

HOME EQUITY POSTING WITH ORDER ATTACHED

4169 FM 914
STEPHENVILLE, TX 76401

20100045500365

NOTICE OF SUBSTITUTE TRUSTEE SALE
(See TEX. CONST. art. XVI, § 50a(6) Order attached)

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 07, 2014

Time: The sale will begin at 11:00AM or not later than three hours after that time.

Place: THE SOUTH OUTSIDE STEPS OF THE ERATH 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 September 18, 2008 and recorded in Document VOLUME 1400, PAGE 0584 real property records of ERATH County, Texas, with TERRY S. STATON AND JESSICA STATON, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), AS NOMINEE, mortgagee.

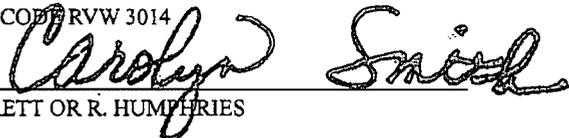
4. **Obligations Secured.** Deed of Trust or Contract Lien executed by TERRY S. STATON AND JESSICA STATON, securing the payment of the indebtednesses in the original principal amount of \$400,000.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. SUNTRUST MORTGAGE, INC. 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 as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES.

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. SUNTRUST MORTGAGE, INC., as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o SUNTRUST MORTGAGE, INC.
1001 SEMMES AVENUE MAIL CODE RVW 3014
RICHMOND, VA 23224



CAROLYN SMITH, R. BARRETT OR R. HUMPHRIES
Substitute Trustee
c/o
15000 Surveyor Boulevard, Suite 100
Addison, Texas 75001

9:45 **POSTED**
A.M. _____ P.M.

DEC 17 2013
GWINDA JONES, COUNTY CLERK
ERATH COUNTY, TEXAS
BY _____ **DEPUTY**



NOS20100045500365



A TRACT OF LAND SITUATED IN THE J.B. ROBERTSON SURVEY, ABSTRACT NO. 650, ERATH COUNTY, TEXAS, BEING THE SAME TRACT OF LAND DESCRIBED IN THE DEED TO TERRY S. STATON, RECORDED IN VOLUME 1275, PAGE 1025, DEED RECORDS, ERATH COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" REBAR ROD SET WITH A CAP STAMPED RPLS 1983 (CONTROL MONUMENT) IN THE EAST LINE OF F.M. HIGHWAY NO. 914 FOR THE NORTHWEST CORNER OF THE STATON TRACT, SAME BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN THE DEED TO BOBBY EUGENE DONOHUE, JR. ET UX, DONNA LEE DONOHUE, RECORDED IN VOLUME 692, PAGE 249, DEED RECORDS, ERATH COUNTY, TEXAS;

THENCE N. 66 DEG. 40' 23" E., 924.83 FEET ALONG THE COMMON LINE BETWEEN THE STATON TRACT AND THE DONOHUE TRACT IN A 3" METAL FENCE CORNER POST FOR THE NORTHEAST CORNER OF THE STATON TRACT, SAME BEING THE SOUTHWEST CORNER OF THE DONOHUE TRACT AND IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN THE DEED TO TOMMY G. BARKER AND RUBY FAYE BARKER, RECORDED IN VOLUME 720, PAGE 407, DEED RECORDS, ERATH COUNTY, TEXAS;

THENCE S. 30 DEG. 23' 23" E., ALONG THE COMMON LINE BETWEEN THE STATON TRACT AND THE BARKER TRACT, AT 120.33 FEET PASSING THE SOUTH CORNER OF THE BARKER TRACT IN VOLUME 720, PAGE 407, DEED RECORDS, ERATH COUNTY, TEXAS, SAME BEING THE WEST CORNER OF A TRACT OF LAND DESCRIBED IN THE DEED TO TOMMY G. BARKER ET UX RUBY F. BARKER, RECORDED IN VOLUME 545, PAGE 693, DEED RECORDS, ERATH COUNTY, TEXAS, CONTINUING ALONG THE COMMON LINE BETWEEN THE STATON TRACT AND THE BARKER TRACT, IN ALL, 540.46 FEET TO A 3/8" REBAR ROD FOUND (CONTROL MONUMENT) FOR THE EAST CORNER OF THE STATON TRACT, SAME BEING THE SOUTH CORNER OF THE BARKER TRACT IN VOLUME 545, PAGE 693, DEED RECORDS, ERATH COUNTY, TEXAS, THE WEST CORNER OF A TRACT OF LAND DESCRIBED IN THE DEED TO HUDON WHITE AND WIFE BETTY WHITE, RECORDED IN VOLUME 875, PAGE 701, DEED RECORDS, ERATH COUNTY, TEXAS AND THE NORTH CORNER OF A TRACT OF LAND DESCRIBED IN THE DEED TO CYNTHIA ANN WOODS, CHERYL LYNN PATTERSON AND SANDRA SUE KAMENICKY, RECORDED IN VOLUME 1073, PAGE 332, DEED RECORDS, ERATH COUNTY, TEXAS;

THENCE S. 59 DEG. 23' 23" W (BASE BEARING PER GPS OBSERVATION, WGS 84), 1040.16 FEET ALONG THE COMMON LINE BETWEEN THE STATON TRACT AND THE WOODS, PATTERSON AND KAMENICKY TRACT TO A 6" WOOD FENCE CORNER POST IN THE EAST LINE OF F.M. HIGHWAY NO. 914 FOR THE SOUTHWEST CORNER OF THE STATON TRACT, SAME BEING THE NORTHWEST CORNER OF THE WOODS, PATTERSON AND KAMENICKY TRACT;

THENCE N. 19 DEG. 44' 37" W., 904.39 FEET ALONG THE EAST LINE OF F.M. HIGHWAY NO. 914 TO A 1/2" REBAR ROD SET WITH A CAP STAMPED RPLS 1983;

THENCE N. 20 DEG. 56' 29" W., 65.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 13.54 ACRES. MORE OR LESS.

2. The commonly known street address of the property encumbered by the lien sought to be foreclosed is 4169 FM 914, Stephenville, TX 76401 (the "Property"). The Property legal description is:

A TRACT OF LAND SITUATED IN THE J.B. ROBERTSON SURVEY, ABSTRACT NO. 650, ERATH COUNTY, TEXAS, BEING THE SAME TRACT OF LAND DESCRIBED IN THE DEED TO TERRY S. STATON, RECORDED IN VOLUME 1275, PAGE 1025, DEED RECORDS, ERATH COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" REBAR ROD SET WITH A CAP STAMPED RPLS 1983 (CONTROL MONUMENT) IN THE EAST LINE OF F.M. HIGHWAY NO. 914 FOR THE NORTHWEST CORNER OF THE STATON TRACT, SAME BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN THE DEED TO BOBBY EUGENE DONOHUE, JR. ET UX, DONNA LEE DONOHUE, RECORDED IN VOLUME 692, PAGE 249, DEED RECORDS, ERATH COUNTY, TEXAS;

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THENCE N. 20 DEG. 56' 29" W., 65.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 13.54 ACRES. MORE OR LESS.

3. The Debt exists and is secured by a lien created under TEX. CONST. ART. XVI, § 50(a)(6), for a home equity loan.

4. Petitioner is the mortgage servicer and assignee of the Deed of Trust. Terry S. Staton (hereafter "Obligor" whether one or more) executed the promissory note dated September 18, 2008 in the original principal amount of \$400,000.00. Obligor is the party obligated to pay the loan agreement, contract, or lien sought to be foreclosed.

5. Jessica Staton (hereafter "Mortgagor(s)"), are not makers or assumers of the underlying Debt. Mortgagor(s) and Obligors executed a security instrument ("Deed of Trust"), which is recorded in the Erath County Real Property Records at VOLUME 1400, PAGE 0584.

6. Respondent failed to make payments in accordance with terms of the loan agreement, contract or deed of trust and is in default under the terms of those agreements.

7. As of the date the application was filed, Obligor failed to remit the installment payment due for September 1, 2009 and the installments that have become due after that date. As of May 17, 2013, there are at least 45 unpaid scheduled payments. The amount required to cure the default before May 6, 2013 is \$150,963.83. The amount required to pay off the loan in full before May 6, 2013 is \$529,676.68. This amount does not include attorneys' fees, late charges, interest, fees, costs, escrow advances or other lawful charges paid after May 6, 2013, all of which will continue to accrue according to the terms of the Note and Deed of Trust.

8. The requisite notices to cure the default and accelerate the maturity of the Debt have been mailed to each person as required under applicable law and the loan agreement, contract, or lien sought to be foreclosed and the opportunity to cure has expired.

9. Before the application was filed, any other action required under applicable law and the loan agreement, contract, or lien sought to be foreclosed was performed.

10. The court further finds that the Application complies with Tex. R. Civ. P. 735 and 736; that in accordance with Tex. R. Civ. P. 736.7(c) a copy of the required Return of Service has been on file with the Clerk of the Court for at least ten (10) days. Petitioner has established the basis for foreclosure; that Petitioner has appointed Carolyn Smith, R. Barrett Or R. Humphries or their successor, as the substitute trustee to conduct the foreclosure contemplated by this proceeding; and that Petitioner may proceed with foreclosure of the secured Property according to the terms of the security instrument, Tex. Prop. Code § 51.002 and applicable law in accordance with Tex. R. Civ. P. 736.9.

IT IS THEREFORE ORDERED that the Petitioner may proceed with a foreclosure sale under the terms of the security instrument, Tex. Prop. Code § 51.002 and applicable law with respect to the secured Property made the subject of this proceeding.

SIGNED this 3rd day of Dec, 2013

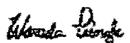

JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:


Clark Royle
Texas Bar No. 24046763
Tom Misteli
Texas Bar No. 24058774
Anthony Scott Vincent
Texas Bar No. 24058241
Elizabeth McDonald
Texas Bar No. 24062879
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15000 Surveyor Blvd., Suite 100
Addicks, Texas 75001
972-386-5040 (Phone)
972-386-7673 (Fax)
ATTORNEYS FOR APPLICANT

FILED FOR RECORD
AT 11:05 O'CLOCK A M

DEC 03 2013


CLERK DISTRICT COURT ERATH COUNTY, TEX