

## 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 12/20/2013 and recorded in Book 1396 Page 087 Document 1400018 real property records of Waller County, Texas.

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: 02/07/2017

Time: 01:00 PM

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.

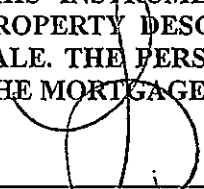
4. *Terms of Sale.* The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. Pursuant to section 51.009 of 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.


5. *Obligations Secured.* The Deed of Trust executed by BENNIE WALKER, provides that it secures the payment of the indebtedness in the original principal amount of \$240,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. AMERICAN ADVISORS GROUP is the current mortgagee of the note and deed of trust and AMERICAN ADVISORS GROUP is mortgage servicer. A servicing agreement between the mortgagee, whose address is AMERICAN ADVISORS GROUP c/o AMERICAN ADVISORS GROUP, 3900 Capital City Blvd., Lansing, MI 48906 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. *Order to Foreclose.* AMERICAN ADVISORS GROUP obtained a Order from the 506th District Court of Waller County on 11/18/2016 under Cause No. 16-09-23948. 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 MEGAN L. RANDLE AKA MEGAN RANDLE-BENDER OR REBECCA BOLTON, 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  
 Tracey Midkiff, Attorney at Law  
 Joseph Modric, Attorney at Law  
 Parkway Office Center, Suite 900  
 14160 North Dallas Parkway  
 Dallas, TX 75254

  
 MEGAN L. RANDLE AKA MEGAN RANDLE-BENDER OR  
 REBECCA BOLTON  
 c/o AVT Title Services, LLC  
 1101 Ridge Rd, Suite 222  
 Rockwall, TX 75087

I am Megan L. Randle Certificate of Posting  
 whose address is 14160 N. Dallas Pkwy, Suite 900, Dallas, TX 75254. I declare under  
 penalty of perjury that on 12/13/16 I filed this Notice of Foreclosure Sale at the office of the Waller County Clerk and  
 caused it to be posted at the location directed by the Waller County Commissioners Court.



**EXHIBIT A**

Exhibit A to the Mortgage made on December 20, 2013, by **BENNIE WALKER, AN UNMARRIED MAN** ("Borrower") to Mortgage Electronic Registration Systems, Inc. ("MERS") ("Beneficiary"). The Property is located in the county of **WALLER**, state of **Texas**, described as follows:

**Description of Property**

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND BY THIS REFERENCE  
MADE A PART HEREOF.  
APN 709000-001-021-000

LEGAL DESCRIPTION

METES AND BOUNDS DESCRIPTION 0.463 ACRE LOT 21-A PORTION OF LOT 21 BLOCK 1, PRAIRIE ACRES J. LIENDO SURVEY, A-41 WALLER COUNTY, TEXAS

A TRACT OR PARCEL OF LAND CONTAINING 0.463 ACRE (20,157 SQUARE FEET) OUT OF THE J. LIENDO SURVEY, ABSTRACT NO. 41, WALLER COUNTY, TEXAS, BEING A PORTION OF LOT 21, BLOCK 1, OF PRAIRIE ACRES, A SUBDIVISION RECORDED IN VOLUME 146, PAGE 193 OF THE WALLER COUNTY DEED RECORDS (W.C.D.R.), CONVEYED TO BENNIE E. WALKER, AS RECORDED IN CLERK'S FILE NO. 1282966 AND 1305202 OF THE OFFICIAL PUBLIC RECORDS OF WALLER COUNTY (O.P.R.W.C.), SAID 0.463 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (THE BASIS OF BEARING FOR THIS DESCRIPTION IS THE CALL FOR THE NORTH RIGHT-OF-WAY LINE OF HILLCROFT ROAD (60 FEET WIDE) AS RECORDED ON SAID PLAT OF PRAIRIE ACRES):

COMMENCING AT A 1/2 INCH IRON ROD FOUND IN THE NORTH RIGHT-OF-WAY LINE OF HILLCROFT ROAD (60 FEET WIDE) AT THE SOUTHWEST CORNER OF SAID LOT 21, BLOCK 1, ALSO BEING THE SOUTHEAST CORNER OF LOT 20, BLOCK 1 OF SAID PRAIRIE ACRES;

THENCE NORTH 00 DEGREES 03 MINUTES 34 SECONDS WEST, 183.25 FEET, ALONG THE WEST LINE OF SAID LOT 21 AND EAST LINE OF SAID LOT 20, TO A 5/8 INCH IRON ROD SET AT THE SOUTHWEST CORNER AND POINT OF BEGINNING OF HERBIM DESCRIBED TRACT;

THENCE NORTH 00 DEGREES 03 MINUTES 34 SECONDS WEST, 191.45 FEET, ALONG THE EAST LINE OF SAID LOT 20, TO A FOUND 1/2 INCH IRON ROD AT THE NORTHWEST CORNER OF HEREIN DESCRIBED TRACT, SAME BEING THE SOUTHEAST CORNER OF LOT 11, BLOCK 1 OF SAID PRAIRIE ACRES, AND SOUTHWEST CORNER OF LOT 10, BLOCK 1 OF SAID PRAIRIE ACRES;

THENCE SOUTH 81 DEGREES 31 MINUTES 00 SECONDS EAST, 111.22 FEET, ALONG THE SOUTH LINE OF SAID LOT 10, TO A 1/2 INCH IRON ROD FOUND AT THE NORTHEAST CORNER OF HERBIM DESCRIBED TRACT, SAME BEING THE SOUTHEAST CORNER OF SAID LOT 10 AND THE SOUTHWEST CORNER OF LOT 9, BLOCK 1, OF SAID PRAIRIE ACRES;

THENCE SOUTH 00 DEGREES 03 MINUTES 34 SECONDS EAST, 175.04 FEET, ALONG THE WEST LINE OF LOT 22, BLOCK 1, OF SAID PRAIRIE ACRES, TO A 5/8 INCH IRON ROD SET AT THE SOUTHEAST CORNER OF HEREIN DESCRIBED TRACT;

THENCE WEST, 110.00 FEET CROSSING SAID LOT 21 TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT CONTAINING 0.463 ACRE (20,157 SQUARE FEET) OF LAND. DRAWING NO. C -224 WAS PREPARED TO ACCOMPANY THIS DESCRIPTION, AND IS ON FILE IN THE OFFICE OF C&R SURVEYING, INC.

32.5 FEET WIDE ACCESS EASEMENT METES AND BOUNDS DESCRIPTION 0.137 ACRE OUT OF LOT 21 BLOCK 1, PRAIRIE ACRES J. LIENDO SURVEY, A-41 WALLER COUNTY, TEXAS

A TRACT OR PARCEL OF LAND CONTAINING 0.137 ACRE (5,956 SQUARE FEET) OUT OF THE J. LIENDO SURVEY, ABSTRACT NO. 41, WALLER COUNTY, TEXAS, BEING A PORTION OF LOT 21, BLOCK 1 OF PRAIRIE ACRES, A SUBDIVISION RECORDED IN VOLUME 146, PAGE 193 OF THE WALLER COUNTY DEED RECORDS (W.C.D.R.), CONVEYED TO BENNIE E. WALKER, AS RECORDED IN CLERK'S FILE NO. 1282966 AND 1305202 OF THE OFFICIAL PUBLIC RECORDS OF WALLER COUNTY (O.P.R.W.C.), SAID 0.135 ACRES BEING MORE

PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (THE BASIS OF BEARING FOR THIS DESCRIPTION IS THE CALL FOR THE NORTH RIGHT-OF-WAY LINE OF HILLCROFT ROAD (60 FEET WIDE) AS RECORDED ON THE PLAT OF PRAIRIE ACRES VOLUME 146, PAGE 193 OF THE WALLER COUNTY DEED RECORDS (W.C.D.R.):

BEGINNING AT A 1/2 INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID LOT 21, LYING IN THE NORTH RIGHT-OF-WAY LINE OF SAID HILLCROFT ROAD;

THENCE WEST 32.50 FEET, ALONG SAID NORTH RIGHT-OF-WAY LINE OF HILLCROFT ROAD TO A POINT FOR THE SOUTHWEST CORNER OF HEREIN DESCRIBED TRACT;

THENCE NORTH 00 DEGREES 03 MINUTES 34 SECONDS WEST, 183.25 FEET, CROSSING SAID LOT 21 TO A POINT FOR THE NORTHWEST CORNER OF HEREIN DESCRIBED ACCESS BASEMENT;

THENCE EAST, 32.50 FEET, CROSSING SAID LOT 21, TO A 5/8 INCH IRON ROD SET AT THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 00 DEGREES 03 MINUTES 34 SECONDS EAST, 183.25 FEET, ALONG THE WEST LINE OF LOT 22, BLOCK 1, OF SAID PRAIRIE ACRES TO THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT, CONTAINING 0.157 ACRE (5,856 SQUARE FEET) OF LAND. DRAWING NO. C-224 WAS PREPARED TO ACCOMPANY THIS DESCRIPTION, AND IS ON FILE IN THE OFFICE OF C&R SURVEYING, INC.

BEING THE SAME PROPERTY CONVEYED TO CLARA C. SUTTON BY DEED FROM RAYMOND CHARLES WILSON AND WIFE, JOSEPHINE WILSON RECORDED 03/26/2005 IN VOLUME 912 PAGE 712, IN THE REGISTER'S OFFICE OF WALLER COUNTY, TEXAS.

668 HILLCROFT, PRAIRIE VIEW, TX 77445

## FILED AND RECORDED

**Instrument Number: 16-087**

Filing and Recording Date: 12/13/2016 02:09:00 PM Pages: 5 Recording Fee: \$4.00

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: