

JAN 06 2022

Cynthia K. Puff
County Clerk, Hamilton Co., Texas

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 OR 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: THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF TEXAS, COUNTY OF HAMILTON, DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN LOT TRACT OR PARCEL, BEING PART OF BLOCK 22 OF THE GRUBBS ADDITION TO THE CITY OF HICO, TEXAS, PLAT RECORDED IN VOLUME 1, PAGE 2S OF THE PLAT RECORDS OF HAMILTON COUNTY, TEXAS, BEING THE SAME TRACT DESCRIBED AS A 1.35 ACRE TRACT IN A DEED FROM GLEN A. WADE AND CHARISSA WADE TO SUSAN J. BAKER, DATED FEBRUARY 8, 2002 AND RECORDED IN VOLUME 346, PAGE 301 OF THE DEED RECORDS OF HAMILTON COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD FOUND AT THE MOST EASTERLY NORTHEAST CORNER OF SAID 1.35 ACRE TRACT, BEING IN THE SOUTH LINE OF A TRACT DESCRIBED AS LOT 4 IN A DEED FROM CYNTHIA HUNT TO STEPHEN R. MORGAN, ET UX, DATED MAY 5, 2004 AND RECORDED IN VOLUME 371, PAGE 764 OF THE DEED RECORDS OF HAMILTON COUNTY, TEXAS, BEING IN THE WEST LINE OF MARY STREET, FOR THE MOST EASTERLY NORTHEAST CORNER OF THIS TRACT;
THENCE SOUTH 11 DEGREES 57 MINUTES 57 SECONDS WEST, ALONG THE EAST LINE OF SAID 1.35 ACRE TRACT AND THE WEST LINE OF MARY STREET, 133.52 FEET TO AN IRON ROD SET, BEING IN NORTH LINE OF RAILROAD STREET, FOR THE SOUTHEAST CORNER OF THIS TRACT;
THENCE NORTH 78 DEGREES 02 MINUTES 03 SECONDS WEST, ALONG THE NORTH LINE OF RAILROAD STREET AT 287.17 FEET PASS AN IRON ROD SET, CONTINUING IN ALL 317.17 FEET TO A POINT IN THE CENTER OF GRUBBS BRANCH, FOR THE SOUTHWEST CORNER OF THIS TRACT;
THENCE UP AND ALONG THE CENTER OF GRUBBS BRANCH AS FOLLOWS: NORTH 35 DEGREES 04 MINUTES 40 SECONDS WEST, 22.34 FEET, NORTH 15 DEGREES 21 MINUTES 52 SECONDS WEST, 133.95 FEET, AND NORTH 34 DEGREES 27 MINUTES 32 SECONDS WEST, 62.07 FEET TO A POINT FOR THE NORTHWEST CORNER OF THIS TRACT;
THENCE SOUTH 78 DEGREES 39 MINUTES 29 SECONDS EAST, LEAVING GRUBBS BRANCH ALONG THE NORTH LINE OF SAID 1.35 ACRE TRACT, AT 110.84 FEET PASS AN IRON ROD SET, CONTINUING GENERALLY ALONG A FENCE IN ALL, 250.50 FEET TO A 2 INCH PIPE POST FENCE CORNER, BEING THE MOST NORTHERLY NORTHEAST CORNER OF SAID 1.35 ACRE TRACT, BEING THE SOUTHEAST CORNER OF A TRACT DESCRIBED IN A DEED FROM DARLA SUE ROHAN TO SHIRLEY ANN EVANS, DATED MAY 3, 1999 AND RECORDED IN VOLUME 324, PAGE 580 OF THE DEED RECORDS OF HAMILTON COUNTY, TEXAS, FOR THE MOST NORTHERLY NORTHEAST CORNER OF THIS TRACT;
THENCE SOUTH 09 DEGREES 16 MINUTES 38 SECONDS WEST, GENERALLY ALONG A FENCE ALONG THE EAST LINE OF SAID 1.35 ACRE TRACT, 46.98 FEET TO A 2 INCH PIPE POST FENCE CORNER, BEING AN INTERIOR CORNER OF SAID 1.35 ACRE TRACT, BEING THE SW CORNER OF A TRACT DESCRIBED AS LOT 5 IN A DEED FROM MELVIN RODNEY ANDERSON TO SHELLY A. MOORE, DATED FEBRUARY 16, 2006 AND RECORDED IN VOLUME 396, PAGE 450 OF THE DEED RECORDS OF HAMILTON COUNTY, TEXAS, FOR AN INTERIOR CORNER OF THIS TRACT;

THENCE SOUTH 77 DEGREES 14 MINUTES 53 SECONDS EAST, ALONG THE SOUTH LINE OF SAID MOORE TRACT, 101.96 FEET TO AN IRON ROD FOUND AT A FENCE CORNER, BEING THE SOUTHEAST CORNER OF SAID MOORE TRACT, BEING THE SOUTHWEST CORNER OF SAID MORGAN TRACT, FOR A CORNER OF THIS TRACT;
THENCE SOUTH 79 DEGREES 27 MINUTES 04 SECONDS EAST, ALONG THE SOUTH LINE OF SAID MORGAN TRACT, 85.38 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.33 ACRES OF LAND. BEING THE SAME LOT, TRACT, OR PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECORDED JUNE 8, 2016, FROM SUSAN BAKER FRAZIER TO DAVID M. PHILO, RECORDED IN VOLUME 509, PAGE 834 OF THE REAL PROPERTY RECORDS IN HAMILTON COUNTY, TEXAS.

2. Instrument to be Foreclosed. The instrument to be foreclosed is the Deed of Trust dated 12/07/2016 and recorded in Book 516 Page 311 real property records of Hamilton County, Texas.

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

Date: 02/01/2022
Time: 01:00 PM
Place: Hamilton County, Texas at the following location: WEST CENTER STEPS 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.



FILED FOR RECORD

at _____ o'clock _____ M

JAN 06 2022

Capital K
County Clerk, Hamilton Co., Texas

5. **Obligations Secured.** The Deed of Trust executed by DAVID M. PHILO, provides that it secures the indebtedness in the original principal amount of \$303,000.00, 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 REVERSE MORTGAGE FUNDING, LLC is mortgage servicer. A servicing agreement between the mortgagee, whose address is AMERICAN ADVISORS GROUP c/o REVERSE MORTGAGE FUNDING, LLC, 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. **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 AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, 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

Brandon Wolf

Mackie Wolf Zientz & Mann, P.C.

- ✓ Brandon Wolf, Attorney at Law
- L. Keller Mackie, Attorney at Law
- Michael Zientz, Attorney at Law
- Lori Liane Long, Attorney at Law
- Chelsea Schneider, Attorney at Law
- Ester Gonzales, Attorney at Law
- Parkway Office Center, Suite 900
- 14160 Dallas Parkway
- Dallas, TX 75254

Certificate of Posting

I am *Shirley J. Peppert* whose address is c/o AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230, Houston, TX 77056, declare under penalty of perjury that on *January 6, 2022* I filed this Notice of Foreclosure Sale at the office of the Hamilton County Clerk and caused it to be posted at the location directed by the Hamilton County Commissioners Court.

FILED and RECORDED

Instrument Number: 20220045 B: RP V: 602 P: 575

Filing and Recording Date: 01/06/2022 04:13:59 PM Recording Fee: 2.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the REAL PROPERTY RECORDS of Hamilton County, Texas.



A handwritten signature in black ink, appearing to read "Cynthia K. Puff", is written over a horizontal line.

Cynthia K. Puff, County Clerk
Hamilton 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.