

## 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 02/28/2001 and recorded in Book 680 Page 798 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: 05/01/2018  
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 PHILLIP G. GARNER, provides that it secures the payment of the indebtedness in the original principal amount of \$80,500.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. FIFTH THIRD MORTGAGE COMPANY is the current mortgagee of the note and deed of trust and FIFTH THIRD BANK is mortgage servicer. A servicing agreement between the mortgagee, whose address is FIFTH THIRD MORTGAGE COMPANY c/o FIFTH THIRD BANK, 5001 Kingsley Drive, MD MOBBW, Cincinnati, OH 45227 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.
- 6. 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 AMY BOWMAN, REID RUPLE, KATHLEEN ADKINS, EVAN PRESS, KRISTIE ALVAREZ, JULIAN PERRINE, DOUG WOODARD, RENEE THOMAS, IAN MOSER, REVA ROUCHON-HARRIS, REBECCA BOLTON, DEBBY JURASEK, AMY JURASEK, MEGAN RANDLE 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  
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



AMY BOWMAN, REID RUPLE, KATHLEEN ADKINS, EVAN PRESS, KRISTIE ALVAREZ, JULIAN PERRINE, DOUG WOODARD, RENEE THOMAS, IAN MOSER, REVA ROUCHON-HARRIS, REBECCA BOLTON, DEBBY JURASEK, AMY JURASEK, MEGAN RANDLE 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 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 Waller County Clerk and caused it to be posted at the location directed by the Waller County Commissioners Court.

BEING a 2.000 acre tract of land situated in the Peter Harper Survey A-137, Waller County, Texas, and being part of a call 6.000 acre tract of land conveyed from Perry L. Jones and wife, Kathy L. Jones, to Willard James Hill and wife, Rebecca Lynn Hill, by deed dated October 24, 1996, recorded in Volume 548, Page 464, Deed Records of Waller County, Texas, said 2.000 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1-1/4 inch galvanized iron pipe found in the east right-of-way line of Muckelroy Road, the southwest corner of a call 4.068 acre tract of land conveyed to Fred E. Schultz and wife, Betty L. Schultz, by deed dated February 5, 1981, recorded in Volume 321, Page 454, Deed Records of Waller County, Texas, for the northwest corner of the call 6.000 acre tract for the POINT OF BEGINNING and northwest corner of the herein described tract;

THENCE South 89 degrees 59 minutes 32 seconds East (bearing basis), leaving the east line of Muckelroy Road, along the south line of the call 4.068 acre tract, the north line of the 6.000 acre tract, for the north line of this tract, a distance of 424.31 feet (call 424.45 feet) to a 1-1/4 inch galvanized iron pipe found for the southeast corner of the call 4.068 acre tract, the northeast corner of the call 6.000 acre tract, for the northeast corner of the herein described tract;

THENCE South 00 degrees 04 minutes 07 seconds West (call South), along a portion of the east line of the 6.000 acre tract of land, a distance of 205.43 feet to a 5/8 inch iron rod set for the southeast corner of the herein described tract;

THENCE North 89 degrees 59 minutes 32 seconds West, a distance of 423.86 feet to a 5/8 inch iron rod set in the east line of Muckelroy Road for the southwest corner of the herein described tract;

THENCE North 00 degrees 03 minutes 25 seconds West, along the east line of Muckelroy Road, a distance of 205.43 feet to the POINT OF BEGINNING, containing within these metes and bounds a 2.000 acre tract of land as surveyed by Robert McCay, Registered Professional Land Surveyor No. 4509, April 30, 1998.



*Robert McCay*  
Robert McCay, R.P.L.S. #4509  
Job No. 809-2

EXHIBIT "A"

Filed for Record	June 30	A.D., 1998 at	1:10	o'clock	P. M.
RECORDED	July 8	A.D., 1998 at	10:00	o'clock	A. M.
		CHERYL PETERS, County Clerk, Waller County, Texas			
		By	<i>Stephanie Ampkins</i>		Deputy

# FILED AND RECORDED

**Instrument Number: 18-027**

Filing and Recording Date: 03/29/2018 02:04:11 PM Pages: 3 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*

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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.

Donna Sheridan, Deputy

Returned To: