE DISTRICT COURT OF

DEWITT COUNTY, TEXAS

135th JUDICIAL DISTRICT

**REVERSE MORTGAGE FORECLOSURE ORDER**

On this day, the Court determined it had jurisdiction over the subject matter and the parties to this proceeding. After reviewing the Motion for Final Judgment and Reverse Mortgage Foreclosure Order, the pleadings, the affidavits and the arguments of counsel, the Court finds:

I. Applicant is the current mortgagee, as that term is defined in Tex. Prop. Code §51.001, of a valid Texas reverse mortgage "loan agreement," as that term is defined in Tex. Bus. & Comm. Code §26.02 ("Loan Agreement") that was created in accordance with Tex. Const. Art. XVI §50(a)(7) and secured by the real property and improvements (the "Property") commonly known as 605 W. Cleveland Street, Cuero, Texas 77954, and more particularly described as:

LYING A BEING SITUATE WITHIN THE CORPORATE LIMITS OF THE CITY OF CUERO, DEWITT COUNTY, TEXAS, PART OF THE J.J. TURLINSON LEAGUE, ABSTRACT NO. 45, AND BEING ALL OF THE EAST ONE-HALF (E-1/2) OF LOT NO. FOUR (4), AND THE ADJOINING MOST WESTERLY 52-1/2 FEET OF LOT NO. THREE (3), ALL IN BLOCK NO. TWO (2), OF THE WOFFORD-BLACKWELL SUBDIVISION, UNIT II, AS SAME IS SHOWN, MARKED, NUMBERED, AND DESIGNATED ON THE RECORDED MAP OR PLAT OF SAID SUBDIVISION IN VOLUME 185, PAGE 249, DEED RECORDS OF DEWITT COUNTY, TEXAS, AND BEING PART OF THE SAME PROPERTY CONVEYED BY NEWMAN'S OF CUERO, INC. TO ALAMO LUMBER COMPANY BY DEED DATED DECEMBER 27, 1972, RECORDED IN THE DEED RECORDS OF SAID COUNTY; SAID EAST ONE-HALF OF LOT NO. 4 IN SAID BLOCK BEING FURTHER DESCRIBED AS FRONTING 35 FEET ON THE SOUTH LINE OF CLEVELAND STREET AND EXTENDING BACK BETWEEN THE COMMON LINE OF SAID LOTS 3 AND 4 AND A LINE PARALLEL THERETO THE FULL DEPTH OF SAID LOT NO. 4 TO THE SOUTH LINE OF SAID BLOCK NO. TWO (2); AND SAID WESTERLY 52-1/2 FEET OF LOT NO. 3 BEING FURTHER DESCRIBED AS FRONTING 52-1/2 FEET ON THE SOUTH LINE OF CLEVELAND STREET AND EXTENDING BACK BETWEEN THE SAID COMMON LINE OF LOTS NOS. 3 AND 4 AND A LINE PARALLEL THERETO THE FULL DEPTH OF SAID LOT NO. 3 TO THE SOUTH LINE OF SAID BLOCK NO. 2, TOGETHER WITH ANY IMPROVEMENTS THEREON SITUATED.

2. Under Tex. Const. Art. XVI §50(k)(6)(D), the advancement of funds on Mortgagors' behalf to pay taxes and/or insurance on the Property in conjunction with Secretary approval qualified as a default event which required the payment of all principal and interest owed under the Loan Agreement. The necessary conditions precedent for Applicant to exercise its rights under the security instrument by proceeding with a non-judicial foreclosure against the Property has been accomplished. Applicant will enforce its security interest pursuant to the terms of the Loan Agreement and Tex. Prop. Code §51.002. The Trustee or Substitute Trustee, G. Tommy Bastian, or his successor, was appointed to conduct the sale under Tex. Prop. Code §51.002.

3. Mortgagor failed on an obligation specified in the loan documents to repair and maintain, pay taxes and assessments on or insure the homestead property, which accelerated the maturity of the Reverse Mortgage debt and subjected the Property to payment of all principal, interest and other fees and expenses allowed under the Reverse Mortgage made the subject of this proceeding by a nonjudicial foreclosure under Tex. Const. Art. XVI § 50(k)(6)(D) and Tex. Const. Art. XVI §50(k)(11).

IT IS THEREFORE ORDERED that Applicant, its successors and/or assigns in accordance with Tex. Const. Art. XVI §50(k)(11) shall enforce the Loan Agreement default by foreclosing its security interest encumbering the Property pursuant to the Loan Agreement or Tex. Prop. Code §51.002.

IT IS FURTHER ORDERED that if a person occupying the Property fails to surrender possession of the premises after foreclosure, Applicant, or its successor in interest, shall be entitled to a Writ of Possession issued in accordance with Tex. R. Civ. P. 310; and

IT IS FURTHER ORDERED that Application shall be, and the same hereby is, awarded attorney fees and costs to be assessed to the debt without recourse to the Borrower.

IT IS FURTHER ORDERED Applicant is entitled to all writs necessary to enforce this Judgment.

All relief not granted herein is denied.

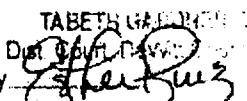
SIGNED this 15<sup>th</sup> day of November, 2019.

  
JUDGE PRESIDING

3 EMAILED COPY

FILED  
day of \_\_\_\_\_  
at 10:54 o'clock A.M.

NOV 15 2019

TABETH GARDNER, Clerk  
Dist. Court, Tarrant County, Texas  
By 

ORDER PREPARED BY:

GALLOWAY, JOHNSON, TOMPKINS, BURR & SMITH  
A Professional Law Corporation

By: //s// Branch M. Sheppard

BRANCH M. SHEPPARD

Texas State Bar No. 24033057

BSheppard@gallowaylawfirm.com

SARA A. MORTON

Texas Bar No. 24051090

SMorton@gallowaylawfirm.com

ANNAROSE M. HARDING

Texas Bar No. 24071438

AHarding@gallowaylawfirm.com

1301 McKinney, Suite 1400

Houston, Texas 77010

(713) 599-0700 (Telephone)

(713) 599-0777 (Facsimile)

**ATTORNEYS FOR APPLICANT,  
BANK OF AMERICA, N.A.**