

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 03/29/2006 and recorded in Book 731 Page 62 Document 233622 real property records of Terry County, Texas.
- 3. Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:
Date: 07/04/2017
Time: 01:00 PM
Place: Terry County Courthouse, Texas, at the following location: IN THE MAIN LOBBY BY THE NORTH ENTRANCE OF THE TERRY COUNTY COURTHOUSE NEAR THE BULLETIN BOARD, OR THE PRECEDING AREA IS NO LONGER THE DESIGNATED AREA, AT THE AREA MOST RECENTLY DESIGNATED BY THE COUNTY COMMISSIONER'S COURT 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 BOBBY DEAN ODEN AND ELNA JENE ODEN, provides that it secures the payment of the indebtedness in the original principal amount of \$195,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. CIT Bank, N.A. is the current mortgagee of the note and deed of trust and FINANCIAL FREEDOM SENIOR FUNDING CORPORATION is mortgage servicer. A servicing agreement between the mortgagee, whose address is CIT Bank, N.A. c/o FINANCIAL FREEDOM SENIOR FUNDING CORPORATION, 2900 Esperanza Crossing, Austin, TX 78758 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.
- 6. Order to Foreclose.** CIT Bank, N.A. obtained a Order from the 121st District Court of Terry County on 04/07/2017 under Cause No. 20547. 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 RONALD BYRD, 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
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14160 North Dallas Parkway
Dallas, TX 75254



RONALD BYRD
c/o AVT Title Services, LLC
1101 Ridge Rd. Suite 222
Rockwall, TX 75087

Certificate of Posting
I am Ronald Byrd whose address is 14160 N. Dallas Pkwy, Suite 900, Dallas, TX 75254. I declare under penalty of perjury that on 4-25-17 I filed this Notice of Foreclosure Sale at the office of the Terry County Clerk and caused it to be posted at the location directed by the Terry County Commissioners Court.

EXHIBIT "A"

SURFACE ESTATE ONLY of a tract of land out of the Northeast Quarter (NE/4) of Section 111, Block T, D & W Ry. Co. Survey in Terry County, Texas, described by metes and bounds as follows:

BEGINNING at a point that bears 403.4 feet North of the Southwest corner of the Northeast Quarter of Section 111, for the Southwest corner of this tract;

THENCE North along the West line of the Northeast Quarter of said Section a distance of 455.6 feet to a 1" iron pipe set for the Northeast corner of this tract;

THENCE North $1^{\circ}49'$ East a distance of 382.3 feet to a 1" iron pipe set in the West right-of-way line of U.S. Highway 385, for the Northeast corner of this tract;

THENCE South $22^{\circ}44'$ East along said right-of-way line a distance of 506.86 feet to a 1/2" rod set for a corner;

THENCE West to the Place of Beginning.

FILED FOR RECORD	
BY	<i>[Signature]</i>
1033	<i>[Signature]</i>
O'CLOCK	APR 25 2017
COUNTY CLERK-TERRY COUNTY, TEXAS	