

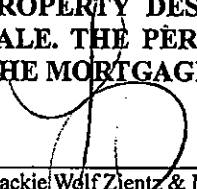



NOTICE OF FORECLOSURE SALE

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 EXHIBIT "A"
2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 07/16/2015 and recorded in Document 1504784 real property records of Waller County, Texas.
3. **Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:
Date: 10/03/2017
Time: 01:00 PM
Place: Waller County Courthouse, Texas, at the following location: THE FOYER AT THE SOUTH ENTRANCE OF THE COURTHOUSE 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 JOHN MASSIE FUQUA, JR. AND CAROL MCCALMENT, provides that it secures the payment of the indebtedness in the original principal amount of \$750,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. AMERICAN ADVISORS GROUP is the current mortgagee of the note and deed of trust and AMERICAN ADVISORS GROUP is mortgage servicer. A servicing agreement between the mortgagee, whose address is AMERICAN ADVISORS GROUP c/o AMERICAN ADVISORS GROUP, 3900 Capital City Blvd., Lansing, MI 48906 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.
6. **Order to Foreclose.** AMERICAN ADVISORS GROUP obtained a Order from the 506th District Court of Waller County on 07/17/2017 under Cause No. 17-05-24326. 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 MEGAN L. RANDLE AKA MEGAN RANDLE-BENDER OR EBBIE MURPHY, 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
 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


 MEGAN L. RANDLE AKA MEGAN RANDLE-BENDER OR
 EBBIE MURPHY
 c/o AVT Title Services, LLC
 1101 Ridge Rd. Suite 222
 Rockwall, TX 75087

Certificate of Posting

I am _____ whose address is 14160 N. Dallas Pkwy, Suite 900, Dallas, TX 75254. I declare under penalty of perjury that on _____ I filed this Notice of Foreclosure Sale at the office of the Waller County Clerk and caused it to be posted at the location directed by the Waller County Commissioners Court.



EXHIBIT "A"

LEGAL DESCRIPTION

File No: 08-01108075

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF TEXAS, COUNTY OF WALLER DESCRIBED AS FOLLOWS:

BEING A 9.998 ACRE TRACT OF LAND SITUATED IN THE OWEN WINGFIELD SURVEY A-269, WALLER COUNTY, TEXAS, AND CONSISTING OF TRACT 12D (A CALL 5.006 ACRE TRACT) AND TRACT 12E (A CALL 4.995 ACRE TRACT) CONVEYED TO BRYAN E. HELVEY AND WIFE, CINDY L. HELVEY, BY DEED DATED JULY 28, 1995, RECORDED IN VOLUME 521, PAGE 437, DEED RECORDS OF WALLER COUNTY, TEXAS, SAID TRACT 12D AND 12E BEING PART OF WALNUT CREEK, AN UNRECORDED SUBDIVISION OF A EAST 765.63 ACRE TRACT OF LAND DESCRIBED IN DEED TO WALNUT CREEK LAND COMPANY, INC. AND RECORDED IN VOLUME 186, PAGE 213, DEED RECORDS OF WALLER COUNTY, TEXAS, SAID 9.998 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT AN 8 INCH DIAMETER FENCE CORNER POST FOUND FOR REFERENCE AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF BOWLER ROAD (80 FT R.O.W) AND THE FENCED NORTH RIGHT-OF-WAY LINE OF PETTY ROAD (50 FT. R.O.W);

THENCE NORTH 89 DEGREES 11 MINUTES 53 SECONDS EAST (CALL NORTH 89 DEGREES 11 MINUTES 21 SECONDS EAST), ALONG THE NORTH RIGHT-OF-WAY LINE OF PETTY ROAD, A DISTANCE OF 776.4 FEET (CALL 776.9 FEET) TO A 5/8 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF TRACT 12A, THE LOWER SOUTHEAST CORNER OF A CALL 60.1712 ACRE TRACT OF LAND DESCRIBED BY DEED CONVEYED TO TNM, INC. DATED DECEMBER 17, 1990, RECORDED IN VOLUME 449, PAGE 446, DEED RECORDS OF WALLER COUNTY, TEXAS, THE SOUTHWEST CORNER OF TRACT 12D FOR THE POINT OF BEGINNING AND SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 00 DEGREES 43 MINUTES 53 SECONDS WEST (BEARING BASIS), ALONG THE EAST LINE OF TRACT 12A, 12B AND 12C, THE WEST LINE OF TRACT 12D, AND BEING THAT CERTAIN CALL BOUNDARY LINE DESCRIBED IN A BOUNDARY AGREEMENT BETWEEN JAMES L. STOCKDALE AND WIFE, NANCY J. STOCKDALE, AND TNM, INC. DATED JULY 27, 1995, RECORDED IN VOLUME 521, PAGE 463, DEED RECORDS OF WALLER COUNTY, TEXAS, A DISTANCE OF 812.56 FEET (CALL 812.70 FEET) TO A 1/2 INCH IRON ROD FOUND WITH A PLASTIC CAP STAMPED "J.D. KENNEY R.P.L.S. NO. 2080" FOR THE NORTHEAST CORNER OF TRACT 12C, THE NORTHWEST CORNER OF TRACT 12D, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 89 DEGREES 22 MINUTES 40 SECONDS EAST (CALL NORTH 89 DEGREES 23 MINUTES 48 SECONDS EAST), ALONG THE NORTH LINE OF THE CALL 5.008 ACRE TRACT, A DISTANCE OF 268.80 FEET (CALL 268.72 FEET) TO A 3/4 INCH IRON PIPE FOUND FOR THE NORTHWEST CORNER OF TRACT 12E (CALL 4.995 ACRES), THE NORTHEAST CORNER OF TRACT 12D (CALL 5.005 ACRES) FOR AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FOUND 1/2 INCH IRON ROD BEARS NORTH 71 DEGREES 25 MINUTES 13 SECONDS EAST, A DISTANCE OF 2.37 FEET;

THENCE NORTH 89 DEGREES 01 MINUTES 05 SECONDS EAST (CALL NORTH 89 DEGREES 00 MINUTES 30 SECONDS EAST), ALONG THE NORTH LINE OF THE CALL 4.995 ACRE TRACT, A DISTANCE OF 267.23 FEET (CALL 267.41 FEET) TO A 1/2 INCH IRON PIPE FOUND FOR THE NORTHWEST CORNER OF TRACT 12F FOR THE NORTHEAST CORNER OF TRACT 12E

FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 00 DEGREES 45 MINUTES 35 SECONDS EAST (CALL SOUTH 00 DEGREES 15 MINUTES 37 SECONDS EAST), ALONG THE WEST LINE OF TRACT 12F, THE EAST LINE OF TRACT 12E A DISTANCE OF 812.01 FEET (CALL 812.00 FEET) TO A 1 INCH IRON PIPE FOUND IN THE NORTH RIGHT-OF-WAY LINE OF PETTY ROAD, THE SOUTHWEST CORNER OF TRACT 12F, THE SOUTHEAST CORNER OF TRACT 12E FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 89 DEGREES 00 MINUTES 29 SECONDS WEST (CALL SOUTH 89 DEGREES 59 MINUTES 26 SECONDS WEST), ALONG THE SOUTH LINE OF TRACT 12E, ALONG THE NORTH LINE OF PETTY ROAD, A DISTANCE OF 268.45 FEET (CALL 265.15 FEET) TO A 5/8 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF TRACT 12E, THE SOUTHEAST CORNER OF TRACT 12D, FOR AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 89 DEGREES 16 MINUTES 15 SECONDS WEST (CALL SOUTH 89 DEGREES 16 MINUTES 00 SECONDS WEST), ALONG THE SOUTH LINE OF TRACT 12D, THE NORTH LINE OF PETTY ROAD, A DISTANCE OF 267.88 FEET (CALL 268.08 FEET) TO THE POINT OF BEGINNING. CONTAINING WITHIN THESE METES AND BOUNDS A 9.998 ACRE TRACT OF LAND AS SURVEYED BY ROBERT MCCAY, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4509, AUGUST 27, 1997.

BEING KNOWN AS 131 PETTY ROAD, WALLER, TX 77484, APN: 877000-012-003-000

FILED AND RECORDED

Instrument Number: 17-079

Filing and Recording Date: 08/10/2017 04:29:32 PM Pages: 4 Recording Fee: \$5.00

I hereby certify that this instrument was FILED on the date and time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Waller County,



Debbie Hollan

Debbie Hollan, County Clerk
Waller County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

Alexus Avendano, Deputy

Returned To: