

79

HOME EQUITY POSTING WITH ORDER ATTACHED

517 HCR 1367
HILLSBORO, TX 76645

20110018801243

NOTICE OF SUBSTITUTE TRUSTEE SALE

(See TEX. CONST. art. XVI, § 50a(6) Order attached)

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: August 05, 2014

Time: The sale will begin at 11:00AM or not later than three hours after that time.

Place: THE EAST DOOR OF THE HILL COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

2. Terms of Sale. Cash.

3. **Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated April 02, 2010 and recorded in Document VOLUME 1637, PAGE 584; AS AFFECTED BY VOLUME 1755, PAGE 422 real property records of HILL County, Texas, with MAUREEN N WERR AND SCOTT E WERR, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS") AS NOMINEE, mortgagee.

4. **Obligations Secured.** Deed of Trust or Contract Lien executed by MAUREEN N WERR AND SCOTT E WERR, securing the payment of the indebtednesses in the original principal amount of \$300,675.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. CITIMORTGAGE, INC. is the current mortgagee of the note and Deed of Trust or Contract Lien.

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

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES.

6. **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. CITIMORTGAGE, INC., as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o CITIMORTGAGE, INC.
1000 TECHNOLOGY DRIVE
O'FALLON, MO 63368

Cecil Kester

CECIL KESTER, L PETR, R HUMPHRIES OR B. JACKSON
Substitute Trustee
c/o
15000 Surveyor Boulevard, Suite 100
Addison, Texas 75001

FILED
NICOLE TANNER, COUNTY CLERK
HILL COUNTY, TEXAS
2014 JUL 14 AM 8:48



NOS20110018801243



ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND LYING AND SITUATED IN THE AMANDA F. MCCrackEN SURVEY, ABSTRACT 559, HILL COUNTY, TEXAS, BEING A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE DEED TO SCOTT E. WERR AND HIS WIFE, MAUREEN WERR A/K/A MAUREEN N. WERR, RECORDED IN VOLUME 1045, PAGE 55 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD SET FOR A CORNER LYING IN THE NORTH LINE OF THE SAID WERR TRACT AND THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE DEED TO ARTHUR MEARS, RECORDED IN VOLUME 637, PAGE 303 OF THE DEED RECORDS OF HILL COUNTY, TEXAS, SAID CORNER BEARS NORTH 61 DEGREES 43 MINUTES 19 SECONDS EAST, 1234.23 FEET FROM A 1/2 INCH STEEL PIPE FOUND FOR A CONTROL MONUMENT AT THE NORTHWEST CORNER OF THE SAID WERR TRACT;

THENCE NORTH 61 DEGREES 43 MINUTES 19 SECONDS EAST, 220.00 FEET ALONG THE NORTH LINE OF THE SAID WERR TRACT AND THE SOUTH LINE OF THE SAID MEARS TRACT TO A 5/8 INCH IRON ROD SET FOR A CORNER, SAID CORNER BEARS SOUTH 61 DEGREES 43 MINUTES 19 SECONDS WEST, 865.00 FEET FROM A 3/4 INCH IRON ROD FOUND FOR A CONTROL MONUMENT AT THE NORTHEAST CORNER OF THE SAID WERR TRACT;

THENCE SOUTH 23 DEGREES 25 MINUTES 41 SECONDS EAST, 396.00 FEET TO A 5/8 INCH IRON ROD SET FOR A CORNER;

THENCE SOUTH 61 DEGREES 43 MINUTES 19 SECONDS WEST, 220.00 FEET TO A 5/8 INCH IRON ROD SET FOR A CORNER;

THENCE NORTH 23 DEGREES 25 MINUTES 41 SECONDS WEST, 396.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.0 ACRES OF LAND, MORE OR LESS.

[THE BEARINGS ARE BASED ON THE NORTH LINE OF THE SAID WERR TRACT, WITH A BEARING OF NORTH 61 DEGREES 43 MINUTES 19 SECONDS EAST.

INCLUDED HERewith IS A 30.00 FOOT INGRESS AND EGRESS EASEMENT DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD SET FOR A CORNER, SAID CORNER BEARS NORTH 61 DEGREES 43 MINUTES 19 SECONDS EAST, 1454.23 FEET AND SOUTH 23 DEGREES 25 MINUTES 41 SECONDS EAST, 396.00 FEET FROM A 1/2 INCH STEEL PIPE FOUND FOR A CONTROL MONUMENT AT THE NORTHWEST CORNER OF THE SAID WERR TRACT;

THENCE SOUTH 23 DEGREES 25 MINUTES 41 SECONDS EAST, 371.16 FEET TO A POINT LYING IN COUNTY ROAD 1367, THE SOUTH LINE OF THE SAID WERR TRACT AND THE NORTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE DEED TO C.C. MARKUM, RECORDED IN VOLUME 369, PAGE 293 OF THE DEED RECORDS OF HILL COUNTY, TEXAS;

THENCE SOUTH 60 DEGREES 50 MINUTES 03 SECONDS WEST, 30.15 FEET ALONG THE SAID ROAD, THE SOUTH LINE OF THE SAID WERR TRACT AND THE NORTH LINE OF THE SAID MARKUM TRACT TO A POINT FOR A CORNER;

THENCE NORTH 23 DEGREES 25 MINUTES 41 SECONDS WEST, 371.63 FEET TO A POINT FOR CORNER;

THENCE NORTH 61 DEGREES 43 MINUTES 19 SECONDS EAST, 30.11 FEET TO THE POINT OF BEGINNING.

Cause Number 51435



FILED
ANGELIA ORR DISTRICT
CLERK HILL COUNTY, TX

2011
IN THE DISTRICT COURT OF
HILL COUNTY, TEXAS
AM 9:48

In Re: Order of Foreclosure
Concerning

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517 HCR 1367
HILLSBORO, TEXAS 76645
Under Tex. R. Civ. P. 736

HILL COUNTY, TEXAS

66TH JUDICIAL DISTRICT

DEFAULT HOME EQUITY FORECLOSURE ORDER

1. On this day, the Court considered Petitioner's motion for a default order granting its application for an expedited 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 address of each Respondent subject to this order is:

**MAUREEN N. WERR
517 HCR 1367
HILLSBORO, TX 76645**

**SCOTT E. WERR
517 HCR 1367
HILLSBORO, TX 76645**

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 days.

3. The property that is the subject of this foreclosure proceeding is commonly known as 517 HCR 1367, Hillsboro, Texas 76645 with the following legal description:

ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND LYING AND SITUATED IN THE AMANDA F. MCCrackEN SURVEY, ABSTRACT 559, HILL COUNTY, TEXAS, BEING A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE DEED TO SCOTT E. WERR AND HIS WIFE, MAUREEN WERR A/K/A MAUREEN N. WERR, RECORDED IN VOLUME 1045, PAGE 55 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY, TEXAS, AND BEING MORE PARTICULARLY

DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD SET FOR A CORNER LYING IN THE NORTH LINE OF THE SAID WERR TRACT AND THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE DEED TO ARTHUR MEARS, RECORDED IN VOLUME 637, PAGE 303 OF THE DEED RECORDS OF HILL COUNTY, TEXAS, SAID CORNER BEARS NORTH 61 DEGREES 43 MINUTES 19 SECONDS EAST, 1234.23 FEET FROM A 1/2 INCH STEEL PIPE FOUND FOR A CONTROL MONUMENT AT THE NORTHWEST CORNER OF THE SAID WERR TRACT;

THENCE NORTH 61 DEGREES 43 MINUTES 19 SECONDS EAST, 220.00 FEET ALONG THE NORTH LINE OF THE SAID WERR TRACT AND THE SOUTH LINE OF THE SAID MEARS TRACT TO A 5/8 INCH IRON ROD SET FOR A CORNER, SAID CORNER BEARS SOUTH 61 DEGREES 43 MINUTES 19 SECONDS WEST, 865.00 FEET FROM A 3/4 INCH IRON ROD FOUND FOR A CONTROL MONUMENT AT THE NORTHEAST CORNER OF THE SAID WERR TRACT;

THENCE SOUTH 23 DEGREES 25 MINUTES 41 SECONDS EAST, 396.00 FEET TO A 5/8 INCH IRON ROD SET FOR A CORNER;

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THENCE NORTH 61 DEGREES 43 MINUTES 19 SECONDS EAST, 30.11 FEET TO THE POINT OF BEGINNING.

4. The lien to be foreclosed is indexed or recorded at VOLUME 1637, PAGE 584; AS AFFECTED BY VOLUME 1755, PAGE 422 and recorded in the real property records of Hill County, Texas.
5. The material facts establishing Respondent('s/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 Petitioner, no Respondent subject this order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 *et seq.*
7. Therefore, the Court grants Petitioner's motion for a default order under Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner may proceed with foreclosure of the property described above in accordance with the applicable law and the loan agreement, contract, or lien sought to be foreclosed.

8. This order is not subject to a motion for rehearing, a new trial, a bill of review, or an appeal. Any challenge to this order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

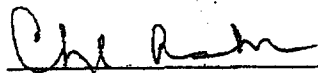
Signed this 20 day of June, 2014



JUDGE PRESIDING

SUBMITTED BY:

**BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP.**



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