

21TX404-0002
618 S AMHERST ST, PERRYTON, TX 79070



NOTICE OF FORECLOSURE SALE

- Property: The Property to be sold is described as follows:
- LOT ELEVEN (11), BLOCK FORTY-SEVEN (47), FIRST ADDITION, AN ADDITION TO THE CITY OF PERRYTON, OCHILTREE COUNTY, TEXAS, AS THE SAME ARE SHOWN UPON THE PLAT OF SAID ADDITION RECORDED IN VOLUME 31, PAGE 2, PLAT RECORDS OF OCHILTREE COUNTY, TEXAS.
- PARCEL: R 1883
- BEING THE SAME PROPERTY CONVEYED TO S. ADAM DAY, A SINGLE MAN BY DEED FROM PHILLIP F. DAY AND RHONDA K. DAY, HUSBAND AND WIFE RECORDED 12/11/2015 IN DEED INSTRUMENT 2015-2547, IN THE REGISTER'S OFFICE OF OCHILTREE COUNTY, TEXAS.
- Security Instrument: Deed of Trust dated April 4, 2018 and recorded on April 11, 2018 as Instrument Number 2018-617 in the real property records of OCHILTREE County, Texas, which contains a power of sale.
- Sale Information: May 04, 2021, at 1:00 PM, or not later than three hours thereafter, at the steps of the main entrance to the Ochiltree County Courthouse, or as designated by the County Commissioners Court.
- Terms of Sale: Public auction to highest bidder for cash. In accordance with Texas Property Code section 51.009, the Property will be sold as is, without any expressed or implied warranties, except as to warranties of title, and will be acquired by the purchaser at its own risk. In accordance with Texas Property Code section 51.0075, the substitute trustee reserves the right to set additional, reasonable conditions for conducting the sale and will announce the conditions before bidding is opened for the first sale of the day held by the substitute trustee.
- Obligation Secured: The Deed of Trust executed by S. ADAM DAY secures the repayment of a Note dated April 4, 2018 in the amount of \$60,000.00. FREEDOM MORTGAGE CORPORATION, whose address is c/o RoundPoint Mortgage Servicing Corporation, 446 Wrenplace Road, Fort Mill, SC 29715, is the current mortgagee of the Deed of Trust and Note and RoundPoint Mortgage Servicing Corporation is the current mortgage servicer for the mortgagee. Pursuant to a servicing agreement and Texas Property Code section 51.0025, the mortgagee authorizes the mortgage servicer to administer the foreclosure on its behalf.
- Substitute Trustee: In accordance with Texas Property Code section 51.0076 and the Security Instrument referenced above, mortgagee and mortgage servicer's attorney appoint the substitute trustees listed below.
- Court Order: A Home Equity Foreclosure Order was signed on March 30, 2021 in the 84th District Court of Ochiltree County under Cause No. CV15020. A copy of the Order is attached hereto.




4730794

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.

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.



Miller, Watson & George, P.C.
Dustin C. George, Attorney at Law
Tracey Midkiff, Attorney at Law
Jonathan Andring, Attorney at Law
5550 Granite Parkway, Suite 245
Plano, TX 75024



Substitute Trustee(s): Ronnie Heck, Shannon Heck,
Jonathan Schendel, Ramiro Cuevas, Charles Green,
Susan Bowers, Jonathan Bowers, Glandeen Shenk,
Jose A. Bazaldua, Antonio Bazaldua
c/o Miller, Watson & George, P.C.
5550 Granite Parkway, Suite 245
Plano, TX 75024

Certificate of Posting

I, _____, declare under penalty of perjury that on the _____ day of _____, 20____, I filed and posted this Notice of Foreclosure Sale in accordance with the requirements of OCHILTREE County, Texas and Texas Property Code sections 51.002(b)(1) and 51.002(b)(2).

CAUSE NO. CV15020

| | | |
|-------------------------------------|---|---------------------------------|
| IN RE: ORDER FOR FORECLOSURE | § | IN THE DISTRICT COURT OF |
| CONCERNING 618 S AMHERST ST | § | |
| PERRYTON, TX 79070 | § | |
| UNDER TEX. R. CIV. PROC. 736 | § | |
| | § | |
| PETITIONER: | § | OCHILTREE COUNTY, TEXAS |
| | § | |
| FREEDOM MORTGAGE CORPORATION | § | |
| | § | |
| RESPONDENT(S): | § | |
| | § | |
| S. ADAM DAY | § | 84TH JUDICIAL DISTRICT |

AGREED HOME EQUITY FORECLOSURE ORDER

- On this day, the Court considered Petitioner's application for an expedited order under Rule 736. Petitioner's application complies with the requirements of Texas Rule of Civil Procedure 736.1.
- The name and last known address of each Respondent subject to this order is:

| | |
|--|--|
| S. ADAM DAY 618 S AMHERST ST PERRYTON, TX 79070 | S. ADAM DAY C/O BROOKE N. CAMPBELL, ATTORNEY FOR THE INDEPENDENT EXECUTOR OF THE ESTATE OF S. ADAM DAY 315 S. MAIN PERRYTON, TX 79070 |
| S. ADAM DAY C/O PHILLIP D. DAY, INDEPENDENT EXECUTOR OF THE ESTATE OF S. ADAM DAY 1601 S. GRINNELL ST. PERRYTON, TX 79070 | |

- The Property that is the subject of this foreclosure proceeding is commonly known as 618 S AMHERST ST, PERRYTON, TX 79070, with the following legal description:

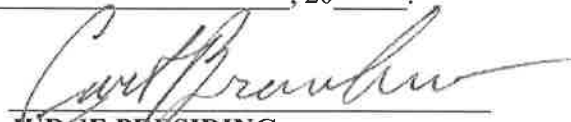
LOT ELEVEN (11), BLOCK FORTY-SEVEN (47), FIRST ADDITION, AN ADDITION TO THE CITY OF PERRYTON, OCHILTREE COUNTY, TEXAS, AS THE SAME ARE SHOWN UPON THE PLAT OF SAID ADDITION RECORDED IN VOLUME 31, PAGE 2, PLAT RECORDS OF OCHILTREE COUNTY, TEXAS.

PARCEL: R 1883

BEING THE SAME PROPERTY CONVEYED TO S. ADAM DAY, A SINGLE MAN BY DEED FROM PHILLIP F. DAY AND RHONDA K. DAY, HUSBAND AND WIFE RECORDED 12/11/2015 IN DEED INSTRUMENT 2015-2547, IN THE REGISTER'S OFFICE OF OCHILTREE COUNTY, TEXAS.

4. The lien sought to be foreclosed is indexed or recorded at Instrument Number 2018-617 and recorded in the real property records of OCHILTREE County, Texas.
5. The material facts establishing Respondent's default are alleged in Petitioner's application and the supporting affidavit. Those facts are adopted by the court and incorporated by reference in this order.
6. Therefore, the Court grants this order under Texas Rules of Civil Procedure 736.8. Petitioner, or successors in interest, may proceed with foreclosure of the property described above in accordance with applicable law and the loan agreement, contract or lien sought to be foreclosed.
7. This order is not subject to a motion for rehearing, a new trial, a bill of review, or an appeal. Any challenge to this order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

SIGNED this 30th day of March, 2021.


JUDGE PRESIDING

Agreed as to form and content and entry requested:



Dustin C. George
Texas Bar No. 24065287
dustin.george@mwglegal.com
Tracey Midkiff
Texas Bar No. 24076558
tracey.midkiff@mwglegal.com
MILLER, WATSON & GEORGE, P.C.
5550 Granite Parkway, Ste. 245
Plano, Texas 75024
Phone: (469) 518-4975
Fax: (469) 518-4972

Attorneys for Petitioner

Agreed as to form and content:



Brooke N. Campbell
Texas Bar No. 24092213
brooke@lemon-lawfirm.com
LEMON LAW FIRM
315 S. Main
Perryton, TX 79070
Phone: (806) 435-6544
Fax: (806) 329-2613

Attorney for Respondent