

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.

1. Date, Time and Place of Sale.

Date: 03/05/2019

Time: The sale will begin at 10:00 AM or not later than three hours after that time

Place: **THE NORTH ENTRANCE OF THE NORTH BUILDING OF THE CASS COUNTY LAW ENFORCEMENT AND JUSTICE CENTER FACILITY LOCATED AT 604 HIGHWAY 8 NORTH, LINDEN, TEXAS OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE 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: 806 CR 1131, Linden, TX 75563-7340

2. 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. Any conveyance of the property is subject to all matters of record affecting the property.

3. Instrument to be Foreclosed: The instrument to be foreclosed is the Deed of Trust or Contract Lien dated 03/30/2004 and recorded 04/07/2004 in Book 1226 Page 739 Document 029719, real property records of Cass County, Texas, with **Robert A. Nelson, a single person**, grantor(s) and **OPTION ONE MORTGAGE CORPORATION, A CALIFORNIA CORPORATION** as Lender, **WELLS FARGO BANK, NATIONAL ASSOCIATION AS TRUSTEE FOR MERRILL LYNCH MORTGAGE INVESTORS TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2004-OPT1** as Beneficiary.

4. Appointment of Substitute Trustee: In accordance with Texas Property Code Sec. 51.0076, the undersigned authorized agent for the mortgage servicer has named and appointed, and by these presents does name and appoint **ROBERT LAMONT, DAVID SIMS, HARRIETT FLETCHER, SHERYL LAMONT, SHARON ST. PIERRE, RONNIE HUBBARD OR ALLAN JOHNSTON**, Substitute Trustee to act under and by virtue of said Deed of Trust.

5. Obligation Secured: Deed of Trust or Contract Lien executed by **Robert A Nelson, a single person**, securing the payment of the indebtedness in the original principal amount of **\$116,000.00**, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. **WELLS FARGO BANK, NATIONAL ASSOCIATION AS TRUSTEE FOR MERRILL LYNCH MORTGAGE INVESTORS TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2004-OPT1** is the current mortgagee of the note and deed of trust or contract lien.

FILED FOR RECORD
2019 JAN 31 PM 12:55
AMY L. VARNELL
CASS COUNTY CLERK



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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:

All that certain 4.947 acre tract of land in the T.J. Foster Survey, A-373 in Cass Co., TX. Being a part of that 30.393 acre tract of land conveyed to Greg Anthony et ux. by General Warranty Deed recorded in Vol. 1158, Pg. 783 and also being all of Tract 2 as conveyed to David J. Judice et ux. by Warranty Deed with Vendor's Lien recorded in Vol. 1109, Pg. 323, all in the Real property and Official Public Records of Cass Co., TX, said 4.947 acre tract of land being more particularly described by metes and bounds as follows: Beginning at a 1/2" rebar set in the North line of Co. Rd. # 1131 and of a 9.34 acre tract of land conveyed to David P. Jones by Warranty Deed recorded in Vol. 690, Pg. 348 and in the South line of said 30.393 acre tract for the Southwest corner of said Tract 2 and of this described tract, from which a railroad spike found for reference bears S 00° 59' 21" W, 12.88' and a 1/2" rebar found for the SWC of a 27 Acre tract of land, called for in Vol. 974, Pg. 522, bears N 89° 15' 12" W, 173.76'; Thence N 00° 59' 23" E (Bearing Basis Solar Observation), 579.15' along a line to a 1/2" rebar found for the Northwest corner of said Tract 2 and of this described tract; Thence S 89° 53' 44" E, 143.38' along a line to a 4"x4" concrete monument found at a fence corner post(down) for the Northwest corner of a 2.99 acre tract conveyed to Richard L. Martin et ux. by Warranty Deed recorded in Vol. 974, Pg. 521, an interior corner of a 50' access easement described in Vol. 746, Pg. 176; Thence S 89° 58' 18" E, 224.71' along an old fence to a 4"x4" concrete monument found at a fence corner post for the Northeast corner of said Tract 2, said 2.99 acre tract and of this described tract; Thence S 00° 19' 56" W, 580.09' along an old fence to a 4"x4" concrete monument found with a 1/2" rebar in it's center, in the North line of Tract 1, a 16.33 acre tract of land conveyed to Tommy D. Jones by Warranty Deed recorded in Vol. 1094, Pg. 724, for the Southeast corner of said Tract 2, said 2.99 acre tract and of this described tract; Thence S 89° 51' 52" W at 197.84' pass a 5/8" rebar found 5.5' South of a fence for the Northwest corner of said Jones tract, the Northeast corner of said 9.324 acre tract, continuing a total distance of 226.87' along a line to a 1/2" rebar found in the Southwest root of a 28" sweetgum (with old wire), for the South Southeast corner of said 50' access easement; Thence N 89° 15' 13" W, 147.88' along a line to the point of beginning, containing 4.947 acres of land, more or less.

8. 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 § 51.0025, 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

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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.

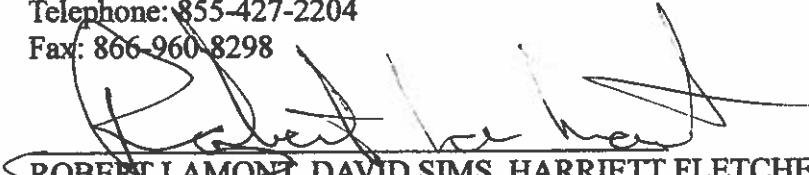
THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

Date: January 24, 2019



Stephanie Spurlock, Laterrika Thompkins, Camisha Scott, Iman Walcott, Tanesha Humphrey, Claire Buxton – Attorney or Authorized Agent of The Mortgagee or Mortgage Servicer

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



1-31-19

ROBERT LAMONT, DAVID SIMS, HARRIETT FLETCHER, SHERYL LAMONT, SHARON ST. PIERRE, RONNIE HUBBARD OR ALLAN JOHNSTON - Substitute Trustee(s)

C/O AVT Title Services, LLC
1101 Ridge Rd. Suite 222
Rockwall, TX 75087

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.

Certificate of Posting

I am _____ 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 _____ I filed this Notice of Foreclosure Sale at the office of the Cass County Clerk and caused it to be posted at the location directed by the Cass County Commissioners Court.