

FILED
AT 8:03 o'clock A.M.

DEC 11 2017

NOTICE OF FORECLOSURE SALE

State of Texas §
County of Jim Wells §

JC Perez Jr, Co Clk. Jim Wells Co. Texas
By Chris Perez Deputy

Notice is hereby given of a public non-judicial foreclosure sale.

1. **Property To Be Sold.** The property to be sold is described as follows:

THE WEST 12.5 FEET OF LOT FIFTEEN (15), ALL OF LOTS SIXTEEN (16), SEVENTEEN (17), EIGHTEEN (18) AND THE EAST 37.5 FEET OF LOT NINETEEN (19), BLOCK SEVEN (7), OF REVISED PLAT PREMONT PARK ADDITION, AN ADDITION TO THE CITY OF PREMONT, JIM WELLS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN/UNDER VOLUME 4, PAGE 1, MAP/PLAT RECORDS, JIM WELLS COUNTY, TEXAS.

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

Date: **January 2, 2018**

Time: The sale shall begin no earlier than **10:00 AM** or no later than three hours thereafter.

Place: **Jim Wells** County Courthouse in **Alice, Texas**, at the following location: the area designated by the Commissioners Court of **Alice, Jim Wells County, Texas**, pursuant to § 51.002 of the Texas Property Code as the place where foreclosure sales are to take place (if no such place is so designated, the sale will take place in the area where this Notice of Substitute Trustee's Sale is posted).

The deed of trust permits the Mortgagee of Record to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the deed of trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this sale.

Pursuant to section 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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

3. **Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the Mortgagee of Record thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

The sale will be made expressly subject to any title matters set forth in the deed of trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the deed of trust. The sale shall not cover any part of the property that has been released of

public record from the lien of the deed of trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

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

4. Type of Sale. The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by **James Lewis**.
5. Obligations Secured. The Deed of Trust is dated **July 17, 2014**, and is recorded in the office of the County Clerk of **Jim Wells County, Texas**, in/under **Document No 432029, Book Vol 1227, Page 306, Official Public Records of Jim Wells County, Texas**. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to the promissory note in the original principal amount of **\$72,500.00**, executed by **James Lewis**, and payable to the order of **Royal United Mortgage, LLC.**

Original Mortgagee: Royal United Mortgage, LLC.

Current Mortgagee of Record: Flagstar Bank, FSB whose address is **5151 Corporate Drive, Troy, MI 48098.**

6. Default and Request To Act. Default has occurred under the deed of trust, and the beneficiary has requested me, as Substitute Trustee, to conduct this public sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.
7. **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.**

Sent by: Timothy J. Swanson
Robertson Anschutz Vettors
1500 CityWest Blvd., Suite 700
Houston, TX 77042

DATED December 11, 2017.



Sandra Mendoza, Arnold Mendoza, W.D. Larew, Leslye Evans, Substitute Trustee
c/o Robertson Anschutz Vettors
1500 CityWest Blvd., Suite 700
Houston, TX 77042
Phone: 713-244-1360

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.

1005247-2

CAUSE NO. 17-09-57593-CV

**IN RE: ORDER FOR FORECLOSURE
CONCERNING
224 SW 9TH ST
PREMONT, TX 78375**

IN THE DISTRICT COURT OF

UNDER TEX.R.CIV.P.736

JIM WELLS COUNTY, TEXAS

PETITIONER:

FLAGSTAR BANK, FSB

RESPONDENT(S):

JAMES LEWIS

79TH JUDICIAL DISTRICT

HOME EQUITY FORECLOSURE ORDER

1. On this day, the Court considered Petitioners' Motion for a Default Order granting its Application for an Expedited Foreclosure Order under Rule 736. Petitioner's application complies with the requirements of Texas Rule of Civil Procedure 736.1.
2. The name and last known addresses of each Respondent subject to this order is **James Lewis 224 SW 9th St, Premont, TX 78375**. Each Respondent was properly served with the citation, but none filed a response within the time required by law. The return of service for each Respondent has been on file with the court for at least ten (10) days.
3. The property that is the subject of this foreclosure proceeding is commonly known as **224 SW 9th St, Premont, TX 78375** with the following legal description:

THE WEST 12.5 FEET OF LOT FIFTEEN (15), ALL OF LOTS SIXTEEN (16), SEVENTEEN (17), EIGHTEEN (18) AND THE EAST 37.5 FEET OF LOT NINETEEN (19), BLOCK SEVEN (7), OF REVISED PLAT PREMONT PARK ADDITION, AN ADDITION TO THE CITY OF PREMONT, JIM WELLS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN/UNDER VOLUME 4, PAGE 1, MAP/PLAT RECORDS, JIM WELLS COUNTY, TEXAS.
4. The lien to be foreclosed is indexed or recorded at **Document No 432029, Vol 1227, Page 306** and recorded in the real property records of **Jim Wells** 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 the Petitioner, no Respondent subject to this order is protected from foreclosure by the Servicemembers Civil Act, 50 U.S.C. App. § 501 et seq.
7. Therefore, the Court grants Petitioner's Motion for a Default Order under the 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 sought to be foreclosed.
8. This Order is not subject to a motion for rehearing, new trial, bill of review or appeal. Any challenge to this Order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.8.

11/21/2017

SIGNED THIS _____ day of _____


JUDGE PRESIDING

APPROVED AS TO FORM:

By: 

Timothy J. Swanson

Texas Bar No. 24063665

Jeffrey B. Lewis

Texas Bar No. 12290000

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Houston, TX 77042

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Attorneys for Petitioner