

File Number: TX-16-7271-MC

**NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE**

**Assert and protect your rights as a member of the armed forces of the United States. If you or your spouse is serving on active military duty, including active military 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.**

WHEREAS, on 6/1/2005, MATTHEW R. LEVESQUE AND JO LYN LEVESQUE, HUSBAND AND WIFE, executed a Deed of Trust conveying to LINDA MARTINEZ, ESQ. as Trustee, the Real Estate hereinafter described, to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR FINANCE AMERICA, LLC, ITS SUCCESSORS AND ASSIGNS, in the payment of a debt therein described, said Deed of Trust being recorded under Instrument 504260, Volume 0899, Page 250, and unrecorded loan modification dated 1/13/2015 in the DEED OF TRUST OR REAL PROPERTY records of WALLER COUNTY, Texas; and

WHEREAS, default has occurred in the payment of said indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness;

WHEREAS, the undersigned had been appointed Substitute Trustee in the place of said original Trustee, upon the contingency and in the manner authorized by said Deed of Trust; and

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on 12/6/2016 beginning not earlier than 10:00 AM, or not later than three hours thereafter, I will sell said Real Estate in WALLER COUNTY, TEXAS to the highest bidder for cash. The sale will be conducted in the area designated by the Commissioners' Court, of said county, pursuant to Section §51.002 of the Texas Property Code as amended; if no area is designated by the Commissioners' Court, the sale will be conducted at the location where this Notice of Trustee's Sale was posted. Said Real Estate is described as follows:

**LEGAL DESCRIPTION ATTACHED AS EXHIBIT A**

Property Address: 25094 FM 1488, MAGNOLIA, TX 77355

Mortgage Servicer: Caliber Home Loans, Inc.

Mortgage Servicer Address: 13801 WIRELESS WAY, OKLAHOMA CITY, OK, 73134

Reinstatement Line: (800) 401-6587

Noteholder: The Bank of New York Mellon, as Trustee for CIT Mortgage Loan Trust 2007-1

The Mortgage Servicer is authorized to represent the Noteholder by virtue of a servicing agreement with the Noteholder. 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 property securing the above referenced loan.

WITNESS MY HAND this day, 11/15/16

When recorded please return to:  
Caliber Home Loans, Inc. – Document Control  
13801 WIRELESS WAY  
OKLAHOMA CITY, OK 73134



Megan L. Randle-Bender, Rebecca Bolton,  
Substitute Trustee



4598396

### EXHIBIT A - LEGAL DESCRIPTION

All that certain tract or parcel of land containing 10.000 acres, situated in the James Cooper Survey, Abstract 114, Waller County, Texas, and being out of that certain tract described as 115.2165 acres in deed to FM 1488-115 Limited, recorded in Volume 240, Page 718 of the Waller County Deed Records, said 10.000 acre tract being out of that certain tract described in deed to Steven R. Skinner, et ux, recorded in Volume 603, Page 153, Official Public Records, Waller County, Texas, and being more particularly described as follows, all bearings being referenced to the said deeds:

COMMENCING at a 2 inch iron pipe found in the north right-of-way line of F. M. 1488 for the southwest corner of the said 115.2165 acre tract:

THENCE, N 70°21'23" E, a distance of 837.09 feet along the north line of F. M. 1488 to a ½ inch iron rod found for the southwest corner of the said Skinner Tract, and being the southeast corner of that certain 45.508 acre tract described in deed to Gary Hollingshead, recorded in Volume 885, Page 351 O.P. Rec. and said corner also being the southwest corner of that certain 60 foot access easement described in deed recorded in Volume 0778, Page 209 O.P. Rec.;

THENCE, N 00°12'52" W, a distance of 1277.34 feet along the east line of the said 45.506 acre tract and the west line of the said Skinner tract and 60 foot access easement to a ½ inch iron rod found for the southwest corner and POINT OF BEGINNING of the herein described tract, and being the northwest corner of the said 60 foot access easement and a corner of that certain 18.219 acre tract previously surveyed by me;

THENCE, N 00°12'52" W, a distance of 318.49 feet continuing along the east line of the said 45.508 acre tract and the west line of the said Skinner tract to a ½ inch iron rod found for a corner of the said 45.508 acre tract and said Skinner tract;

THENCE, S 89°45'30" E, a distance of 286.48 feet along the common line of the said 45.508 acre tract and Skinner tract to a ½ inch iron rod found for a corner of the said 45.506 acre tract and Skinner tract;

THENCE, N 00°14'29" E, a distance of 692.18 feet continuing along the east line of the said 45.508 acre tract and the west line of the said Skinner tract to a ½ inch iron rod set for the northwest corner of this tract, said corner being located S 00°14'29" W, 520.47 feet from a 1/2 inch iron rod found for the northeast corner of the said 45.508 acre tract and northwest corner of the said Skinner tract;

THENCE, S 89°45'30" E, a distance of 1037.41 feet crossing the said Skinner tract to a ½ inch iron rod set in the east line of the said Skinner tract for the northeast corner of this tract, said corner being in the west line of that certain 88 acre tract described in deed to Lula T. Hems, recorded in Volume 51, Page 394, Deed Records, Waller County, Texas, and said corner being located S 01°35'10" W, 529.30 feet from an axle found for the

northeast corner of the said Skinner tract and the northwest corner of the said 88 acre tract;

THENCE, S 01°35'10" W, a distance of 331.31 feet along the east line of the said Skinner tract and the west line of the said 88 acre tract to a ½ inch iron rod set for the southeast corner of this tract, and being the northeast corner of the said 18.219 acre tract;

THENCE, N 89°45'30" W, a distance of 969.64 feet along the north line of the said 18.219 acre tract to a ½ inch iron rod found for a corner of the said 18.219 acre tract;

THENCE, S 00°14'28" W, a distance of 490.71 feet along the said 18.219 acre tract to a ½ inch iron rod found for a corner of the said 18.219 acre tract;

THENCE, N 89°17'10" W, a distance of 168.47 feet along the said 18.219 acre tract to a ½ inch iron rod found for a corner of the said 18.219 acre tract;

THENCE, S 00°42'49" W, a distance of 191.40 feet along the said 18.219 acre tract to a ½ inch iron rod found for a corner of the said 18.219 acre tract;

THENCE, N 89°17'10" W, at 93.91 feet pass the northeast corner of the said 60 foot access easement, and continuing along the north line of the said 60 foot access easement, a total distance of 153.91 feet along the said 18.219 acre tract to the POINT OF BEGINNING and containing 10.000 acres of land.

FIELD NOTE DESCRIPTION  
10.000 Acres of Land

VOL 0899 PAGE 272

All that certain tract or parcel of land containing 10.000 acres, situated in the James Cooper Survey, Abstract 114, Waller County, Texas, and being out of that certain tract described as 115.2165 acres in deed to FM 1488-115 Limited, recorded in Volume 240, Page 718 of the Waller County Deed Records, said 10.000 acre tract being out of that certain tract described in deed to Steven R. Skinner, et ux, recorded in Volume 803, Page 153, Official Public Records, Waller County, Texas, and being more particularly described as follows, all bearings being referenced to the said deeds:

COMMENCING at a 2 inch iron pipe found in the north right-of-way line of F. M. 1488 for the southwest corner of the said 115.2165 acre tract;

THENCE, N 70°21'23" E, a distance of 837.09 feet along the north line of F. M. 1488 to a ½ inch iron rod found for the southwest corner of the said Skinner Tract, and being the southeast corner of that certain 45.506 acre tract described in deed to Gary Hollingshead, recorded in Volume 685, Page 351 O.P. Rec., and said corner also being the southwest corner of that certain 60 foot access easement described in deed recorded in Volume 0778, Page 209 O.P. Rec.;

THENCE, N 00°12'52" W, a distance of 1277.34 feet along the east line of the said 45.506 acre tract and the west line of the said Skinner tract and 60 foot access easement to a ½ inch iron rod found for the southwest corner and POINT OF BEGINNING of the herein described tract, and being the northwest corner of the said 60 foot access easement and a corner of that certain 18.219 acre tract previously surveyed by me;

THENCE, N 00°12'52" W, a distance of 318.49 feet continuing along the east line of the said 45.506 acre tract and the west line of the said Skinner tract to a ½ inch iron rod found for a corner of the said 45.506 acre tract and said Skinner tract;

THENCE, S 89°45'30" E, a distance of 266.48 feet along the common line of the said 45.506 acre tract and Skinner tract to a ½ inch iron rod found for a corner of the said 45.506 acre tract and Skinner tract;

THENCE, N 00°14'29" E, a distance of 692.18 feet continuing along the east line of the said 45.506 acre tract and the west line of the said Skinner tract to a ½ inch iron rod set for the northwest corner of this tract, said corner being located S 00°14'29" W, 520.47 feet from a 1/2 inch iron rod found for the northeast corner of the said 45.506 acre tract and northwest corner of the said Skinner tract;

THENCE, S 89°45'30" E, a distance of 1037.41 feet crossing the said Skinner tract to a ½ inch iron rod set in the east line of the said Skinner tract for the northeast corner of this tract, said corner being in the west line of that certain 88 acre tract described in deed to Lula T. Hems, recorded in Volume 51, Page 394, Deed Records, Waller County, Texas, and said corner being located S 01°35'10" W, 529.30 feet from an axle found for the

northeast corner of the said Skinner tract and the northwest corner of the said 88 acre tract;

THENCE, S 01°36'10" W, a distance of 331.31 feet along the east line of the said Skinner tract and the west line of the said 88 acre tract to a ½ inch iron rod set for the southeast corner of this tract, and being the northeast corner of the said 18.219 acre tract;

THENCE, N 89°45'30" W, a distance of 969.64 feet along the north line of the said 18.219 acre tract to a ½ inch iron rod found for a corner of the said 18.219 acre tract;

THENCE, S 00°14'28" W, a distance of 490.71 feet along the said 18.219 acre tract to a ½ inch iron rod found for a corner of the said 18.219 acre tract;

THENCE, N 89°17'10" W, a distance of 168.47 feet along the said 18.219 acre tract to a ½ inch iron rod found for a corner of the said 18.219 acre tract;

THENCE, S 00°42'49" W, a distance of 191.40 feet along the said 18.219 acre tract to a ½ inch iron rod found for a corner of the said 18.219 acre tract;

THENCE, N 89°17'10" W, at 93.91 feet pass the northeast corner of the said 60 foot access easement, and continuing along the north line of the said 60 foot access easement, a total distance of 153.91 feet along the said 18.219 acre tract to the POINT OF BEGINNING and containing 10.000 acres of land.

*Gerald L. Reinke*

GERALD L. REINKE, R.P.L.S. No. 3971  
May 25, 2005  
J.O. No. 5-0511



FIELD NOTE DESCRIPTION  
60 Foot Access Easement

VOL 0899 PAGE 274

A 60 foot access easement situated in the James Cooper Survey, Abstract 114, Waller County, Texas, and being out of that certain tract described as 115.2165 acres in deed to FM 1488-116 Limited, recorded in Volume 240, Page 718 of the Waller County Deed Records, said access easement being out of that certain tract described in deed to Steven R. Skinner, et ux, recorded in Volume 603, Page 153, Official Public Records, Waller County, Texas, and being more particularly described as follows, all bearings being referenced to the said deeds:

COMMENCING at a 2 inch iron pipe found in the north right-of-way line of F. M. 1488 for the southwest corner of the said 115.2165 acre tract;

THENCE, N 70°21'23" E, a distance of 837.09 feet along the north line of F. M. 1488 to a ½ inch iron rod found for the southwest corner of the said Skinner Tract, and being the southeast corner of that certain 45.506 acre tract described in deed to Gary Hollingshead, recorded in Volume 685, Page 351 O.P. Rec., and said corner also being the southwest corner of that certain 60 foot access easement described in deed recorded in Volume 0778, Page 209 O.P. Rec.:

THENCE, N 00°12'52" W, a distance of 1277.34 feet along the east line of the said 45.506 acre tract and the west line of the said Skinner tract and 60 foot access easement to a ½ inch iron rod found for the southwest corner of a 10.000 acre tract surveyed by me this date, and being the southwest corner and POINT OF BEGINNING of the herein described easement, and being the northwest corner of the said 60 foot access easement and a corner of that certain 18.219 acre tract previously surveyed by me;

THENCE, N 00°12'52" W, a distance of 318.49 feet continuing along the east line of the said 45.506 acre tract and the west line of the said Skinner tract to a ½ inch iron rod found for a corner of the said 45.506 acre tract and said Skinner tract;

THENCE, S 89°45'30" E, a distance of 268.48 feet along the common line of the said 45.506 acre tract and Skinner tract to a ½ inch iron rod found for a corner of the said 45.506 acre tract and Skinner tract;

THENCE, N 00°14'29" E, a distance of 692.18 feet continuing along the east line of the said 45.506 acre tract and the west line of the said Skinner tract to a ½ inch iron rod set for the northwest corner of the said 10.000 acre tract and this tract, said corner being located S 00°14'29" W, 520.47 feet from a 1/2 inch iron rod found for the northeast corner of the said 45.506 acre tract and northwest corner of the said Skinner tract;

THENCE, S 89°45'30" E, a distance of 60.00 feet crossing the said Skinner tract to a point for the northeast corner of this easement.

Page 2 - Field Note Description of a 60 Foot Access Easement

THENCE, S 00°14'29" W, at 331.22 feet pass a 1/4 inch iron rod found for a corner of the said 10.000 acre tract and the said 18.219 acre tract, a total distance of 752.18 feet to a point for corner;

THENCE, N 89°17'10" W, a distance of 286.00 feet along the said 10.000 acre tract and the said 18.219 acre tract to a point for corner;

THENCE, S 00°12'52" E, a distance of 268.88 feet to a point for corner in the south line of the said 10.000 acre tract and the line of the said 18.219 acre tract, and being the northeast corner of the said 60 foot access easement (Vol. 0778, Pg. 209 O.P. Rec.;

THENCE, N 89°17'10" W, a distance of 60.00 feet along the north line of the said 60 foot access easement (Vol. 0778, Pg. 209 O.P. Rec.), along the said 10.000 acre tract and the said 18.219 acre tract to the POINT OF BEGINNING.

*Gerald L. Reinke*

GERALD L. REINKE, R.P.L.S. No. 3971  
May 25, 2005  
J.O. No. 5-0511A



TEXAS AMERICAN TITLE  
18335 FM 1488, SUITE 165  
MAGNOLIA, TEXAS 77354

Filed for Record  
RECORDED

June 9  
June 13

A.D., 2005 at 2:00 o'clock P. M.  
A.D., 2005 at 9:25 o'clock A. M.  
CHERYL PETERS, County Clerk, Waller County, Texas

By *Stephanie Lompein* Deputy

## FILED AND RECORDED

**Instrument Number: 16-076**

Filing and Recording Date: 11/15/2016 02:42:04 PM Pages: 8 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,



A handwritten signature in black ink that reads "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.

Kim Imhoff, Deputy

Returned To: