

FILED
NICOLE TANNER, COUNTY CLERK
HILL COUNTY, TEXAS

COPY

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

2014 JUL 15 PM 1:42

STATE OF TEXAS §
§
COUNTY OF HILL §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by that one certain Texas Home Equity Security Instrument (First Lien) dated October 2, 2007, and recorded in Book 1513, Volume 0448, Real Property Records, Hill County, Texas (the "Deed of Trust"), Charles E. Bunnell and Shirley T. Bunnell ("Grantor") conveyed to Tim Carter, Trustee ("Trustee"), for the benefit of OmniAmerican Bank ("Beneficiary"), the real property situated in Hill County, Texas, as more particularly described on Exhibit "A" attached hereto and incorporated herein for all purposes (the "Property"), to secure the payment of a Texas Home Equity Note dated October 2, 2007, in the original principal amount of \$170,400.00, executed by Grantor and made payable to the order of Beneficiary and all renewals and extensions thereof (the "Note"); and

WHEREAS, default occurred under the terms of the Note and the Deed of Trust; and

WHEREAS, demand for payment of all amounts owed under the Note and the Deed of Trust was made, and all required notices have been given, including notice of intent to accelerate and notice of acceleration, all in accordance with the Note, the Deed of Trust and applicable law; and

WHEREAS, the indebtedness evidenced by the Note, and secured by the Deed of Trust, is now wholly due and payable; and

WHEREAS, the outstanding balance due under the Note and the Deed of Trust has not been paid; and

WHEREAS, the 66th Judicial District Court of Hill County, Texas entered a Default Order Granting Application for Order for Foreclosure of Home Equity Lien (the "Order") in a case styled, *In re: Order For Foreclosure Concerning Charles E. Bunnell and Shirley T. Bunnell, and 17069 Faircrest Drive, Whitney, Texas 76692 Under Tex. R. Civ. P. 736*, Cause No. 51672, in the 66th Judicial District Court of Hill County, Texas, a conformed copy of which is attached hereto as Exhibit "B;" and

WHEREAS, Tim Carter, Trustee in the aforesaid Deed of Trust, has been removed as Trustee and the undersigned or Lee F. Christie or Jeremy L. Harmon or Michael L. Atchley has been appointed as Substitute Trustee in the place and stead of the said Tim Carter, said removal and appointment being in the manner authorized by the Deed of Trust; and

WHEREAS, Beneficiary, the current owner and holder of said indebtedness and the current beneficiary under the Deed of Trust, has requested the undersigned or Lee F. Christie or Jeremy L. Harmon or Michael L. Atchley, as Substitute Trustee, to sell the Property to satisfy the indebtedness.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, the 5th day of August, 2014, between the hours of 10:00 A.M. and 4:00 P.M., the undersigned or Lee F. Christie or Jeremy L. Harmon or Michael L. Atchley will sell the Property at public auction at the east door of

the Hill County Courthouse, 80 N. Waco Street, Hillsboro, Texas 76645, or in the area designated for such sales by the Hill County Commissioners Court, if different, to the highest bidder for cash, subject to the right of Beneficiary to have its bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale. Said sale will begin no earlier than 10:00 A.M. and no later than three hours after that time.


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.

The Sender of this notice and his contact information is as follows:

Matthew T. Taplett
500 W. 7th Street, Suite 600
Fort Worth, Texas 76102
817/332-3245

WITNESS MY HAND this 15th day of July, 2014.

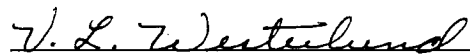
SUBSTITUTE TRUSTEE:


Matthew T. Taplett

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This instrument was acknowledged before me on the 15th day of July, 2014, by Matthew T. Taplett, Substitute Trustee, who acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.




Notary Public for the State of Texas

**NAME, ADDRESS AND TELEPHONE
NO. OF MORTGAGEE:**

OmniAmerican Bank
7800 White Settlement Road
Fort Worth, TX 76108
(817) 367-4615

**NAME, ADDRESS AND TELEPHONE
NO. OF SUBSTITUTE TRUSTEE;**

Lee F. Christie
Jeremy Lee Harmon
Michael L. Atchley
Matthew T. Taplett
Pope, Hardwicke, Christie, Schell,
Kelly & Ray, L.L.P.
500 W. 7th Street, Suite 600
Fort Worth, TX 76102
(817) 332-3245

EXHIBIT "A"

RALPH A. CORDELL TRACT

FIELD NOTES for a lot, tract, or parcel of land containing 0.257 acres being all of Lot 69 of the White Bluff Seventeen Subdivision on the shores of Lake Whitney, in Hill County, Texas, Said land is all of that certain tract described in a deed from Double Diamond Inc. to Ralph A. Cordell et ux as recorded in Volume 83B, Page 28 of the Deed Records of Hill County, and is more particularly described by metes and bounds as follows:

BEGINNING at an iron stake found in the east line of Faircrest Drive for the northwest corner of Lot 70;

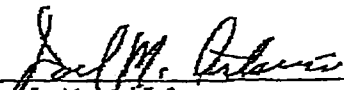
THENCE: S 60 deg 51 min 0 sec E 140.00 feet to an iron stake found for the northeast corner of said Lot 70;

THENCE: N 29 deg 9 min 0 sec E 80.00 feet to an iron stake found for the southeast corner of Lot 68;

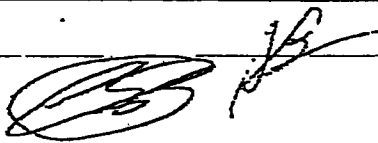
THENCE: N 60 deg 51 min 0 sec W 140.00 feet to an iron stake found in the east line of Faircrest Drive for the southwest corner of said Lot 68;

THENCE: S 29 deg 9 min 0 sec W 80.00 feet along said east line to the place of beginning, containing 0.257 acres of land.

I certify that the above field notes represent a true and accurate survey as made by me on the ground
May 15, 1995


Joel M. Atkins
Registered Professional Land Surveyor
JN950515.17





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EXHIBIT B

CAUSE NO. 51672

IN RE: ORDER FOR FORECLOSURE
CONCERNING CHARLES E. BUNNELL
and SHIRLEY T. BUNNELL,

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§
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§
§

IN THE DISTRICT COURT OF

AND

HILL COUNTY, TEXAS

17069 FAIRCREST DRIVE
WHITNEY, TEXAS 76692
UNDER TEX. R. CIV. P. 736

66th JUDICIAL DISTRICT

FILED
ANGELIA ORR DISTRICT
CLERK HILL COUNTY TX
2014 JUL -7 PM 2:07

**DEFAULT ORDER GRANTING APPLICATION
FOR ORDER FOR FORECLOSURE OF HOME EQUITY LIEN**

On this day came to be considered the Application for Order for Foreclosure (the "Application") in the above-entitled and numbered cause. The Court, having reviewed the record, finds the following:

- (a) The Application complies with the requirements of Rule 736.1 of the Texas Rules of Civil Procedure;
- (b) The Respondents Charles E. Bunnell and Shirley T. Bunnell, who are the sole occupants, have been properly served with the Application in accordance with Rule 736.3 of the Texas Rules of Civil Procedure;
- (c) The returns of service have been on file with the Clerk of the Court for at least ten days prior to the date of the entry of this Order;
- (d) Respondents Charles E. Bunnell's and Shirley T. Bunnell's last known address is 17069 Faircrest Drive, Whitney, Texas 76692, and they are the persons who are obligated to pay, and the mortgagors of, the loan agreement, contract and lien sought to be foreclosed as set forth in the Application;
- (e) The property to be foreclosed by commonly known mailing address and legal description is:

Plat showing the survey of 0.257 acres, being all of Lot 69 of the White Bluff Seventeen Subdivision on the shores of Lake Whitney in Hill County, Texas. Said land is all of that certain tract described in a Deed from Double Diamond, Inc. to Ralph A. Cordell et ux, as recorded in Volume 838, Page 20 of the Deed Records of Hill County, and being more particularly

described by metes and bounds on Exhibit A attached hereto; which has a commonly known street address of 17069 Faircrest Drive, Whitney, Texas;

- (f) Respondents executed a Texas Home Equity Security Instrument (First Lien) whereby a lien was created under Article XVI, Section 50(a)(6) of the Texas Constitution, which is recorded in Book 1513, Volume 0448 of the Real Property Records of Hill County, Texas; and
- (g) Despite Respondents' default under the terms of the loan agreement, contract, and lien sought to be foreclosed, and despite the filing of the Application and the service of the Application in accordance with Texas Rule of Civil Procedure 736.3, Respondents have failed and refused to file a timely response to the Application.

IT IS, THEREFORE, ORDERED that Petitioner, OmniAmerican Bank, its successors and assigns, if any, be and hereby are authorized to serve a notice of sale upon Respondents and to proceed to foreclosure sale under the terms of the security instrument and § 51.002 of the Texas Property Code of the following described real property referenced within the Application:

Plat showing the survey of 0.257 acres, being all of Lot 69 of the White Bluff Seventeen Subdivision on the shores of Lake Whitney in Hill County, Texas. Said land is all of that certain tract described in a Deed from Double Diamond, Inc. to Ralph A. Cordell et ux, as recorded in Volume 838, Page 20 of the Deed Records of Hill County, and being more particularly described by metes and bounds on Exhibit A attached hereto.

IT IS FURTHER ORDERED that a copy of this Order shall be sent to the Respondents Charles E. Bunnell and Shirley T. Bunnell with the notice of sale.

IT IS FURTHER ORDERED that Petitioner, OmniAmerican Bank, its successors and assigns, if any, may communicate with the Respondents Charles E. Bunnell and Shirley T. Bunnell and all third parties reasonably necessary to conduct the foreclosure sale.

If Respondents are represented by counsel the notice of foreclosure sale shall also be mailed to counsel by certified mail.

SIGNED this 7 day of July, 2014.

A handwritten signature in cursive script, appearing to read "J. S. [unclear]", written over a horizontal line.

HONORABLE JUDGE PRESIDING

EXHIBIT "A"

RALPH A. CORDELL TRACT

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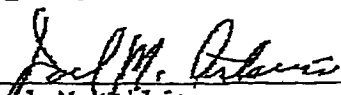
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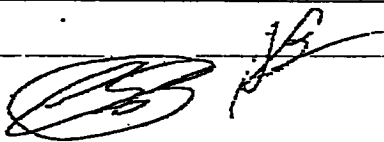
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I certify that the above field notes represent a true and accurate survey as made by me on the ground May 15, 1995


Joel M. Atkins
Registered Professional Land Surveyor
JN980515.17





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