

#16

**Notice of [Substitute] Trustee 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:** 07/03/2018

**Time:** The sale will begin at 01:00 PM or not later than three hours after that time

**Place:** AN AREA BY THE WEST EDGE OF THE WEST PORCH OF THE COURTHOUSE AND ON THE EAST BY THE MIDDLE LANDING OF THE INSIDE STAIRS LEADING TO THE COURTHOUSE FROM THE WEST DOOR OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE AS THE PLACE WHERE FORECLOSURE SALES ARE TO TAKE PLACE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS

**Property Address:** 183A County Road 409, Seminole, TX 79360

**2. 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. Any conveyance of the property is subject to all matters of record affecting the property.

**3. Instrument to be Foreclosed:** The instrument to be foreclosed is the Deed of Trust or Contract Lien dated 12/12/2005 and recorded 12/14/2005 in Document 2005-4469, real property records of Gaines County, Texas, with **Isack Berg and Tina Berg, husband and wife**, grantor(s) and **DECISION ONE MORTGAGE COMPANY, LLC** as Lender, **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.** as Beneficiary.

**4. Appointment of Substitute Trustee:** In accordance with Texas Property Code Sec. 51.0076, the undersigned authorized agent 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.

**5. Obligation Secured:** Deed of Trust or Contract Lien executed by **Isack Berg and Tina Berg, husband and wife**, securing the payment of the indebtedness in the original principal amount of **\$52,000.00**, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. **U.S. Bank National Association, as Trustee for Residential Asset Securities Corporation, Home Equity Mortgage Asset-Backed Pass-Through Certificates, Series 2006-KS2** is the current mortgagee of the note and deed of trust or contract lien.

— FILED — #16  
5-30-18 - 1:15 p.m.  
Vicki Phillips, County Clerk  
Gaines County, Texas

*Jackie Smith*

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**6. Default:** A default has occurred in the payment of indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness.

**7. Property to be sold:** The property to be sold is described as follows:

A 6.00 acre tract of land out of Tract 21, Diamond Hill, a subdivision partially located in Section 100, Block G, W.T. Ry. Co. Survey, Gaines County, Texas, as per plat recorded in Volume 192, Page 377, Deed Records, Gaines County, Texas, said 6.00 acre tract being all of those two certain tracts of land described as follows: TRACT 1 - Deed from Abram D. Friesen et al to Peter Loewen et ux dated May 20, 1998 and recorded in Volume 659, Page 589, Official Public Records, and TRACT 2 - Deed from David Klassen et ux to Pete Loewen et ux dated January 4, 2005 and recorded in 05-0 041, said 6.00 acre tract being more particularly described as follows: BEGINNING at a 1/4" iron rod with cap marked "RPLS 4983" found in the North line of said Tract 21, Diamond Hills, at the Northeast corner of a 2.00 acre tract of land conveyed by Deed from Abram Friesen et ux to Henry Banman et ux dated June 1, 1993 recorded in Volume 585, Page 174, Deed Records, for the Northwest corner of said Tract 1, and for the Northwest corner of this tract, from which the Northwest corner of said Tract 21, Diamond Hills, bears N .89° 54' 50"W. 650.00 feet; THENCE S.89° 54' 50"E., along the North line of said Tract 21, Diamond Hills, at 195.00 feet pass a 1/4" iron rod with cap marked "NEWTON SURVEYING" found at the Northeast corner of said Tract 1 and the Northwest corner of said Tract 2, in all 390.00 feet to a 1/4" iron rod with cap marked "NEWTON SURVEYING" set for the Northeast corner of said Tract 2, and for the Northeast corner of this tract; THENCE S.00° 06' 40" W.670.10 feet to a 1/4" iron rod with cap marked "NEWTON SURVEYING" found in the North line of 25 foot wide Public Roadway (05-0 509, Official Public Records) at the Southeast corner of said Tract 2, and for the Southeast corner of this tract; THENCE N.89°54' 50"W., along the North line of said Public Roadway, at 195.00 feet pass the Southwest corner of said Tract 2 and the Southeast corner of said Tract 1, in all 390.00 feet to a 1/2" iron rod with cap marked "RPLS 4983" found at the Southeast corner of said Banman 2.00 acre tract and for the Southwest corner of said Tract 1, and for the Southwest corner of this tract; THENCE N.00° 06' 40" E., 670.10 feet to the PLACE OF BEGINNING; BUT LESS the oil, gas and other minerals.

**8. 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. Ocwen Loan Servicing, LLC, as Mortgage Servicer, is representing the current mortgagee, whose address is:

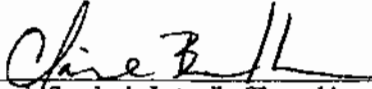
C/O Ocwen Loan Servicing, LLC  
1661 Worthington Rd., Suite 100  
West Palm Beach, FL 33409  
Phone: 1-800-746-2936

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**9. Limitation of Damages:** If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's attorney.

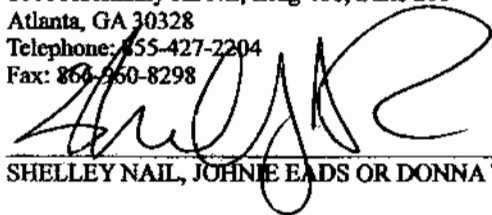
**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.**

**Date:** May 23, 2018



Stephanie Sparlock, Laterrika Thompson, Camisha Scott, Iman Walcott, Tanesha Humphrey,  
Claire Buxton – Attorney or Authorized Agent of The Mortgagee or Mortgage Servicer


C/O Power Default Services, Inc.  
Northpark Town Center  
1000 Abernathy Rd NE; Bldg 400, Suite 200  
Atlanta, GA 30328  
Telephone: 855-427-2204  
Fax: 866-960-8298



SHELLEY NAIL, JOHNIE EADS OR DONNA TROUT - Substitute Trustee(s)

C/O AVT Title Services, LLC  
1101 Ridge Rd. Suite 222  
Rockwall, TX 75087

**POWER DEFAULT SERVICES, INC. MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE.**

 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 5-30-18 I filed this Notice of Foreclosure Sale at the office of the Gaines County Clerk and caused it to be posted at the location directed by the Gaines County Commissioners Court.