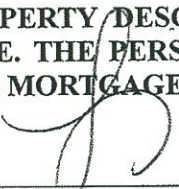



## NOTICE OF FORECLOSURE SALE

**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 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. **Property to Be Sold.** The property to be sold is described as follows: SEE EXHIBIT A
2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 12/21/2009 and recorded in Book 326 Page 165 Document 2661 real property records of Runnels County, Texas.
3. **Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:  
 Date: 05/02/2017  
 Time: 10:00 AM  
 Place: Runnels County Courthouse, Texas, at the following location: OUTSIDE THE FRONT DOOR OF THE COURTHOUSE, INCLUDING THE FRONT LANDING AND STEPS OF THE COURTHOUSE WHICH FACES US HIGHWAY 67 ALSO KNOWN AS HUTCHINGS AVENUE 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 GARY W HAYES AND LAURINDA HAYES, provides that it secures the payment of the indebtedness in the original principal amount of \$77,176.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. CU MEMBERS MORTGAGE, A DIVISION OF COLONIAL SAVINGS, F.A. is the current mortgagee of the note and deed of trust and COLONIAL SAVINGS is mortgage servicer. A servicing agreement between the mortgagee, whose address is CU MEMBERS MORTGAGE, A DIVISION OF COLONIAL SAVINGS, F.A. c/o COLONIAL SAVINGS, 2626 West Freeway, Building B, Fort Worth, TX 76102 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.
6. **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 TERRY BROWDER, LAURA BROWDER, OR MARSHA MONROE, 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.**

  
 Mackie Wolf Zientz & Mann, P.C.  
 Brandon Wolf, Attorney at Law  
 L. Keller Mackie, Attorney at Law  
 Lori Liane Long, Attorney at Law  
 Tracey Midkiff, Attorney at Law  
 Marissa Sibal, Attorney at Law  
 Parkway Office Center, Suite 900  
 14160 North Dallas Parkway  
 Dallas, TX 75254

  
 TERRY BROWDER, LAURA BROWDER, OR MARSHA  
 MONROE  
 c/o AVT Title Services, LLC  
 1101 Ridge Rd. Suite 222  
 Rockwall, TX 75087

### Certificate of Posting

I am \_\_\_\_\_ whose address is 14160 N. Dallas Pkwy, Suite 900, Dallas, TX 75254. I declare under penalty of perjury that on \_\_\_\_\_ I filed this Notice of Foreclosure Sale at the office of the Runnels County Clerk and caused it to be posted at the location directed by the Runnels County Commissioners Court.

POSTED March 31 2017  
 At 10:45 o'clock A M  
 Julia Miller  
 County Clerk, Runnels County, Texas  
 B. Channa Hutch Deputy

Exhibit "A"

FIELD NOTES

October 30, 2009  
09-A-1435

Being the southeasterly One-Half (SE/2) of Lot No. Four (4) and the adjoining three-fourths of Lot No. Five (5) in Block No. Three (3) of the Park Heights Addition to the City of Ballinger, Runnels County, Texas, as same appears on the map of the plan of said Addition now of record in the office of the County Clerk of Runnels County, Texas, to which map and the record thereof reference is here made, and which said tract fronts 75 feet on McCarver Drive and is more particularly described by metes and bounds as follows:

Beginning at a ½" iron rod with cap set in the east line of McCarver Drive which is equidistant from the northwest and the southwest corners of said Lot No. 4 at the tract described in the deed executed by Estes M. Lynn, et al to Hilton E. Morgan, now of record in Volume 257, Page 215, Deed Records of Runnels County, Texas;

Thence with the north line of this tract and the south line of said Hilton E. Morgan tract, N. 65° 30' 00" E. 110.00 feet to a ½" iron rod with cap set on the top of the bluff equidistant from the north and south line of said Lot No. 4;

Thence N. 65° 00' 00" E. 139.00 feet to a ½" iron rod with cap set for the northeast corner of this tract and the southeast corner of said Hilton E. Morgan tract;

Thence S. 52° 12' 00" E. with the east line of said Lot No. 4 and the west line of Park Road a distance of 46.00 feet to a ½" iron rod with cap set for the southeast corner of said Lot No. 4 and the northeast corner of said Lot No. 5;

Thence S. 37° 57' 00" E. with the east line of said Lot No. 5 and the west line of said Park Road a distance of 56.50 feet to a ½" iron rod with cap set for the southeast corner of this tract;

Thence S. 68° 14' 25" W. 171.41 feet (Call N. 69° E. 0.25 feet) to a ½" iron rod with cap set on the top of a bluff;

Thence S. 71° 30' 00" W. 110.00 feet to a ½" iron rod with cap set for the southwest corner of this tract;

Thence N. 23° 34' 00" W. with the west line of said Lot No. 5 and the east line of said McCarver Drive, a distance of 45.00 feet (Call S. 29° 34" E. 45.00 feet) to a ½" iron rod with cap set for the northwest corner of said Lot No. 5 and the southwest corner of said Lot No. 4;

Thence N. 31° 28' 00" W. with the west line of said Lot No. 4 and the east line of said McCarver Drive, a distance of 30.00 feet to the place of beginning.

See Attached Plat of Survey.



Russell T. Gully  
Registered Professional Land Surveyor No. 5636

