

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

A
12:15 pm
Jan 4, 2019

STATE OF TEXAS §
 §
COUNTY OF NOLAN §

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.

Notice is hereby given that a public sale at auction of the Property (as that term is defined and described below) will be held at the date, time and place specified in this notice.

DATE OF SALE: Tuesday, the 5th day of February, 2019

TIME OF SALE: Between the hours of 10:00 a.m. and 4:00 p.m. The earliest time at which the sale shall commence is 1:00 p.m. The sale will commence at 1:00 p.m. or no later than three hours after that time.

PLACE OF SALE: The courthouse lobby of the Nolan County Courthouse at 100 East 3rd Street in Sweetwater, Nolan County, Texas 79556 or in the area designated by the Commissioner's Court, pursuant to SECTION 51.002 OF THE TEXAS PROPERTY CODE.

INFORMATION REGARDING THE DEED OF TRUST LIEN THAT IS THE SUBJECT OF THIS SALE:

NAME OF DOCUMENT: Homestead Lien Contract and Deed of Trust

DATE: May 13, 2010

GRANTOR(S): Charlie R. Roland, Jr. and Janet Roland

BENEFICIARY: State Farm Bank, F.S.B.

TRUSTEE: M & I Support Services Corporation
P. O. Box 5961
Madison, WI 53705-0961

RECORDING INFORMATION:

PROPERTY DESCRIPTION: ALL OF LOTS ONE (1) AND TWO (2) IN BLOCK FIFTY-FIVE (55) OF THE ORIENT ADDITION

TO THE CITY OF BLACKWELL, NOLAN COUNTY, TEXAS. AND ALSO; ALL OF LOTS NOS. THREE (3) AND FOUR (4) IN BLOCK NO. FIFTY-FIVE (55) ORIENT ADDITION TO THE TOWN OF BLACKWELL, NOLAN COUNTY, TEXAS. SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENT, COVENANTS, OIL, GAS OR MINERAL RIGHTS OF RECORD, IF ANY

INDEBTEDNESS SECURED:

NAME OF DOCUMENT: Promissory Note
DATE: May 13, 2010
FACE AMOUNT: \$14,000.00
MAKER: Charlie R. Roland, Jr. and Janet Roland
PAYEE: State Farm Bank, F.S.B.

SUBSTITUTION OF TRUSTEE:

NAME OF DOCUMENT: Appointment of Substitute Trustee
DATE: December 6, 2018
NAME OF SUBSTITUTE TRUSTEE: Nিকেlette P. Lotspeich

Default has occurred in the payment of the indebtedness secured by the Deed of Trust and in the performance of the covenants, agreements and conditions set forth in the Deed of Trust. The maturity of the indebtedness secured by the Deed of Trust has occurred and has been accelerated and such indebtedness is now wholly due and payable. On December 12, 2018, the 32nd Judicial District Court of Nolan County ordered (the "Order") that the foreclosure sale of the Property may proceed in accordance with applicable law. The Order is attached hereto as **Exhibit "A"**.

The owner and holder of the indebtedness has requested that I, as Substitute Trustee under the Deed of Trust sell the Property, the proceeds of such sale to be applied in accordance with the provisions of the Deed of Trust. The Sale of the Property will be AS IS, and subject to any encumbrances to title filed of record and/or expressly set forth in the Deed of Trust.

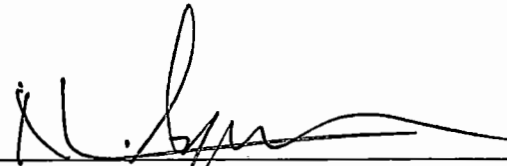
The owner and holder of the indebtedness has further requested that I, as Substitute Trustee, under the Deed of Trust, sell all of the components of the Property that are personal property in accordance with the terms of Article 9 of the Texas Uniform Commercial Code. The sale of the personalty will be held at the same time and place as the above-described real property sale; however, to the extent permitted by Article 9 of the Texas Uniform Commercial Code, I have been

instructed to proceed as to both the real and personal property in accordance with the rights and remedies of the owner and holder of the indebtedness in respect of the real property.

Therefore, at the date, time and place set forth above, the undersigned, as Substitute Trustee, or her designated representative Donald L. Totusek or Blair G. Francis, will sell the Property to the highest bidder for cash pursuant to the terms of the Deed of Trust.

PROPERTY TO BE SOLD "AS IS", AND SUBJECT TO ALL MATTERS OF RECORD. NO WARRANTIES, EITHER EXPRESS OR IMPLIED, ARE OR SHALL BE MADE AS TO (1) MERCHANTABILITY, HABITABILITY, FITNESS FOR PURPOSE, WORKMANSHIP OR QUALITY, (2) THE EXISTENCE OF ANY LIENS OR ENCUMBRANCES AND (3) THE EXISTENCE OF ANY TAXES DUE AGAINST THE PROPERTY. NO POLICY OF TITLE INSURANCE WILL BE ISSUED TO THE PURCHASER.

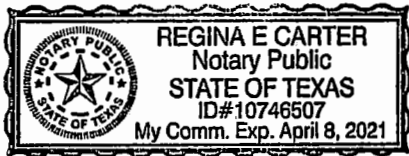
IN WITNESS WHEREOF this Notice of Substitute Trustee's Sale has been executed on this the 2nd day of January, 2019.

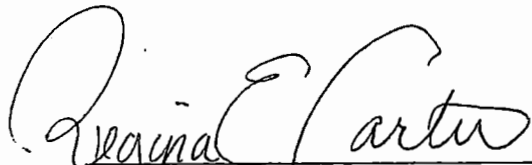


Nিকেlette P. Lotspeich, Substitute Trustee

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on this the 2nd day of January, 2019 by Nিকেlette P. Lotspeich, Substitute Trustee.





Notary Public, State of Texas

CAUSE NO. 19959

In re: Order for Foreclosure Concerning	§	IN THE DISTRICT COURT
502 S. BLANCO	§	
BLACKWELL, TEXAS 79506	§	
	§	
Under Tex. R. Civ. P. 736.	§	
	§	
	§	NOLAN COUNTY
	§	
Petitioner:	§	
STATE FARM BANK, F.S.B.	§	
	§	
Respondents:	§	
CHARLIE R. ROLAND, JR. and	§	
JANET ROLAND	§	32nd JUDICIAL DISTRICT

ORDER TO PROCEED WITH NOTICE OF FORECLOSURE SALE AND FORECLOSURE SALE

CAME ON for consideration Petitioner State Farm Bank, F.S.B.'s Application for Foreclosure under Texas Rule of Civil Procedure 736 against Respondents Charlie R. Roland, Jr. and Janet Roland. The Court is of the opinion that said application should be GRANTED.

The Court finds that the last known address for Respondent Charlie R. Roland, Jr. is P.O. Box 424, Blackwell, Texas 79506. The Court finds that the last known address for Respondent Janet Roland is 502 S. Blanco, Blackwell, Texas 79506. The Court finds that Respondents are obligated to pay an indebtedness resulting from a home equity lien that is evidenced by a Promissory Note (the "Note") dated May 13, 2010, in the principal amount of \$14,000.00. The Court finds that Respondents secured the Note, by granting a lien pursuant to a Homestead Lien Contract and Deed of Trust (the "Security Agreement") dated May 13, 2010, which was recorded under document number 10-1161, Vol. 1025, Page 295 of the Official Real Property records of Nolan County, Texas. The Court finds that the lien was granted under Texas Constitution Article

XVI, Section 50(a)(6) on certain property (the "Property") that is commonly known as 502 S. Blanco, Blackwell, Texas 79506, which legal description is:

ALL OF LOTS ONE (1) AND TWO (2) IN BLOCK FIFTY-FIVE (55) OF THE ORIENT ADDITION TO THE CITY OF BLACKWELL, NOLAN COUNTY, TEXAS. AND ALSO; ALL OF LOTS NOS. THREE (3) AND FOUR (4) IN BLOCK NO. FIFTY-FIVE (55) ORIENT ADDITION TO THE TOWN OF BLACKWELL, NOLAN COUNTY, TEXAS. SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENT, COVENANTS, OIL, GAS OR MINERAL RIGHTS OF RECORD, IF ANY.

The Court finds that a monetary default occurred as a result of Respondents failure to pay the indebtedness owed according to the terms of the Note. The Court finds that Respondents were provided with notice and an opportunity to cure, that the default was not cured, that the maturity of the total indebtedness was accelerated on May 18, 2016, and that such indebtedness remains due and owing.

The Court further finds that (1) Petitioner's application satisfies the requirements of Rule 736.1; (2) the application was properly served in accordance with Rule 736.3(b)(1); (3) the due date, as calculated under Rule 736.5(b), has passed; and (4) a properly completed return of service has been on file with the clerk for at least 10 days in accordance with Rule 736.7(c). Accordingly, Petitioner State Farm Bank, F.S.B. having met its burden of proof, may proceed with foreclosure of the Property under the terms of the Security Agreement and Texas Property Code §51.002.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Petitioner State Farm Bank, F.S.B. may proceed with foreclosure of the Property pursuant to the Security Agreement and Texas Property Code §51.002;

IT IS FURTHER ORDERED that the Petitioner send a copy of this Order to Respondents, or to Respondents' counsel if Respondents are represented by counsel, with the notice of foreclosure sale; and ,

IT IS FURTHER ORDERED that Petitioner attach a conformed copy of this Order to the trustee or substitute trustee's foreclosure deed.

SIGNED on this date 12/12/18.


JUDGE PRESIDING