



26403 Jonesville Road , Hockley, TX 77447

18-032645

**NOTICE OF [SUBSTITUTE] TRUSTEE'S 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: Between 1pm-4pm and beginning not earlier than 1pm-4pm or not later than three hours thereafter.

Place: The area designated by the Commissioners Court of Waller County, pursuant to §51.002 of the Texas Property Code as amended: if no area is designated by the Commissioners' Court, the sale will be conducted in the area immediately adjacent (next) to the location where this Notice of Trustee's Sale was posted.

**2. Terms of Sale.** Highest bidder for cash.

**3. Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated 01/12/2004 and recorded in the real property records of Waller County, TX and is recorded under Clerk's File/Instrument Number, 821, Page 812, with LEON KIRBY and ANGELA HANEY (grantor(s)) and MARKET AMERICA MORTGAGE mortgagee to which reference is herein made for all purposes.

**4. Obligations Secured.** Deed of Trust or Contract Lien executed by LEON KIRBY and ANGELA HANEY, securing the payment of the indebtedness in the original amount of \$125,440.00, 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, N.A. is the current mortgagee of the note and Deed of Trust or Contract Lien.

**5. Property to be Sold.** A TRACT OR PARCEL OF LAND CONTAINING 2.500 ACRES CONVEYED TO LEON P. KIRBY, ET UX ANGELA ROSE KIRBY KNOWN AS TRACT 8 OF A SUBDIVISION OF THE LEE ROY JONES 12 1/2 ACRE TRACT CONVEYED BY ISAAC NEWTON JONES, ET AL IN INSTRUMENT DATED JANUARY 23, 1954 RECORDED IN VOLUME 134, PAGE 334 OF THE DEED RECORDS OF WALLER COUNTY OUT OF THE WILLIAM HEADY SURVEY, ABSTRACT 134 IN WALLER COUNTY, TEXAS, SAID 2.500 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO-WIT:

COMMENINCING AT A 1/2 INCH IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID LEE ROY JONES 12.50 ACRE TRACT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF FM 1488 AND MARKING THE NORTHWEST CORNER OF THE GARNETT JONES 12.5 ACRES DESCRIBED IN INSTRUMENT IN VOLUME 134, PAGE 334 ET SEQ, OF THE DEED RECORDS OF WALLER COUNTY;

THENCE SOUTH 02 DEGREES 51 MINUTES 01 SECONDS EAST WITH THE EAST BOUNDARY LINE OF TRACTS 4 AND 6 A DISTANCE OF 719.38 FT. TO A 1/2 INCH IRON ROD FOUND AT THE NORTHEAST CORNER AND PLACE OF BEGINNING OF THE HEREIN DESCRIBED 2.500 ACRE TRACT 8 AND THE SOUTHEAST CORNER OF TRACT 6 OF SAID SUBDIVISION;

THENCE CONTINUING SOUTH 02 DEGREES 51 MINUTES 01 SECONDS EAST WITH THE WEST BOUNDARY LINE OF SAID GARNETT JONES 12.5 ACRES AND THE EAST BOUNDARY OF SAID LEE



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ROY JONES 12.5 ACRE TRACT DESCRIBED IN VOLUME 134, PAGE 334 OF THE DEED RECORDS OF WALLER COUNTY A DISTANCE OF 309.35 FT. TO A 1/2 INCH IRON ROD FOUND WITH CAP AT THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED 2.500 ACRE TRACT 8 AND THE NORTHEAST CORNER OF 2.500 ACRE TRACT 10;

THENCE SOUTH 87 DEGREES 50 MINUTES 29 SECONDS WEST WITH THE DIVISION LINE BETWEEN TRACTS 10 AND 8 AND PASSING A 1/2 INCH IRON ROD FOUND WITH CAP IN THE EAST RIGHT-OF-WAY LINE OF JONESVILLE ROAD AT 337.03 FT. IN ALL A TOTAL DISTANCE OF 352.03 FT. TO A NAIL MARKING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT 8, THE NORTHWEST CORNER OF TRACT 10, THE NORTHEAST CORNER OF TRACT 9 AND THE SOUTHEAST CORNER OF TRACT 7;

THENCE NORTH 02 DEGREES 51 MINUTES 01 SECONDS WEST WITH THE CENTERLINE OF JONESVILLE ROAD (30 FT. IN WIDTH) AND WITH THE EAST BOUNDARY OF TRACT 7 A DISTANCE OF 309.35 FT. TO A NAIL FOUND AT THE NORTHWEST CORNER OF THE HEREIN DESCRIBED 2.500 ACRE TRACT 8, THE NORTHEAST CORNER OF TRACT 7 AND THE SOUTHEAST CORNER OF TRACT 5 ALSO MARKING THE SOUTHWEST CORNER OF TRACT 6;

THENCE NORTH 87 DEGREES 50 MINUTES 29 SECONDS EAST WITH THE DIVISION LINE BETWEEN TRACTS 6 AND 8 PASSING A 1/2 INCH IRON ROD FOUND WITH CAP AT 15.00 FT. IN ALL A TOTAL DISTANCE OF 352.03 FT. TO THE PLACE OF BEGINNING AND CONTAINING 2.500 ACRES OF LAND AND BEING KNOWN AS 26403 JONESVILLE ROAD, HOCKLEY, TEXAS 77447.

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 §51.002, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the Property referenced above. Wells Fargo Bank, N.A., as Mortgage Servicer, is representing the current Mortgagee whose address is:

Wells Fargo Home Mortgage  
3476 Stateview Blvd.  
Fort Mill, SC 29715

Megan L. Randle

**SUBSTITUTE TRUSTEE**

Megan L. Randle, Ebbie Murphy  
1320 Greenway Drive, Suite 300  
Irving, TX 75038 OR Amy Bowman, Reid Ruple,  
Kathleen Adkins, Evan Press, Stephanie Kohler, Cary  
Corenblum, Luci Fuller, Mariel Marroquin,  
Kristopher Holub, Catrena Ward, Julian Perrine,  
Kristie Alvarez, Megan Randle, Ebbie Murphy  
whose address is 1 Mauchly, Irvine, CA 92618

STATE OF Texas  
COUNTY OF Wharton

Before me, the undersigned authority, on this day personally appeared Megan L. Randle, as Substitute Trustee, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and who acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 24<sup>th</sup> day of January, 2019.

Evon Martinez

NOTARY PUBLIC in and for

Wharton COUNTY

My commission expires: 09/30/2021

Print Name of Notary:

Evon Martinez



**CERTIFICATE OF POSTING**

My name is \_\_\_\_\_, and my address is 1320 Greenway Drive, Suite 300, Irving, TX 75038. I declare under penalty of perjury that on \_\_\_\_\_ I filed at the office of the Waller County Clerk and caused to be posted at the Waller County courthouse this notice of sale.

Declarants Name: \_\_\_\_\_

Date: \_\_\_\_\_

## FILED AND RECORDED

**Instrument Number: 19-011**

Filing and Recording Date: 01/24/2019 12:47:46 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*

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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.

Stephanie Tompkins, Deputy

Returned To: