

FILE FOR RECORD  
JENNIFER LINDENZWEIG  
COUNTY CLERK HUNT CO. TX

2017 OCT 16 PM 12:57

BY *J. Lindenzweig*  
DEPUTY

**ATTENTION SERVICE MEMBERS: ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING IN ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR 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.**

### NOTICE OF SUBSTITUTE TRUSTEE'S SALE

**WHEREAS, VIRGINIA STRUBLE, A SINGLE PERSON** delivered that one certain Texas Home Equity Conversion Deed of Trust dated AUGUST 21, 2008, which is recorded in VOLUME 1789, PAGE 397 of the real property records of HUNT County, Texas, conveying to the Trustee(s) therein named the real property therein described, to secure the payment of a Promissory Note in the principal amount of \$225,000.00 payable to the order of JAMES B. NUTTER & COMPANY, to which reference is hereby made for a description of the Promissory Note, the terms and covenants of the Texas Home Equity Conversion Deed of Trust, and the property therein conveyed; and

**WHEREAS, default, as same is defined in the Promissory Note and/or the Texas Home Equity Conversion Deed of Trust, has occurred and the outstanding indebtedness on same is now wholly due; and**

**WHEREAS, the undersigned has been appointed Substitute Trustee in place of the original Trustee, upon the contingency and the manner authorized by the Texas Home Equity Conversion Deed of Trust; and**

**WHEREAS, JAMES B. NUTTER & COMPANY, the Mortgagee, or the Mortgage Servicer, has instructed a Substitute Trustee(s) to sell real property described in the Texas Home Equity Conversion Deed of Trust in order to satisfy the indebtedness secured thereby.**


**NOTICE IS HEREBY GIVEN** that on Tuesday, NOVEMBER 7, 2017, beginning at 1:00 PM, or not later than three (3) hours after that time, a Substitute Trustee(s) will sell, to the highest bidder submitting cashier's check, certified check or money order, the following described real property:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE.**

The sale will occur at that area designated by the Commissioners Court of HUNT County, Texas, for such sales (OR AT NORTH STEPS OF THE COURTHOUSE, INCLUDING THE HALLWAY AREA 20 FEET INSIDE THE NORTH DOOR ON THE 2ND FLOOR).

**NOTICE IS FURTHER GIVEN** that the address of JAMES B. NUTTER & COMPANY, the Mortgagee or Mortgage Servicer, is 4153 BROADWAY, KANSAS CITY, MISSOURI 64111. Pursuant to the Texas Property Code, the Mortgage Servicer is authorized to administer a foreclosure sale. The name and address of a substitute trustee is Michael J. Schroeder, 3610 North Josey Lane, Suite 206, Carrollton, Texas 75007. A Substitute Trustee is authorized by the Texas Property Code to set reasonable conditions for the foreclosure sale.

Dated: OCTOBER 16, 2017.

  
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SUBSTITUTE TRUSTEE(S)  
MICHAEL J. SCHROEDER OR ROBERT LAMONT OR  
DAVID SIMS OR HARRIETT FLETCHER OR SHERYL  
LAMONT OR SHARON ST. PIERRE OR ALLAN  
JOHNSTON OR RONNIE HUBBARD OR RANDY  
DANIEL

FILE NO.: JBN-2463  
PROPERTY: 6121 HIGHWAY 34 SOUTH  
QUINLAN, TEXAS 75474

ESTATE OF VIRGINIA STRUBLE

NOTICE SENT BY:  
MICHAEL J. SCHROEDER  
3610 NORTH JOSEY LANE, SUITE 206  
CARROLLTON, TEXAS 75007  
Tele: (972) 394-3086  
Fax: (972) 394-1263



4635448

EXHIBIT "A"

All that certain lot, tract or parcel of land situated in the Wm. Darnell Survey, A-234, Hunt County Texas and being known as that tract of land described in a deed from Jamie E. Bonkalski etal to Virginia Struble as recorded in Volume 1266, page 177 of the Official Public Records of Hunt County Texas and being more particularly described as follows:

Beginning at a 1/2" iron rod found for corner at the southwest corner of the above sited Struble tract, said point being in the East line of State Highway No. 34;

Thence N 04 deg. 33 min. 00 sec. E (Direction control line) with the east line of said highway, a distance of 73.41 feet to a concrete monument found for corner at the beginning of a flare in the east line of said highway;

Thence N 49 deg. 04 min. 15 sec. E with said flare, a distance of 155.90 feet to a 1/2" iron rod with cap stamped "Stovall & Assoc." found (hereinafter called 1/2" iron rod found) for corner;

Thence N 05 deg. 32 min. 18 sec. E along said flare, a distance of 40.00 feet to a point for corner at the northwest corner of the above cited Struble tract, said point being in the centerline of County Road #3504 (Rancho Road);

Thence S 04 deg. 44 min. 12 sec. W passing a 3/8" iron rod found for a witness at a distance of 21.23 feet and continuing along a fence line and along the west line of a tract of land described in a Deed from Luby Investment Corp. to M.A. Lubinsky as recorded in Vol. 332, page 482, R.P.H.H.C.T. a distance of 225.48 feet to a 1/2" iron rod found for corner at the southwest corner of said Lubinsky tract;

Thence N 84 deg. 40 min. 27 sec. W along a fence line and along the south line of said Struble tract, a distance of 287.44 feet to the Point of Beginning and containing 1.15 acres of land, more or less.

FILE NO.: JBN-2463  
ESTATE OF VIRGINIA STRUBLE

Cause No. 84331

JAMES B. NUTTER & COMPANY  
Plaintiff

vs.

UNKNOWN HEIRS OF VIRGINIA STRUBLE  
CHRISTIE JENKINS, KEVIN STRUBLE,  
JAMIE STRUBLE, BRIAN STRUBLE,  
DANETTE GINGRAS, JULIE LOFLIN,  
OCCUPANT

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IN THE DISTRICT  
354<sup>th</sup> JUDICIAL DISTRICT  
HUNT COUNTY, TEXAS

AT FILED  
SERV 8 2017  
MAY 8 2017  
CLERK, DISTRICT COURT, HUNT CO. TX

ORDER ALLOWING FORECLOSURE OF LIEN UNDER TEXAS CONSTITUTION  
ART. XVI, § 50(a)(7) AND DECLARING HEIRS OF DECEASED BORROWER

JAMES B. NUTTER & COMPANY ("Petitioner"), on behalf of itself and its successors and assigns, has brought before this Court its application for court order allowing foreclosure of lien under Texas Constitution Article XVI, §§ 50(a)(7), 50(k). Having considered the evidence presented, the Court finds as follows:

1. The Application complies with TRCP 735, 736(1);
2. The Attorney Ad Litem filed an Answer on behalf of the Unknown Heirs of Virginia Struble on August 9, 2017. All other Defendants, having been properly served, have not previously filed a response to the Application;
3. A copy of the Notice of the Petition, together with certificate of service of the Notice, has been on filed with the Clerk of the Court for at least ten days inclusive of the date of filing.
4. Plaintiff is the current holder of the Note described in the Security Instrument.
5. Respondent mortgagor VIRGINIA STRUBLE was obligated to pay the debt secured by the Property. Respondent mortgagor VIRGINIA STRUBLE was a mortgagor of the lien sought to be foreclosed.
6. VIRGINIA STRUBLE is in default under the Texas Home Equity Conversion Note in

that the mortgagor became deceased on or about AUGUST 9, 2016. Plaintiff has elected to accelerate the maturity of the debt pursuant to Paragraph 9 of the Security Instrument and Texas Constitution Article XVI, § 50(k).

7. As of DECEMBER 30, 2016, the total amount required to pay off the lien was \$131,882.20.

8. The requisite notice or notices to cure the default were mailed on November 3, 2016 to each person as required under applicable law and the loan agreement, contract, or lien sought to be foreclosed. The opportunity to cure has expired.

9. Pursuant to Texas Estates Code § 101.001(b), the heirs-at-law of VIRGINIA STRUBLE, whether known or unknown, acquired VIRGINIA STRUBLE's undivided interest in the Property immediately upon VIRGINIA STRUBLE's death. Each Heir has been made a party to this proceeding pursuant to Texas Civil Practice & Remedy Code § 17.002. Pursuant to the Texas Estates Code §§ 202.001, 202.005 the heirs-at-law are hereby declared to be those persons identified by Affidavit/Ad Litem Report filed in this Court.

10. Plaintiff performed, before this application was filed, any other action required of Plaintiff under applicable law and the loan agreement, contract, or lien sought to be foreclosed.

IT IS, THEREFORE, ORDERED that:

1. JAMES B. NUTTER & COMPANY, its successors and assigns, is hereby authorized to serve a Notice of Sale upon Defendants and to proceed to foreclosure sale under the Security Instrument and Texas Property Code § 51.002 concerning the real property having a street address of 6121 HIGHWAY 34 SOUTH, QUINLAN, TX 75474, recorded as DOCUMENT NO. 13253, volume 1789, page 397, of the real property records of HUNT County, Texas and a legal description of:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

2. A copy of this Order shall be sent to the following Defendants with the Notice of Sale by Plaintiff or its successors or assigns:

UNKNOWN HEIRS OF VIRGINIA  
STRUBLE  
6121 HIGHWAY 34 SOUTH  
QUINLAN, TX 75474

BRIAN STRUBLE  
6121 STATE HIGHWAY 34 S  
QUINLAN, TX 75474-3053

CHRISTIE JENKINS  
6759 FM 2909  
CANTON, TX 75103-5549

DANETTE GINGRAS  
2972 COUNTY ROAD 2502  
CADDO MILLS, TX 75135-7604

KEVIN STRUBLE  
804 DEL LENORA DR APT 20  
DUNCANVILLE, TX 75116-2637

JULIE LOFLIN  
8003 FM 903  
CELESTE, TX 75423-4934

JAMIE STRUBLE  
1109 TAMMY TRL B  
QUINLAN, TX 75474-9594

OCCUPANT  
6121 HIGHWAY 34 SOUTH  
QUINLAN, TX 75474

3. Plaintiff or its successors or assigns may communicate with the Defendants and all third parties reasonably necessary to conduct the foreclosure sale.

4. Plaintiff or its successors or assigns shall mail notice of the foreclosure sale to counsel, if any, of the Defendants by Certified Mail.

5. Plaintiff or its successors or assigns shall file a certified copy of this Order in the HUNT County, Texas, real property records.

6. The Ad Litem, David Renshaw, is awarded reasonable fees and expenses in the amount of \$ 750.00 and he is hereby discharged as Ad Litem in this case.

IT IS SO ORDERED.

Signed: 9/18/17

  
Judge Presiding

APPROVED:

MICHAEL J. SCHROEDER, P.C.

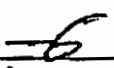
  
\_\_\_\_\_  
Michael J. Schroeder  
State Bar No. 17817380  
Email: mike@lawmjs.com  
Erika Bennett Stickney  
State Bar No. 24085195  
Email: erika@lawmjs.com  
3610 North Josey Lane, Suite 206  
Carrollton, TX 75007  
Telephone: (972) 394-3086  
Facsimile: (972) 394-1263  
ATTORNEYS FOR Plaintiff

EXHIBIT "A"

AB that certain lot, tract or parcel of land situated in the Wm. Darnell Survey, A-234, Hunt County, Texas and being known as that tract of land described in a deed from Jamie E. Bonkalski et al to Virginia Struble as recorded in Volume 1266, page 177 of the Official Public Records of Hunt County, Texas and being more particularly described as follows:

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Thence N 84 deg. 40 min. 27 sec. W along a fence line and along the south line of said Struble tract, a distance of 287.44 feet to the Point of Beginning and containing 1.15 acres of land, more or less.

ATTEST 22 2017  
STACEY E. BRUM, DISTRICT CLERK  
HUBBARD COUNTY, OREGON  
This is a true and correct copy of the original  
file in the Hunt Case No. 2017-13553  
By [Signature] Deputy



**THE STATE OF TEXAS  
COUNTY OF HUNT**

I hereby certify that this instrument was FILED on the  
date and time stamped heron by me and was duly  
RECORDED in the Records of Hunt County, Texas  
2017-13553  
09/28/2017 04:10:01 PM



*Jennifer Lindenzweig*

Jennifer Lindenzweig, County Clerk  
Hunt, Texas