

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 08/26/2004 and recorded in Document 38870 real property records of Kimble County, Texas.
- 3. Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:
Date: 04/03/2018
Time: 01:00 PM
Place: Kimble County Courthouse, Texas, at the following location: THE STEPS ON THE WEST ENTRANCE TO THE COURTHOUSE AND ADJACENT FOYER AS THE AREA WHERE FORECLOSURE SALES SHALL BE HELD OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.
- 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 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.
- 5. Obligations Secured.** The Deed of Trust executed by MATTHEW MENCHACA AND PATRICIA MENCHACA, provides that it secures the payment of the indebtedness in the original principal amount of \$50,400.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2005-HE1 Mortgage Pass-Through Certificates, Series 2005-HE1 is the current mortgagee of the note and deed of trust and OCWEN LOAN SERVICING, LLC is mortgage servicer. A servicing agreement between the mortgagee, whose address is Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2005-HE1 Mortgage Pass-Through Certificates, Series 2005-HE1 c/o OCWEN LOAN SERVICING, LLC, 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.
- 6. Order to Foreclose.** Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2005-HE1 Mortgage Pass-Through Certificates, Series 2005-HE1 obtained a Order from the 452nd District Court of Kimble County on 07/26/2017 under Cause No. DCV-2017-1719. The mortgagee has requested a Substitute Trustee conduct this sale pursuant to the Court's Order.
- 7. Substitute Trustee(s) Appointed to Conduct Sale.** In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint THOMAS ROSSINGTON, MARTHA ROSSINGTON, JUANITA COX, JIMMY CARROLL BREWER OR STEPHEN RAWLINGS, 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.

Mackie Wolf Zientz & Mann, P.C.
Brandon Wolf, Attorney at Law
L. Keller Mackie, Attorney at Law
Lori Liane Long, Attorney at Law
Tracey Midkiff, Attorney at Law
Marissa Sibal, Attorney at Law
Parkway Office Center, Suite 900
14160 North Dallas Parkway
Dallas, TX 75254

THOMAS ROSSINGTON, MARTHA ROSSINGTON, JUANITA COX, JIMMY CARROLL BREWER OR STEPHEN RAWLINGS
c/o AVT Title Services, LLC
1101 Ridge Rd. Suite 222
Rockwall, TX 75087

I am Thomas Rossington whose address is c/o AVT Title Services, LLC, 1101 Ridge Rd., Suite 222, Rockwall, TX 75087. I declare under penalty of perjury that on 3-13-18 I filed this Notice of Foreclosure Sale at the office of the Kimble County Clerk and caused it to be posted at the location directed by the Kimble County Commissioners Court.

Filed.....March 13, 18.....
at.....1:10.....o'clock...P. M.
Haydee Jones
Haydee Torres, County Clerk, Kimble County Texas
By.....Audrey Sellers.....Deputy
AUDREY SELLERS

EXHIBIT "A" - LEGAL DESCRIPTION

Being a 0.295 acre tract of land out of and a part of that certain one acre tract of land conveyed from John R. Martin, et ux, to Carl L. Nelms by a deed dated September 6, 1939 and recorded in Volume 44, Page 569 of the Deed Records of Kimble County, Texas; being that same tract of land conveyed from Dayne Davis and wife, Barbara Davis to Allen Robbins by a Warranty Deed dated August 14, 1961 and recorded in Volume 71, Page 428 of the Deed Records of Kimble County, Texas; being a part of Tract 3 of the North Western Addition to the City of Junction according to the map recorded in Volume 9, Page 98 of the Deed Records of Kimble County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at an old fence corner post found which marks the southwest corner of said one acre Nelms tract; said fence corner post lies in the north right of way line of North Llano Street and marks the southeast corner of a tract of land in the name of Mozelle Low and Allene Hughes as recorded in Volume 116, Page 704 of the Deed Records of Kimble County, Texas, same being the southeast corner of Lot 40 of the Highland Addition to the City of Junction as recorded in Volume 32, Page 623 of the Deed Records of Kimble County, Texas;

THENCE, with the east line of said Highland Addition, same being the west line of the herein described tract, N.00deg.13min.W. (*Record: North*), 200.00 feet to a 1/2" iron rod set marking the northeast corner of a tract of land in the name of Albert Allen Low as recorded in Volume 89, Page 421 of the Deed Records of Kimble County, Texas and marking the northwest corner of the herein described tract;

THENCE, through the interior of said Tract 3 of the North Western Addition, S.89deg.48min.E. (*Record: East*), 64.20 feet to a 1/2" iron rod set in the west line of a tract of land in the name of Clinton Mack Newbury and wife, Dequinta Carolyn Newbury as recorded in Volume 120, Page 93 of the Deed Records of Kimble County, Texas, said 1/2" iron rod marking the northeast corner of the herein described tract;

THENCE, with the west line of said Newbury tract, S.00deg.13min.E. (*Record: South*), 200.00 feet to a 1/2" iron rod set in the north right of way line of North Llano Street marking the southeast corner of the herein described tract;

THENCE, along said line of North Llano Street, N.89deg.48min.W. (*Record Bearing Held as per Martin Addition, a record subdivision as per Vol. 1, Pg. 21 of the Plat Records of Kimble County, Texas*), 64.20 feet to the **POINT OF BEGINNING**, containing 0.295 acre, more or less, within these metes and bounds. This Field Notes Description is a companion to a plat of survey dated April 24, 1995.

FILED FOR RECORD

09-01-04P:1:43 FILE

HAYDEE TORRES

COUNTY CLERK, KIMBLE COUNTY, TEXAS.

BY: 
AUDREY SELLERS, DEPUTY
LINDSAY ENSLEY, DEPUTY

STATE OF TEXAS
COUNTY OF KIMBLE

I hereby certify that this instrument was FILED FOR RECORD on the date and at the time entered hereon by me and was duly RECORDED in the Volume and Page of the Deed of Trust Records of Kimble County, Texas.




Haydee Torres
County Clerk, Kimble County, Texas

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RECORDED 9-7-04

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