

NOTICE OF FORECLOSURE SALE

State of Texas

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County of Aransas

Notice is hereby given of a public non-judicial foreclosure sale.

1. **Property To Be Sold.** The property to be sold is described as follows:

See Exhibit "A" attached hereto and made a part hereof for all purposes

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

Date: October 07, 2014

Time: The sale shall begin no earlier than 10:00 A.M. or no later than three hours thereafter.

Place: Aransas County Courthouse in Rockport, Texas, at the following location: the area designated by the Commissioners Court of Aransas County, Texas, pursuant to § 51.002 of the Texas Property Code as the place where foreclosure sales are to take place (if no such place is so designated, the sale will take place in the area where this Notice of Substitute Trustee's Sale is posted).

The deed of trust permits the Beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the deed of trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this sale.

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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

3. **Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the Beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

The sale will be made expressly subject to any title matters set forth in the deed of trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the deed of trust. The sale shall not cover any part of the property that has been released of public record from the lien of the deed of trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

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

4. Type of Sale. The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by **Jack R. Hackett**.
5. Obligations Secured. The Deed of Trust is dated **January 18, 2010**, and is recorded in the office of the County Clerk of **Aransas County, Texas**, in/under **Instrument Number 310214, Official Public Records of Aransas County, Texas**. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to the promissory note in the original principal amount of **\$151,936.00**, executed by **Jack R. Hackett**, and payable to the order of **Energy One Federal Credit Union**.

Original Mortgagee: Energy One Federal Credit Union.

Current Mortgagee: Energy One Federal Credit Union whose address is **5 Greenway Plaza, Ste. 110, Houston, TX 77046**.

6. Default and Request To Act. Default has occurred under the deed of trust, and the beneficiary has requested me, as Substitute Trustee, to conduct this public sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.
7. **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.**

Sent by: Jeffrey B. Lewis
Robertson Anschutz Veters
10333 Richmond Avenue, Suite 550
Houston, TX 77042

DATED

9-15-14



Jo Woolsey and/or W.D. Larew and/or Vicki Hammonds, Substitute Trustee
c/o Robertson Anschutz Veters
10333 Richmond Avenue, Suite 550
Houston, TX 77042
Phone: 713-980-9500

FIELD NOTE DESCRIPTION
MARCH 18, 2004

310214

File No.
County Clerk, Aransas County, Texas

BEING 1.938 ACRES OF LAND OUT OF TRACT TWELVE (12), COLEMAN-FULTON PASTURE COMPANY SUBDIVISION, ARANSAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 14 AND 16, PLAT RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 1.938 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE at a 5/8" steel rebar at the intersection of the North R.O.W. line of P.M. Road No. 1781 and the Southeast corner of said Tract 12 with the Southeast corner of Lot 35, Fleming Subdivision, as shown by plat recorded in Volume 2, Page 38, Map Records of Aransas County, Texas; thence, Due North along said with the common line between said Tract 12 and the Western boundary of said Fleming Subdivision a distance of 480.6 feet to a 5/8" steel rebar found for the SOUTHEAST corner and PLACE OF BEGINNING of this description;

THENCE, continuing Due North along and with the common line between said Tract 12 and the Western boundary of said Fleming Subdivision a distance of 282.20 feet to a 5/8" steel rebar found for the NORTHEAST corner of this description;

THENCE, Due West along and with the South boundary of a 6.029 acre tract out of said Tract 12 and recorded in Volume 189, Page 144, Deed Records of Aransas County, Texas, a distance of 318.38 feet to a 5/8" steel rebar found for the NORTHWEST corner of this description;

THENCE, South 0°00'00" East a distance of 243.9 feet to a 5/8" steel rebar found for the SOUTHWEST corner of this description;

THENCE, Due East along and with a common line of a 7.435 acre tract recorded under Clerk's File No. 223888, Property Records of Aransas County, Texas, a distance of 318.49 feet to the PLACE OF BEGINNING and containing 1.938 acres of land, more or less.

04031004

EXHIBIT A

FILED FOR RECORD
AT 10:26A.M.

INDEXED

JAN 27 2010

SCANNED

Peggy L. Friebele
PEGGY L. FRIEBELE *ENJ.*
COUNTY CLERK, ARANSAS CO., TEXAS

Stewart 11
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CAUSE NO. A-14-0120-CV-A

**IN RE: ORDER FOR FORECLOSURE
CONCERNING**

Jack R. Hackett

("RESPONDENTS")

AND

151 Fleming Lane, Rockport, TX 78382-7371

("PROPERTY MAILING ADDRESS")

AND

Energy One Federal Credit Union

("APPLICANT")

IN THE DISTRICT COURT OF

Aransas COUNTY, TEXAS

36th JUDICIAL DISTRICT

HOME EQUITY FORECLOSURE ORDER

On this date the court considered **Energy One Federal Credit Union** or their successors and/or assigns (hereinafter "Applicant"), Tex. R. Civ. P. 736 home equity foreclosure Application. The court has determined that it has jurisdiction over the subject matter and the parties in this proceeding. The court find that the mailing address of the property sought to be foreclosed is **151 Fleming Lane, Rockport, TX 78382-7371** ("Property") and is more particularly described to-wit:

See Exhibit "A" attached hereto and made a part hereof for all purposes

The court further finds that this is an in rem proceeding; that the Application complies with Tex. R. Civ. P. 735 and 736; that in accordance with Rule 736(2)(A) and (B) a copy of the required Notice with Certificate of Service has been on file with the Clerk of the Court for at least ten (10) days, exclusive of the date of filing; that the Applicant has proved the elements of Rule 736(1) (E); that Applicant has appointed **Jo Woolsey and/or W.D. Larew and/or Vicki Hammonds**, or their successor, as the substitute trustee to conduct the foreclosure contemplated by this proceeding; and that Applicant 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 Rule 736(5).

RA0430179 - TxHEForecloOrder.for - Rev. 02/21/2013

FILED
21 day of Aug 2014
at 2:30 o'clock PM

Pam Heard, District Clerk
Dist. Court, Aransas County, Texas
By [Signature] Deputy

DO NOT COPY OR ALTER · This document contains security features.

IT IS THEREFORE ORDERED that the Applicant 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.

IT IS FURTHER ORDERED that a copy of this Order shall be sent to Respondent with the notice of the date, time and place of foreclosure sale; and

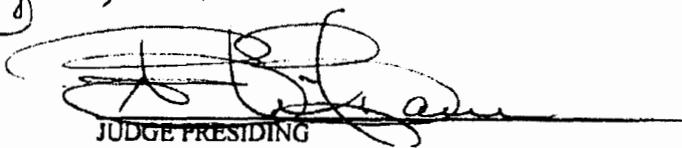
IT IS FURTHER ORDERED that Applicant may communicate with the Respondent and all third parties reasonably necessary to conduct the foreclosure sale; and

IT IS FURTHER ORDERED that if Respondent is represented by counsel, the notice of foreclosure sale shall also be mailed to counsel by certified mail.

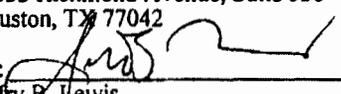
IT IS FURTHER ORDERED that the Applicant file a certified copy of this Order in the real property records of the county where the Property is located within ten (10) business days after the entry of this Order; however, failure to timely record this Order shall not affect the validity of the foreclosure and defeat the presumption of Tex. Const. art. XVI § 50(i).

This Order is not appealable pursuant to Rule 736(8) (A).

SIGNED THIS 21st day of August, 2014.


JUDGE PRESIDING

Robertson Anschutz Veters
10333 Richmond Avenue, Suite 550
Houston, TX 77042

By: 
Jeffrey B. Lewis
SBN: 12290000

Attorney for Applicant

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FIELD NOTE DESCRIPTION
MARCH 18, 2004

310214
File No.
County Clerk, Aransas County, Texas

BEING 1.500 ACRES OF LAND OUT OF TRACT TWELVE (12), CLEVELAND-FILTON PASTURE COMPANY SUBDIVISION, ARANSAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 14 AND 15, PLAT RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 1.500 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCED at a 3/4" steel rebar at the intersection of the North R.O.M. line of P.M. Road No. 1791 and the Southwest corner of said Tract 12 with the Southwest corner of Lot 36, Fleming Subdivision, as shown by plat recorded in Volume 1, Page 20, Map records of Aransas County, Texas; thence, Due North along said line the distance 480.0 feet to a 3/4" steel rebar found for the SOUTHWEST corner and PLACE OF BEGINNING of this description;

THENCE, continuing Due North along said line the distance 282.50 feet to a 3/4" steel rebar found for the NORTHEAST corner of this description;

THENCE, Due West along said line with the South boundary of a 6.520 acre tract out of said Tract 12 and recorded in Volume 108, Page 144, Deed Records of Aransas County, Texas, a distance of 318.50 feet to a 3/4" steel rebar found for the NORTHWEST corner of this description;

THENCE, South 0°00'00" East a distance of 282.50 feet to a 3/4" steel rebar found for the SOUTHWEST corner of this description;

THENCE, Due East along said line with a distance line of 7.485 acre tract recorded under Clerk's File No. 253288, Property Records of Aransas County, Texas, a distance of 318.50 feet to the PLACE OF BEGINNING and enclosing 1.500 acres of land, more or less.

EXHIBIT A

FILED FOR RECORD
AT 10:25A.M.

INDEXED

JAN 27 2010

Peggy L. Friebele
PEGGY L. FRIEBELE
COUNTY CLERK, ARANSAS CO., TEXAS

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FIELD NOTE DESCRIPTION
MARCH 18, 2004

310214

File No.
County Clerk, Arkansas County, Texas

BEING 1.333 ACRES OF LAND OUT OF TRACT TWELVE (12), COLEMAN-FULTON PASTURE COMPANY SUBDIVISION, ARKANSAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 14 AND 15, PLAT RECORDS OF ARKANSAS COUNTY, TEXAS, WITH SAID 1.333 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE at a 5/8" steel rebar at the intersection of the North R.O.W. line of F.M. Road No. 1781 and the Southeast corner of said Tract 12 with the Southeast corner of Lot 36, Fleming Subdivision, as shown by plat recorded in Volume 2, Page 37, Map Records of Arkansas County, Texas; thence, Due North along said with the common line between said Tract 12 and the Western boundary of said Fleming Subdivision a distance of 425.8 feet to a 5/8" steel rebar found for the SOUTHEAST corner and PLACE OF BEGINNING of this description;

THENCE, continuing Due North along and with the common line between said Tract 12 and the Western boundary of said Fleming Subdivision a distance of 263.20 feet to a 5/8" steel rebar found for the NORTHEAST corner of this description;

THENCE, Due West along and with the South boundary of a 6.623-acre tract out of said Tract 12 and recorded in Volume 188, Page 144, Deed Records of Arkansas County, Texas, a distance of 318.38 feet to a 5/8" steel rebar found for the NORTHWEST corner of this description;

THENCE, South 0°00'00" East a distance of 265.7 feet to a 5/8" steel rebar found for the SOUTHWEST corner of this description;

THENCE, Due East along and with a common line of a 7.435-acre tract recorded under Clerk's File No. 253888, Property Records of Arkansas County, Texas, a distance of 218.49 feet to the PLACE OF BEGINNING and containing 1.333 acres of land, more or less.

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EXHIBIT A

FILED FOR RECORD
AT 10:25A.M.

INDEXED

JAN 27 2010

SCANNED

Peggy L. Friebele
PEGGY L. FRIEBELE
COUNTY CLERK, ARKANSAS CO., TEXAS

Stewart 11/56
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FILED
AT 10:22 A.M.

SEP 15 2014

Peggy L. Friebele
PEGGY L. FRIEBELE
COUNTY CLERK, ARANSAS CO., TEXAS

STATE OF TEXAS
COUNTY OF ARANSAS
Pam Heard, District Clerk of Aransas County, Texas, do hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith as it appears of record in the District Clerk's office of Aransas County, Texas, this *31* day of *Aug*, 20*14*.
PAM HEARD, DISTRICT CLERK
Aransas County, Texas

By: *Joseph Abstra* Deputy