

## 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: BEING 4.209 ACRES, MORE OR LESS, OUT OF THE JOSE LIENDO SURVEY, A-31, MILAM COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A-1" ATTACHED HERETO AND MADE A PART HEREOF.

2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 11/22/2002 and recorded in Book 893 Page 192 real property records of Milam County, Texas. Re-filed in Book 1155 Page 09 real property records of Milam County, Texas.

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

Date: 06/06/2017

Time: 12:00 PM

Place: Milam County Courthouse, Texas, at the following location: ALL PUBLIC SALES ARE HELD AT THE EAST DOOR OF THE MILAM COUNTY COURTHOUSE 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.

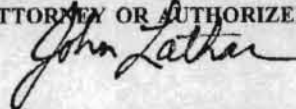
5. **Obligations Secured.** The Deed of Trust executed by WALTER RAY BERAN AND DONNA BERAN, provides that it secures the payment of the indebtedness in the original principal amount of \$70,500.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Dean Witter Capital I Inc. Trust 2003-NC2, Mortgage Pass-Through Certificates, Series 2003-NC2 is the current mortgagee of the note and deed of trust and OCWEN LOAN SERVICING, LLC is mortgage servicer. A servicing agreement between the mortgagee, whose address is Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Dean Witter Capital I Inc. Trust 2003-NC2, Mortgage Pass-Through Certificates, Series 2003-NC2 c/o OCWEN LOAN SERVICING, L.L.C., 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. **Order to Foreclose.** Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Dean Witter Capital I Inc. Trust 2003-NC2, Mortgage Pass-Through Certificates, Series 2003-NC2 obtained a Order from the 20th District Court of Milam County on 08/19/2016 under Cause No. CV37491. The mortgagee has requested a Substitute Trustee conduct this sale pursuant to the Court's Order.

7. **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 JOHN LATHAM, JOHN W. LATHAM, BRETT ADAMS OR MICHAEL LATHAM, 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

  
JOHN LATHAM, JOHN W. LATHAM, BRETT ADAMS OR  
MICHAEL LATHAM  
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 Milam County Clerk and caused it to be posted at the location directed by the Milam County Commissioners Court.

15-002204-670 // 902 CR 437, THORNDALE, TX 76577

Filed 24 day of April  
in 2017, At 11:27 AM.  
BARBARA VANS  
County Clerk, Milam County, Texas  
By Janey Tucker  
Deputy

EXHIBIT 'A'

COUNTY CLERK'S MEMO  
PORTIONS OF THIS  
DOCUMENT NOT  
REPRODUCIBLE  
WHEN RECORDED

BEING 4.2092 ACRES OF LAND OUT OF THE J. J. LEMBO SURVEY, ABSTRACT NO. 31, IN MILAM COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN TRACT OF LAND CALLED 4.251 ACRES DESCRIBED IN A DEED TO WALTER RAY BERAN AND DONNA BERAN RECORDED IN VOLUME 705, PAGE 251, OFFICIAL RECORDS OF MILAM COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:

BEGINNING at a 1/2" dia. iron rod found at the northeast corner hereof in the east line of County Road No. 437, said iron rod also being the northeast corner of that certain 13 acre tract of land described in a deed to Larry J. Schuolman recorded in Volume 547, Page 711, Deed Records of Milam County;

THENCE S 70° 00' E a distance of 546.83 feet to a 1/2" dia. iron rod found at the northeast corner hereof, said iron rod also being the northeast corner of said 13 acre tract and the northeast corner of that certain 19.518 acre tract of land described in a deed to Dwayne K. Burgess and Charlene N. Burgess recorded in Volume 558, Page 223, Deed Records of Milam County;

THENCE S 8° 34' 13" W a distance of 141.61 feet along an old fence to a 5/8" dia. iron rod found at the southeast corner hereof;

THENCE N 85° 32' 42" W a distance of 611.91 feet to a 5/8" iron rod found at the southwest corner hereof in the east line of County Road No. 437, from which a 1/2" dia. iron rod found on the north side of a corner post bears S 78° 03' 37" E a distance of 3.28 feet;

THENCE N 19° 47' 44" E a distance of 401.47 feet with the east line of said county road and the west line hereof to the Place of Beginning, containing 4.2092 acres of land, subject to easements, conditions and restrictions of record, if any.

We hereby certify this to be a  
true and correct copy of the  
original document.

By: M. Hand  
Fidelity National Title Company

Filed 24 day of April  
in 2017, At 11:27 AM.  
BARBARA VANSA  
County Clerk, Milam County, Texas  
By: Lance Tucker  
Deputy