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### 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: LOT 5, BLOCK 1, MESA ADDITION TO THE CITY OF MCCAMY, UPTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 1, PAGE 19, PLAT RECORDS OF UPTON COUNTY, TEXAS.

2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 08/26/2015 and recorded in Book 00963 Page 00210 Document 00166502 real property records of Upton County, Texas.

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

Date: 03/05/2019

Time: 10:00 AM

Place: Upton County Courthouse, Texas at the following location: THE STEPS OF THE SOUTH DOOR OF THE UPTON COUNTY COURTHOUSE IN RANKIN, UPTON COUNTY, TEXAS 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 WALDEMAR EUGENE STRIEGLER, provides that it secures the payment of the indebtedness in the original principal amount of \$60,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. Branch Banking and Trust Company is the current mortgagee of the note and deed of trust and BRANCH BANKING AND TRUST COMPANY is mortgage servicer. A servicing agreement between the mortgagee, whose address is Branch Banking and Trust Company c/o BRANCH BANKING AND TRUST COMPANY, P. O. BOX 2467, GREENVILLE, SC 29602 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. **Order to Foreclose.** Branch Banking and Trust Company obtained a Order from the 112th District Court of Upton County on 05/01/2017 under Cause No. 17-03-U4518-OTH. 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 SHELLEY NAIL, JOHNIE EADS OR DONNA TROUT, 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.**

*Chelsea Schneider*

Mackie Wolf Zientz & Mann, P.C.  
Brandon Wolf, Attorney at Law  
L. Keller Mackie, 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 North Dallas Parkway  
Dallas, TX 75254

*Shelley Nail*

SHELLEY NAIL, JOHNIE EADS OR DONNA TROUT  
c/o AVT Title Services, LLC  
1101 Ridge Rd. Suite 222  
Rockwall, TX 75087

#### Certificate of Posting

I am *Shelley Nail* whose address is c/o AVT Title Services, LLC, 1101 Ridge Rd., Suite 222, Rockwall, TX 75087. I declare under penalty of perjury that on 2-7-19 I filed this Notice of Foreclosure Sale at the office of the Upton County Clerk and caused it to be posted at the location directed by the Upton County Commissioners Court.

FILED  
2/07/2019 AT 2:02pm

LAWANDA McMURRAY  
CLERK, COUNTY/DISTRICT COURT  
UPTON COUNTY  
CLERK/DEPUTY

