

VG-311-2018-1803959

**Freestone
County
Linda Jarvis
Freestone County
Clerk**

Instrument Number: 1803959

Foreclosure Posting

DECLARATION OF INVALIDITY OF FORECLOSURE SALE

Recorded On: December 06, 2018 12:07 PM

Number of Pages: 4

" Examined and Charged as Follows: "

Total Recording: \$8.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 1803959
Receipt Number: 20181206000016
Recorded Date/Time: December 06, 2018 12:07 PM
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Station: Clerk Station

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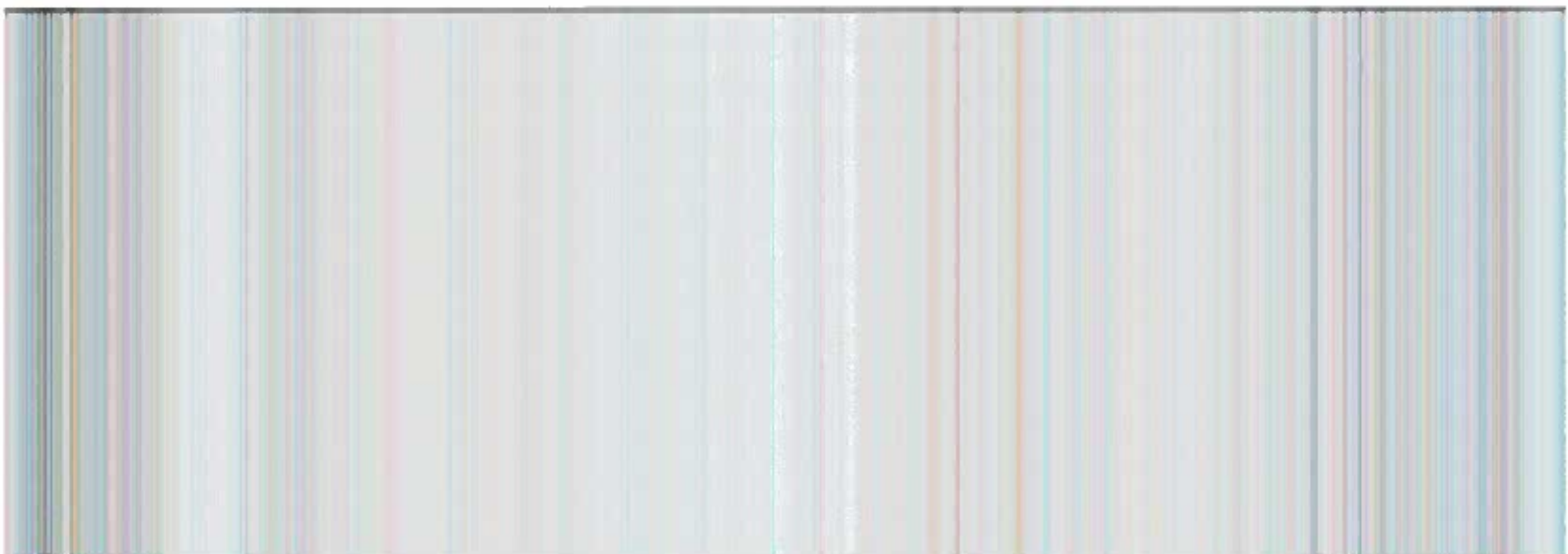
LORI GARNER



**STATE OF TEXAS
COUNTY OF FREESTONE**

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Freestone County, Texas.

Linda Jarvis
Freestone County Clerk
Freestone County, TX



NOTICE OF DEFAULT AND FORECLOSURE SALE

WHEREAS, on May 13, 2011, a certain Adjustable Rate Home Equity Conversion Deed of Trust ("Reverse Mortgage") was executed by JOYCE PILLANS, as mortgagor in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (MERS) AS NOMINEE FOR URBAN FINANCIAL GROUP, INC., ITS SUCCESSORS AND ASSIGNS, as mortgagee and ALAN E. SOUTH, ATTORNEY AT LAW, as trustee, and was recorded on May 19, 2011 under Clerk's Instrument Number 01102512, Book 01549, Page 00315 in the real property records of Freestone, Texas.

WHEREAS, the Reverse Mortgage was insured by the United States Secretary of Housing and Urban Development (the "Secretary") pursuant to the National Housing Act for the purpose of providing single family housing; and

WHEREAS, the beneficial interest in the Reverse Mortgage is now owned by the Secretary, pursuant to an assignment dated June 22, 2016, and recorded on July 12, 2016, under Clerk's Instrument Number 01602274 in the real property records of Freestone County, Texas; and

WHEREAS, a default has been made in the covenants and conditions of the Reverse Mortgage in that the Mortgagors are now deceased; and

WHEREAS, the entire amount delinquent as of January 2, 2019 is \$348,150.28; and

WHEREAS, by virtue of the default, the Secretary has declared the entire amount of the indebtedness secured by the Reverse Mortgage to be immediately due and payable;

NOW THEREFORE, pursuant to powers vested in me by the Single Family Mortgage Foreclosure Act of 1994, 12 U.S.C. 3751 et seq., by 24 CFR part 27, subpart B, and by the Secretary's designation of me as Foreclosure Commissioner, recorded on October 15, 2007 in Dallas County under Clerk's File Number 20070369306, notice is hereby given that on January 2, 2019, at 10:00 AM local time or no later than three hours thereafter, all real and personal property at or used in connection with the following described premises ("Property") will be sold at public auction to the highest bidder:

SEE "EXHIBIT A"

Commonly known as: 195 COUNTY ROAD 190, STREETMAN, TX 75859.

The sale will be held at the Freestone County Courthouse, Texas at the following location: THE FRONT STEPS OF THE COURTHOUSE (SOUTH ENTRANCE) OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.

The Secretary of Housing and Urban Development will bid \$348,150.28.

There will be no proration of taxes, rents or other income or liabilities, except that the purchaser will pay, at or before closing, his prorated share of any real estate taxes that have been paid by the Secretary to the date of the foreclosure sale.

When making their bids, all bidders except the Secretary must submit a deposit totaling \$34,815.03 in the form of a certified check or cashier's check made out to the Secretary of HUD. A deposit need not accompany each oral bid. If the successful bid is oral, a deposit of \$34,815.03 must be presented before the bidding is closed. The deposit is nonrefundable. The remainder of the purchase price must be delivered within 30 days of the sale or at such other time as the Secretary may determine for good cause shown, time being of the essence. This amount, like the bid deposits, must be delivered in the form of a certified or cashier's check. If the Secretary is the highest bidder, he need not pay the bid amount in cash. The successful bidder will pay all conveying fees, all real estate and other taxes that are due on or after the delivery date of the remainder of the payment and all other costs associated with the transfer of title. At the conclusion of the sale, the deposits of the unsuccessful bidders will be returned to them.

The Secretary may grant an extension of time within which to deliver the remainder of the payment. All extensions will be for 15-day increments for a fee of \$500.00, paid in advance. The extension fee shall be in the form of a certified or cashier's check made payable to the Secretary of HUD. If the high bidder closes the sale prior to the expiration of any extension period, the unused portion of the extension fee shall be applied toward the amount due.

If the high bidder is unable to close the sale within the required period, or within any extension of time granted by the Secretary, the high bidder may be required to forfeit the cash deposit or, at the election of the foreclosure commissioner after consultation with the HUD representative, will be liable to HUD for any costs incurred as a result of such failure. The Commissioner may, at the direction of the HUD representative, offer the property to the second highest bidder for an amount equal to the highest price offered by that bidder.

There is no right of redemption, or right of possession based upon a right of redemption, in the mortgagor or others subsequent to a foreclosure completed pursuant to the Act. Therefore, the Foreclosure Commissioner will issue a Deed to the purchaser(s) upon receipt of the entire purchase price in accordance with the terms of the sale as provided herein. HUD does not guarantee that the property will be vacant.

The scheduled foreclosure sale shall be cancelled or adjourned if it is established, by documented written application of the mortgagor to the Foreclosure Commissioner not less than 3 days before the date of sale, or otherwise, that the default or defaults upon which the foreclosure is based did not exist at the time of service of this notice of default and foreclosure sale, or all amounts due under the mortgage agreement are tendered to the Foreclosure Commissioner, in the form of a certified or cashier's check payable to the Secretary of HUD, before public auction of the property is completed.

The amount that must be paid if the mortgage is to be paid in full prior the scheduled sale is \$348,150.28, plus all other amounts that would be due under the mortgage agreement if payments under the mortgage had not been accelerated, advertising costs and postage expenses incurred in giving notice, mileage by the most reasonable road distance for posting notices and for the Foreclosure Commissioner's attendance at the sale, reasonable and customary costs incurred for title and lien record searches, the necessary out-of-pocket costs incurred by the Foreclosure Commissioner for recording documents, a commission for the Foreclosure Commissioner, and all other costs incurred in connection with the foreclosure prior to reinstatement.

Tender of payment by certified or cashier's check or application for cancellation of the foreclosure sale shall be submitted to the address of the Foreclosure Commissioner provided below.

Date: December 5, 2018

L. Keller Mackie
Foreclosure Commissioner
Mackie Wolf Zientz & Mann, P.C.
Parkway Office Center, Suite 900
14160 North Dallas Parkway
Dallas, TX 75254
(214) 635-2650
(214) 635-2686 Fax



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EXHIBIT A

Exhibit A to the Mortgage made on May 13, 2011, by Joyce Pillans, an unmarried person ("Borrower") to Urban Financial Group Inc. ("Lender"). The Property is located in the county of FREESTONE, state of Texas, described as follows:

Description of Property

Legal description attached hereto as exhibit "A" and by this reference made a part hereof

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE WM, A. BISHOP SURVEY, ABSTRACT 60, FREESTONE COUNTY, TEXAS, AND BEING ALL OF A CALLED 5.01 ACRE TRACT OF LAND DESCRIBED BY DEED RECORDED IN VOLUME 1116, PAGE 336 OF THE DEED RECORDS OF FREESTONE COUNTY, TEXAS. SAID TRACT OR PARCEL OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING ON A FOUND 1/2" IRON ROD FOR THE NORTHWEST CORNER OF THIS TRACT AND THE NORTHWEST CORNER OF THE ABOVE MENTIONED 5.01 ACRE LOCATED ON THE SOUTH LINE OF A 50 FOOT WIDE ROAD; THENCE WITH SAID SOUTH LINE N 57° 13' 00" E 635.56 FEET TO A FOUND 1/2" IRON ROD FOR THE NORTHEAST CORNER OF THIS TRACT LOCATED ON THE WEST LINE OF COUNTY ROAD NO. 190; THENCE WITH SAID WEST LINE S 28° 41' 39" E 12.16 FEET AND S 32° 26' 45" E 331.45 FEET TO A FOUND 1/2" IRON ROD FOR THE SOUTHEAST CORNER OF THIS TRACT; THENCE S 58° 07' 08" W 632.97 FEET TO A FOUND 1/2" IRON ROD FOR THE SOUTHWEST CORNER OF THIS TRACT; THENCE N 32° 45' 24" W 333.61 FEET TO THE PLACE OF BEGINNING AND CONTAINING 4.93 ACRES OF LAND.

FILED FOR RECORD IN
Freestone County
Linda Jarvis
COUNTY CLERK
ON: May 19, 2011 AT 02:53P
as Recordings
Document Number: 01102512
Total Fees : 64.00
Receipt Number - 106986
By: Deena Martin, Deputy