

NOTICE OF [SUBSTITUTE] TRUSTEE'S 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. Date, Time, and Place of Sale.

Date: January 02, 2019

Time: The sale will begin at 1:00PM or not later than three hours after that time.

Place: FRONT STEPS OF THE NAVARRO COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

2. Terms of Sale. Cash.

3. Instrument to be Foreclosed. The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated October 18, 2006 and recorded in Document CLERK'S FILE NO. 00012286 real property records of NAVARRO County, Texas, with MARY S BOSHER, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS") AS NOMINEE, mortgagee.

4. Obligations Secured. Deed of Trust or Contract Lien executed by MARY S BOSHER, securing the payment of the indebtednesses in the original principal amount of \$60,800.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2006-23 is the current mortgagee of the note and Deed of Trust or Contract Lien.

5. Property to Be Sold. The property to be sold is described in the attached Exhibit A.

6. Mortgage Servicer Information. The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. 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 lien securing the Property referenced above. CARRINGTON MORTGAGE SERVICES, LLC, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o CARRINGTON MORTGAGE SERVICES, LLC
1600 SOUTH DOUGLASS ROAD SUITE 200-A
ANAHEIM, CA 92806



JON HOWELL, SUSAN SWINDLE OR BOBBY HOWELL
Substitute Trustee
c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP
4004 Belt Line Road, Suite 100
Addison, Texas 75001

2018-124
FILED FOR RECORD
AT 8:06 O'CLOCK a. M.

DEC 10 2018

SHERRY DOWD, County Clerk
NAVARRO COUNTY, TEXAS
BY  DEPUTY



Certificate of Posting

My name is _____, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas. I declare under penalty of perjury that on _____ I filed at the office of the NAVARRO County Clerk and caused to be posted at the NAVARRO County courthouse this notice of sale.

Declarants Name: _____
Date: _____

EXHIBIT "A"

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE J. B. MCDANIEL SURVEY, ABSTRACT 520, NAVARRO COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 75.125 ACRE TRACT OF LAND DESCRIBED BY DEED RECORDED IN VOLUME 782, PAGE 692 OF THE DEED RECORDS OF NAVARRO COUNTY, TEXAS. SAID TRACT OR PARCEL OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING ON A SET 1/2" IRON ROD FOR THE SW CORNER OF THIS TRACT N 30°00" W 52.0 FEET FROM THE SW CORNER OF THE ABOVE MENTIONED 75.125 ACRE TRACT LOCATED ON THE NW ROW OF F.M. HIGHWAY NO. 744;

THENCE N 30°00'00" W 330.98 FEET TO THE NW CORNER OF THIS TRACT; WITNESS: N 59°10'12" E 0.7 FEET, A SET 1/2" IRON ROD;

THENCE N 59°10'12" E 445.48 FEET TO A SET 1/2" IRON ROD FOR THE NE CORNER OF THIS TRACT;

THENCE S 30°02'42" E 336.14 FEET TO A SET 1/2" IRON ROD FOR THE SE CORNER OF THIS TRACT LOCATED ON SAID NW ROW OF F.M. HIGHWAY NO. 744;

THENCE WITH SAID ROW S 59°50'02" W 445.70 FEET TO THE PLACE OF BEGINNING AND CONTAINING 3.41 ACRES OF LAND.

Cause No. D17-26049-CV

THE BANK OF NEW YORK §
MELLON FKA THE BANK OF NEW §
YORK, AS TRUSTEE FOR THE §
CERTIFICATEHOLDERS OF THE §
CWABS, INC., ASSET-BACKED §
CERTIFICATES, SERIES 2006-23, §
Plaintiff, §

IN THE DISTRICT COURT

v. §

LINDA RHEA, LLOYD BOSHER, §
LOLA BOSHER, JANCE BOSHER §
AND THE UNKNOWN HEIRS AT §
LAW OF MARY BOSHER, §
DECEASED, §
Defendants. §

OF NAVARRO COUNTY, TEXAS

In Re: 17460 FM 744, §
FROST, TEXAS 76641 §

13TH JUDICIAL DISTRICT

DEFAULT JUDGMENT

After considering plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2006-23's, its successors or assigns, motion for default judgment, pleadings, and evidence on file the Court GRANTS the motion and finds:

1. Citation properly served on defendants according to law and remained on file with the Clerk of this Court for the time prescribed by law.
2. On October 12, 2017, defendant, Linda Rhea served with citation and a copy of plaintiff's original petition by substitute service via posting. The citation and proof of service on file at least ten days before the filing of this motion. The deadline to file an answer was November 6, 2017. However, Linda Rhea did not file an answer or any other pleading constituting an answer.
3. On September 26, 2017, defendant, Lloyd Bosher served with citation and a copy of plaintiff's original petition by personal service. The citation and proof of service on file at least ten

days before the filing of this motion. The deadline to file an answer was October 23, 2017. However, Lloyd Boshet did not file an answer or any other pleading constituting an answer.

4. On September 23, 2017, defendant, Lola Boshet served with citation and a copy of plaintiff's original petition by personal service. The citation and proof of service on file at least ten days before the filing of this motion. The deadline to file an answer was October 16, 2017. However, Lola Boshet did not file an answer or any other pleading constituting an answer.

5. On October 19, 2017, defendant, Lance Boshet served with citation and a copy of plaintiff's original petition by personal service. The citation and proof of service on file at least ten days before the filing of this motion. The deadline to file an answer was November 13, 2017. However, Lance Boshet did not file an answer or any other pleading constituting an answer.

6. None of the defendants who were personally served are in active military service.

7. A certificate of last know address will be filed separately.

8. The Loan Agreement between Mary Boshet and the plaintiff is in default and that plaintiff is in the beneficiary of that agreement on the property made the basis of lawsuit.

9. Plaintiff entitled to the relief sought in plaintiff's original petition. Therefore it is:

IT IS ORDERED that:

All of Mary Boshet's ("Decedent") heirs-at-law have been made defendants to this suit and were immediately vested with all of Decedent's right, title and interest in the real property and improvements commonly known as 17460 FM 744, Frost, TX 76641, ("Property") and legally described as:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE J. B. MCDANIEL SURVEY, ABSTRACT 520, NAVARRO COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 75.125 ACRE TRACT OF LAND DESCRIBED BY DEED RECORDED IN VOLUME 782, PAGE 692 OF THE DEED RECORDS OF NAVARRO COUNTY, TEXAS. SAID TRACT OR PARCEL OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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THENCE WITH SAID ROW S 59°50'02" W 445.70 FEET TO THE PLACE OF BEGINNING AND CONTAINING 3.41 ACRES OF LAND.

FURTHER ORDERED plaintiff has a valid lien on the Property by way of a Texas Home Equity Security Instrument dated October 10, 2006 and filed under Document Number 0012286 of the Texas Home Equity Security Agreement of Navarro County, Texas.

IT IS FURTHER ORDERED that this Default Judgment serves as an Order authorizing plaintiff to foreclose its lien created under TEX. CONST. art. XVI, § 50(a)(6) in compliance with the Loan Agreement and TEX. PROP. CODE § 51.002.

IT IS FURTHER ORDERED that a copy of this Default Judgment shall be sent to defendants with the notice of the date, time and place of the foreclosure sale.

IT IS FURTHER ORDERED that plaintiff may communicate with the defendants and all third parties reasonably necessary to conduct the foreclosure sale.

IT IS FURTHER ORDERED that if defendants are represented by counsel, the notice of foreclosure sale shall also be mailed to counsel by certified mail.

IT IS FURTHER ORDERED that one of the effects of the non-judicial foreclosure shall be that defendants are divested and the purchaser of the Property at the non-judicial foreclosure sale is vested with all right, title and interest to the Property.

IT IS FURTHER ORDERED that no personal liability or deficiency for the Loan Agreement debt shall be asserted against the defendants or the putative estate of Decedent.

IT IS FURTHER ORDERED that after the non-judicial foreclosure is held, if the property remains occupied after this judgment becomes final and the plaintiff is the purchaser of the Property at the non-judicial foreclosure sale, a writ of possession shall issue against any occupant of the Property in accordance with TEX. R. CIV. P. 310.

All relief not expressly granted is denied.

This judgment finally disposes of all parties and all claims and is appealable.

SIGNED this _____ day of 10/25/2018 4:03 PM 2018.



PRESIDING JUDGE

SUBMITTED BY:

/s/ Brian D. McGrath
Brian D. McGrath
State Bar No.: 24048649
4004 Belt Line Road, Suite 100
Addison, Texas 75001-4320
(972) 340-0602
(972) 341-0734 (Facsimile)
BrianMc@bdfgroup.com

ATTORNEY FOR PLAINTIFF