

TS No.: 2015-02369-TX

AUG 12 2016

Notice of [Substitute] Trustee Sale

BOBBIE DAVIS
COUNTY CLERK, PANOLA COUNTY, TEXAS
BY T. Endley DEPUTY

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: 09/06/2016

Time: The sale will begin at 10:00 AM or not later than three hours after that time

Place: The steps of the Courthouse, such steps being located on the East side of the Courthouse or any other area designated by the County Commissioners Court pursuant to Section 51.002 of the Texas Property Code as the place where foreclosure sales are to take place
OR AS DESIGNATED BY THE COUNTY COMMISSIONERS

Property Address: 846 FM 2792, Beckville, TX 75631

2. Terms of Sale: Cash

3. Instrument to be Foreclosed: The Instrument to be foreclosed is the deed of trust or Contract Lien dated 06/10/2008 and recorded 06/11/2008 in Document 131346 real property records of Panola county Texas, with Hardy Mcnew and Amber Mcnew, husband and wife grantor(s) and Alethes, LLC., as Lender, Mortgage Electronic Registration Systems, INC., as Beneficiary .

4. Appointment of Substitute Trustee: The undersigned has been appointed Substitute Trustee in the place of said original Trustee, upon the contingency and in the manner authorized by the above referenced Deed of Trust.

5. Obligation Secured: Deed of Trust of Contract Lien executed by Hardy Mcnew and Amber Mcnew, husband and wife securing the payment of the indebtedness in the original principal amount of \$ **173,565.00**, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. Ocwen Loan Servicing, LLC is the current mortgagee of the note and the deed of trust or contract lien.

6. Default: A default has occurred in the payment of indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness.

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7. Property to be sold: The property to be sold is described as follows:

All that certain lot, tract, or parcel of land situated in Panola County, Texas, about 8 miles North of the Courthouse in the City of Carthage, being 9.264 acres of land, a part of the ANTWIN DUBOIAE, SR. SURVEY, A- 159, and being a part of that certain called 35.430 acre tract of land described in deed from Nannie Lee Brevard and Herbert H. Brevard to William R. Holley, et ux, Pauline C. Holley, dated July 30, 1993, and recorded in Volume 916, Page 140 of the Panola County Deed Records, said 9.264 acres being more particularly described as follows:
Beginning at a concrete monument found for corner at the Northernmost corner of said 35.430 acre tract same being a Western corner of that certain called 52.540 acre tract described in deed to Bobby J. Wiggins, et ux, recorded in Volume 831, Page 520 of said Deed Records, said monument being on the Southeast right of way line of F.M. Highway No. 2792;
Thence South 34° 41' 45" East, a long the Northeast line of said 35.430 acre tract, and the Southwest line of said 52.540 acre tract, 628.71 feet to a ½" iron rod with surveyors cap set for corner on same;
Thence South 43° 12' 19" West - 345.42 feet to a ½" iron rod with surveyors cap set for corner in a fence;
Thence South 35° 33' 03" East, generally with said fence, 138.43 feet to a ½" iron rod with surveyors cap set for corner at a fence corner post;
Thence South 43° 49' 49" West, generally with a fence, 222.66 feet to a ½" iron rod with surveyors cap set for corner at a fence corner post;
Thence North 54° 55' 59" West - 143.74 feet to a ½" iron rod with surveyors cap set for corner;
Thence North 33° 15' 09" West - 296.87 feet to a ½" iron rod with surveyors cap set for corner at a fence angle corner;
Thence North 82° 03' 49" West, generally with a fence, 155.27 feet to a ½" iron rod with surveyors cap set for corner at end of said fence;
Thence North 53° 00' 29" West - 86.87 feet to a ½" iron rod with surveyors cap set for corner on the Northwest line of said 35.430 acre tract, same being the Southeast right of way line of said F. M. Highway 2792;
Thence North 35° 34' 26" East, along, the Northwest tine of said 35.430 acre tract, and said Southeast right of way line, 783.66 feet to the place of beginning and containing 9.264 acres of land.

Tract Two:

All that certain lot, tract, or parcel of land situated in Panola County, Texas, about 8 miles North of the Courthouse in the City of Carthage, being 3.432 acres of land, a part of the ANTWIN DUBOIAE, SR. SURVEY, A-159, and being a part of that certain called 35.430 acre tract of land described in deed from Nannie Lee Brevard and Herbert H. Brevard to William R. Holley, et ux, Pauline C. Holley, dated July 30, 1993, and recorded in Volume 916, Page 140 of the Panola County Deed Records, said 3.432 acres being more particularly described as follows:
Beginning at a ½" iron pipe found for corner at a 6" wood fence corner post, at the Northwest corner of said 35.430 acre tract, being the Northeast corner of a 100.74 acre tract described in deed to W.R. Brevard and recorded in Volume 430, Page 540 of said Deed Records and being on the Southeast right of way of F.M. Highway No. 2792;

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Thence North 35° 39` 45" East, with the right of way of said Highway, 120.95 feet to a ½" iron rod with surveyor`s cap set for corner at the Northwest corner of a 9.264 acre tract also surveyed from said 35.430 acre tract;

Thence in a Southeasterly direction with the Southwest line of said 9.264 acre tract, generally with a fence, the following: (1) South 53°00`29" East - 86.87 feet to a ½" iron rod with surveyor`s cap set for corner at fence end, (2) South 82°03`49" East - 155.27 feet to a ½" iron rod with surveyor`s cap set for corner at fence corner angle, (3) South 33°15`09" East - 296.87 feet to a ½" iron rod with surveyor`s caps set for corner and (4) South 54°55`59" East-143.74 feet to a ½" iron rod with surveyor`s cap set for corner at fence corner post and being the Southwest corner of said 9.264 acre tract;

Thence South 43°49`56" West - 303.65 feet to a ½" iron rod set for corner on in the Southwest line of said 35.430 acre tract and being on the Northeast line of the residue of said 100.74 acre tract;

Thence North 34°42`17" West, with the Southwest line of said 35.430 acre tract and the Northeast line of the residue of said 100.74 acre tract, 639.00 feet to the place of beginning and containing 3.432 acres of land.

Easement:

All that certain lot, tract, or parcel of land situated in Panola County, Texas, about 8 miles North of the Courthouse in the City of Carthage, being a 30 foot wide right of way, 15 feet either side of the centerline extending over, through, along and across a 3.432 acre tract, being a part of the ANTWIN DUBOIAE, SR. SURVEY, A-159, and being a part of that certain called 35.430 acre tract of land described in deed from Nannie Lee Brevard and Herbert H. Brevard to William R. Holley, et ux, Pauline C. Holley, dated July 30, 1993, and recorded in Volume 916, Page 140 of the Panola County Deed Records, the centerline of said right of way being more particularly described as follows:

Beginning at a point that bears North 35°39`45" East - 90.55 feet from a ½" iron pipe found for corner at a 6" wood fence corner post, at the Northwest corner of said 35.430 acre tract, and being on the Southeast right of way of F.M. Highway No, 2792;

Thence in a Southeasterly direction, with an existing gravel lease, crossing said 3.432 acre tract:

South 53°30`51" East - 87.41 feet;

South 47°23`43" East - 152.39 feet;

South 46°07`35" East - 262.13 feet;

South 48°29`31" East - 90.00 feet;

South 58°13`52" East - 44.31 feet;

Thence North 83°42`20" East - 7.31 feet to a point on the South line of said 3.43

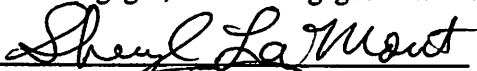
Acre tract, said point bears South 43°49`56" West - 54.25 feet from the Southeast corner of said 3.432 acre tract for the end of this description.

8. **Mortgage Servicer Information:** The Mortgage Service 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. **Ocwen Loan Servicing, LLC**, as Mortgage Servicer, is representing the current mortgagee, whose address is:

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**C/O Ocwen Loan Servicing, LLC
1661 Worthington Rd., Suite 100
West Palm Beach, FL 33409
Phone: 1-800-746-2936**

9. **Limitation of Damages:** If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's attorney.

 8-12-16

Allan Johnston, Sheryl Lamont, Robert Lamont, David Sims, Sharon St. Pierre, Harriett Fletcher, Carol Hampton, Terri Worley, Mark Hartman, Aurora Campos, Ramiro Cuevas, Kelley Burns, Tanya Graham, Evan Press, Jack Burns II, Daniel Willsie, Phillip Pierceall, Terry Waters, Logan Thomas, Chance Oliver, Max Murphy or Bret Allen or Substitute Trustee

C/O Power Default Services, Inc.
Northpark Town Center
1000 Abernathy Rd NE; Bldg 400, Suite 200
Atlanta, GA 30328
Telephone: 855-427-2204
Fax: 866-960-8298

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

POWER DEFAULT SERVICES, INC. MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE.