

Cause No. CV1744404

WELLS FARGO BANK, N.A.,  
Plaintiff,

v.

ARLIE CASEY, STEPHEN ARLIE  
CASEY, RAYNITA POLKEY, MIKE  
CASEY, LYN DIE FONVILLE,  
LINDA KOGER, AND THE  
UNKNOWN HEIRS AT LAW OF  
BARBARA S. CASEY, DECEASED,  
Defendants.

In Re: 736 STRAWN ROAD,  
RANGER, TEXAS 76470

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IN THE DISTRICT COURT

OF EASTLAND COUNTY, TEXAS

91<sup>ST</sup> JUDICIAL DISTRICT

FINAL DEFAULT AND AGREED JUDGMENT

After considering plaintiff, WELLS FARGO BANK N.A.'s, its successors or assigns, motion for default judgment, pleadings, and evidence on file the Court GRANTS the motion and finds:

1. Citation was properly served on defendants according to law and remained on file with the Clerk of this Court for the time prescribed by law.
2. Defendants the unknown heirs at law of Barbara S. Casey were served by publication and Dietrich Odum was appointed as the attorney ad litem. No additional heirs at law of decedent were located.
3. None of the defendants who were personally served are in active military service.
4. The Loan Agreement between Arlie Casey, Barbara S. Casey and the plaintiff is in default and that plaintiff is in the beneficiary of that agreement on the property made the basis of lawsuit.
5. Plaintiff entitled to the relief sought in plaintiff's original petition. Therefore it is:

IT IS ORDERED that:

736 STRAWN ROAD  
RANGER, TX 76470

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**NOTICE OF [SUBSTITUTE] TRUSTEE'S 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: October 02, 2018

Time: The sale will begin at 1:00PM or not later than three hours after that time.

Place: THE FRONT STEPS ON THE SOUTH ENTRANCE OF THE EASTLAND COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

2. **Terms of Sale.** Cash.


3. **Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated December 11, 1998 and recorded in Document CLERK'S FILE NO. 2017-000333 real property records of EASTLAND County, Texas, with ARLIE CASEY AND BARBARA S CASEY, grantor(s) and TMS MORTGAGE INC. DBA THE MONEY STORE, A CORPORATION, mortgagee.

4. **Obligations Secured.** Deed of Trust or Contract Lien executed by ARLIE CASEY AND BARBARA S CASEY, securing the payment of the indebtednesses in the original principal amount of \$48,000.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. WELLS FARGO BANK, N.A. is the current mortgagee of the note and Deed of Trust or Contract Lien.

5. **Property to Be Sold.** The property to be sold is described in the attached Exhibit A.

6. **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. WELLS FARGO BANK, N.A., as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o WELLS FARGO BANK, N.A.  
3476 STATEVIEW BLVD  
FORT MILL, SC 29715

  
TERRY BROWDER, LAURA BROWDER OR MARSHA MONROE  
Substitute Trustee  
c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP  
4004 Belt Line Road, Suite 100  
Addison, Texas 75001

RECEIVED 830 A M.  
CATHY JENTHO, COUNTY CLERK

SEP 10 2018

EASTLAND COUNTY, TEXAS  
By  Deputy



736 STRAWN ROAD  
RANGER, TX 76470

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Date of Sale: 10/02/2018

Certificate of Posting

My name is \_\_\_\_\_, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas. I declare under penalty of perjury that on \_\_\_\_\_ I filed at the office of the EASTLAND County Clerk and caused to be posted at the EASTLAND County courthouse this notice of sale.

\_\_\_\_\_  
Declarants Name:  
\_\_\_\_\_  
Date: \_\_\_\_\_

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EASTLAND



BEING ALL OF BLOCK 32, JOE YOUNG ADDITION TO THE CITY OF RANGER, EASTLAND COUNTY, TEXAS, AS PER SUPPLEMENTAL PLAT OF SAID ADDITION RECORDED IN VOLUME 88, PAGE 146, DEED RECORDS OF EASTLAND COUNTY, TEXAS, SAVE AND EXCEPT THE FOLLOWING THREE TRACTS:

- (1) 100 FT. BY 140 FT. CONVEYED BY GRACE HAMILTON, ET VIR, TO DAVE BONEY BY DEED DATED NOVEMBER 28, 1945, RECORDED IN VOLUME 388, PAGE 583, DEED RECORDS OF EASTLAND COUNTY, TEXAS.
- (2) TRACT CONVEYED BY GRACE HAMILTON TO MARY E. FEATHERSTON BY DEED DATED AUGUST 27, 1974, RECORDED IN VOLUME 622, PAGE 410, DEED RECORDS OF EASTLAND COUNTY, TEXAS.
- (3) ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LOCATED IN EASTLAND COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS, TO-WIT:

A PART OF BLOCK 32 OF THE JOE YOUNG ADDITION OF THE CITY OF RANGER, TEXAS;

BEGINNING AT THE NWC OF SAID BLOCK;

THENCE NORTH EASTERLY AT RIGHT ANGLES PARALLEL TO STRAWN ROAD 213 FT;

THENCE SOUTHERLY 140 FT.;

THENCE EASTERLY 263.72 FT.;

THENCE SOUTHERLY 89.11 FT.;

THENCE EASTERLY 33.50 FT.;

THENCE SOUTHERLY 140 FT.;

THENCE NORTH WESTERLY PARALLEL TO FOCH STREET 503 FT.;

THENCE NORTHERLY 99.35 FT. TO THE PLACE OF BEGINNING.

**IT IS FURTHER ORDERED** plaintiff has a valid lien on the Property by way of a Texas Home Equity Security Instrument dated December 11, 1998 and filed under Clerk's File No. 2017-000333 of the Real Property Records of Eastland County, Texas.

**IT IS FURTHER ORDERED** that this Default Judgment and Agreed Judgment serves as an Order authorizing plaintiff to foreclose its lien created under TEX. CONST. art. XVI, § 50(a)(6) in compliance with the Loan Agreement and TEX. PROP. CODE § 51.002.

**IT IS FURTHER ORDERED** that a copy of this Default Judgment shall be sent to defendants with the notice of the date, time and place of the foreclosure sale.

**IT IS FURTHER ORDERED** that plaintiff may communicate with the defendants and all third parties reasonably necessary to conduct the foreclosure sale.

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

**IT IS FURTHER ORDERED** that one of the effects of the non-judicial foreclosure shall be that defendants are divested and the purchaser of the Property at the non-judicial foreclosure sale is vested with all right, title and interest to the Property.

**IT IS FURTHER ORDERED** that no personal liability or deficiency for the Loan Agreement debt shall be asserted against the defendants or the putative estate of Decedent.

**IT IS FURTHER ORDERED** that after the non-judicial foreclosure is held, if the property remains occupied after this judgment becomes final and the plaintiff is the purchaser of the Property at the non-judicial foreclosure sale, a writ of possession shall issue against any occupant of the Property in accordance with TEX. R. CIV. P. 310.

**IT IS FURTHER ORDERED** that as part of the costs of court, and payable by plaintiff, Dietrich Odum, the Attorney Ad Litem is granted the sum of \$ 1000.<sup>00</sup> and is discharged as Ad Litem in this case.

All relief not expressly granted is denied.

All of Barbara S. Casey's ("Decedent") heirs-at-law have been made defendants to this suit and were immediately vested with all of Decedent's right, title and interest in the real property and improvements commonly known as 726 Strawn Road, Ranger, Texas 76470 ("Property") and legally described as:

BEING ALL OF BLOCK 32, JOE YOUNG ADDITION TO THE CITY OF RANGER, EASTLAND COUNTY, TEXAS, AS PER SUPPLEMENTAL PLAT OF SAID ADDITION RECORDED IN VOLUME 88, PAGE 146, DEED RECORDS OF EASTLAND COUNTY, TEXAS, SAVE AND EXCEPT THE FOLLOWING THREE TRACTS:

(1) 140 FT. BY 140 FT. CONVEYED BY GRACE HAMILTON, ET VIR, TO DAVE BONEY BY DEED DATED NOVEMBER 28, 1945, RECORDED IN VOLUME 388, PAGE 583, DEED RECORDS OF EASTLAND COUNTY, TEXAS.

(2) TRACT CONVEYED BY GRACE HAMILTON TO MARY E. FEATHERSTON BY DEED DATED AUGUST 27, 1974, RECORDED IN VOLUME 622, PAGE 410, DEED RECORDS OF EASTLAND COUNTY, TEXAS.

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BEGINNING AT THE NWC OF SAID BLOCK;

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THENCE SOUTHERLY 140 FT;

THENCE EASTERLY 263.72 FT;

THENCE SOUTHERLY 89.11 FT;

THENCE EASTERLY 33.50 FT;

THENCE SOUTHERLY 140 FT;

THENCE NORTH WESTERLY PARALLEL TO HOCH STREET 518 FT;

THENCE NORTHERLY 59.25 FT. TO THE PLACE OF BEGINNING.