

NOTICE OF FORECLOSURE SALE

1. *Property to Be Sold.* The property to be sold is described as follows:

EXHIBIT A.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust dated 10/14/2005 and recorded in Book 0922 Page 353 Document 508032 real property records of Waller County, Texas.

3. *Date, Time, and Place of Sale.*

Date: 06/02/2015

Time: The sale will begin no earlier than 10:00 AM or no later than three hours thereafter.

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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

Prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the deed of trust. The sale shall not cover any part of the property that has been released of public record from the lien of the deed of trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

5. *Obligations Secured.* The Deed of Trust executed by JOE KELLEY AND JENNIFER D KELLEY, provides that it secures the payment of the indebtedness in the original principal amount of \$144,800.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. Wells Fargo Bank, National Association as Trustee for Option One Mortgage Loan Trust 2006-1, Asset-Backed Certificates, Series 2006-1

is the current mortgagee of the note and deed of trust and OCWEN LOAN SERVICING, LLC is mortgage servicer. A servicing agreement between the mortgagee, whose address is Wells Fargo Bank, National Association as Trustee for Option One Mortgage Loan Trust 2006-1, Asset-Backed Certificates, Series 2006-1

c/o OCWEN LOAN SERVICING, LLC, 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. *Default and Request to Act.* Default has occurred under the deed of trust, and the mortgagee has requested a Substitute Trustee conduct this sale. Notice is given that before the sale the mortgagee may appoint another person substitute trustee to conduct the sale.


PATRICIA POSTON, NICK POSTON OR MEGAN RANDLE-BENDER

13-062430-670
17933 FM 362 RD
WALLER, TX 77484-9397

c/o AVT Title Services, LLC
13770 Noel Road #801529
Dallas, TX 75390-1529

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.



EXHIBIT "A"

**Legal Description
9.924 Acres**

BEING a tract or parcel containing 9.924 acres of land situated in the Juan Linde Survey, Abstract No. 41, Waller County, Texas and being the remaining part or portion of a 23.330 acre tract described in Deed dated September 24, 1904 from Betty L. Boland, or of to Frank D. Jones, or to, recorded in Volume 371, Page 761, Waller County Deed Record. Said 9.924 acre tract being more particularly described by metes and bounds, as follows:

BEGINNING at a 3/8" iron rod found at a fence corner for the Northwest corner of the original 23.330 acre tract and the Northwest corner of the herein described 9.924 acre tract, located on the curved West right of way line of F.M. Highway 362, said iron rod also being an Easement corner of the Retail Tracts 1049.283 acre tract as described in Volume 824, Page 321, Official Public Records.

THENCE along the West line of F.M. Highway 362 and following a curve to the left having a radius of 1194.28 feet, an arc length of 260.79 feet, a deflection angle of 89° 37' 00" and whose chord bears S 09° 52' 09" W a distance of 268.55 feet to a 1/2" iron rod found for the end of said curve.

THENCE continuing along the West line of F.M. Highway 362, S 09° 01' 36" E (Basis of Bearings - Record Deed Co.) a distance of 176.33 feet to a 1/2" iron rod found for the Northwest corner of the Kaycee Clark 11.83 acre tract as described in Volume 716, Page 641, Official Public Records and being the Southeast corner of the herein described tract.

THENCE along the North line of the Clark 11.83 acre tract, with a distance of 733.83 feet to a capped 1/2" iron rod set for the Northwest corner of said 11.83 acre tract and being the Southeast corner of the herein described tract, also being on the Eastern boundary of the Oregon 1049.283 acre tract and the Western boundary of the original 23.330 acre tract.

THENCE along the common boundary between the original 23.330 acre tract and the Oregon tract, the following calls:

- N 00° 53' 44" W a distance of 292.17 feet to a 1/2" iron rod found for angle point, and
- N 00° 00' 07" W a distance of 274.86 feet to a 1/2" iron rod found at a fence corner for the Northwest corner of the original 23.330 acre tract and the Northwest corner of the herein described tract, also being an interior corner of the Oregon tract.

THENCE along the North line of the original 23.330 acre tract, common with the boundary of the Oregon tract, N 89° 19' 24" E a distance of 771.57 feet to the POINT OF BEGINNING, containing 9.924 acres of land.

Notes:

- (1) A survey plat to accompany this description.
- (2) The plat is kept on file at the office of the Surveyor General, Austin, Texas.

FILED AND RECORDED

Instrument Number: 15-044

Filing and Recording Date: 05/11/2015 12:41:22 PM Pages: 2 Recording Fee: \$6.00

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 Hollen

Debbie Hollen, 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: