

## 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 ATTACHED EXHIBIT "A".

**2. Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated April 3, 2009, and recorded in the public property records of Van Zandt County, Texas as Document 2009-003554.

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

Date: January 7, 2020

Time: 10:00 AM

Place: Van Zandt County Courthouse, Texas at the following location: THE STEPS OF THE NORTH ENTRANCE TO THE VAN ZANDT COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE.

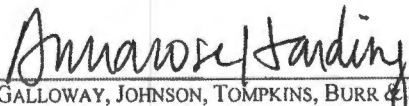
FILED FOR RECORD  
 2019 DEC 12 PM 1:59  
 SUSAN STRICKLAND  
 COUNTY CLERK, VAN ZANDT COUNTY, TX

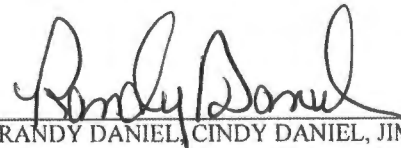
**4. Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the Deed of Trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the Property. Pursuant to § 51.009 of the 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 BRUCE DONIHOO and PAT DONIHOO, provides that it secures the payment of the indebtedness in the original principal amount of \$157,500.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. REVERSE MORTGAGE SOLUTIONS, INC. is the current mortgagee of the note and deed of trust and REVERSE MORTGAGE SOLUTIONS, INC. is the current mortgage servicer. A servicing agreement between the mortgager, whose address is 14405 Walters Rd., Suite 200, Houston, Texas 77014, and the mortgage service exists. 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 § 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint Randy Daniel, Cindy Daniel, Jim O'Bryant, or Branch M. Sheppard as 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.**

  
 GALLOWAY, JOHNSON, TOMPKINS, BURR & SMITH,  
 A PROFESSIONAL LAW CORPORATION  
 Branch M. Sheppard, Attorney at Law  
 Sara A. Morton, Attorney at Law  
 Annarose M. Harding, Attorney at Law  
 1301 McKinney Drive, Suite 1400  
 Houston, Texas 77010  
 (713) 599-0700

  
 RANDY DANIEL, CINDY DANIEL, JIM O'BRYANT,  
 OR BRANCH M. SHEPPARD  
 c/o Galloway Johnson Tompkins Burr & Smith  
 1301 McKinney Drive, Suite 1400  
 Houston, Texas 77010  
 (713) 599-0700

### CERTIFICATE OF POSTING

I am \_\_\_\_\_ whose address is c/o Galloway, Johnson, Tompkins, Burr & Smith 1301 McKinney Drive, Suite 1400, Houston, TX 77010. I declare under penalty of perjury that on \_\_\_\_\_ I filed this Notice of Foreclosure Sale at the office of the Van Zandt County Clerk and caused it to be posted at the location directed by the Van Zandt County Commissioners Court.

Exhibit "A"

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LND SITUATED ON THE SHORE-LINE OF LAKE TAWAKONI, IN THE COUNTY OF VAN ZANDT, STATE OF TEXAS, PART OF THE E. ALVARADO SURVEY, ABSTRACT NO. 4, AND BEING PART OF THE SME LANDS CONVEYED TO R. D. DEAN, ET AL, BY JOHN E. HOWELL:

BEGINNING AT A 3/8 INCH STEEL ROD IN THE TAKE-LINE OF THE SABINE RIVER AUTHORITY, BEING THE NORTH CORNER OF THIS ONE ACRA TRACT AND THE EAST CORNER OF THE WEST ONE ACRE TRACT, AND BEING A POINT 49.58 FEET SOUTH 86 DEGREES 21 MINUTES 50 SECONDS EAST AND 120 FEET SOUTH 60 DEGREES 40 MINUTES 20 SECONDS EAST FROM A CONCRETE MONUMENT SET IN THE CENTER ROADWAY ON THE WEST LINE OF THE R. D. DEAN AND R.R. HANSON LANDS, SAID MONUMENT BEING THE MOST WESTERLY SOUTHWEST CORNER OF THE LANDS DESCRIBED AND CONVEYED IN DEED FROM R. D. DEAN AND WIFE, MARY SUE DEAN AND R.R. HANSON AND WIFE THELMA HANSON, TO THE SABINE RIVER AUTHORITY OF TEXAS, RECORDED IN VOLUME 474, PAGE 308 OF THE DEED RECORDS OF VAN ZANDT COUNTY, TEXAS;

THENCE SOUTH 60 DEGREES 40 MINUTES 20 SECONDS EAST WITH SAID TAKE LINE 120 FEET TO A 3/8 INCH STEEL ROD SET FOR CORNER, THE EAST CORNER OF THIS TRACT;

THENCE SOUTH 18 DEGREES 53 MINUTES 25 SECONDS WEST WITH THE SOUTHEAST LINE OF SAID TRACT A DISTANCE OF 383.3 FEET TO A 3/8 INCH STEEL ROD SET FOR THE SOUTHEAST CORNER OF SAME, BEING THE POINT OF INTERSECTION OF THE NORTH LINE OF A STREET NAMED RED BUD LANE AND THE NORTHWEST LINE OF A STREET NAME BUTLER STREET;

THENCE SOUTH 88 DEGREES 44 MINUTES 40 SECONDS WEST WITH SAID STREET LINE A DISTANCE OF 62 FEET TO A 3/8 INCH STEEL ROD SET FOR CORNER IN SAME, THE SOUTHWEST CORER OF THIS TRACT AND THE SOUTHEAST CORNER OF THE WEST ONE ACRE TRACT;

THENCE NORTH 01 DEGREES 53 MINUTES 25 SECONDS WEST WITH COMMON LINE BETWEEN THE TWO SAID TRACTS 175 FEET TO A 3/8 INCH STEEL ROD SET FOR CORNER;

THENCE NORTH 18 DEGREES 53 MINUTES 25 SECONDS EAST WITH COMMON LINE BETWEEN THE TWO SAID TRACTS A DISTANCE OF 262 FEET TO THE PLACE OF BEGINNING, CONTAINING ONE (1) ACRE OF LAND, MORE OR LESS.

CAUSE NO. 19-00159

IN RE: ORDER FOR FORECLOSURE  
CONCERNING

320 VZ COUNTY ROAD 3732  
WILLS POINT, TEXAS 75169

UNDER TEX. R. CIV. P. 736

PETITIONER:

REVERSE MORTGAGE SOLUTIONS,  
INC.

RESPONDENT(S):

PAT DONIHOO and  
THE ESTATE OF BRUCE DONIHOO

IN THE DISTRICT COURT OF

VAN ZANDT COUNTY, TEXAS

294th JUDICIAL DISTRICT

**REVERSE MORTGAGE FORECLOSURE ORDER**

On this day, the Court determined it had jurisdiction over the subject matter and the parties to this proceeding. After reviewing the Motion for Final Judgment and Reverse Mortgage Foreclosure Order, the pleadings, the affidavits and the arguments of counsel, the Court finds:

1. Applicant is the current mortgagee, as that term is defined in Tex. Prop. Code. §51.001, of a valid Texas reverse mortgage "loan agreement," as that term is defined in Tex. Bus. & Comm. Code §26.02 ("Loan Agreement") that was created in accordance with Tex. Const. Art. XVI §50(a)(7) and secured by the real property and improvements (the "Property") commonly known as 320 VZ County Road 3732, Wills Point, TX 75169 and more particularly described as:

**ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED ON THE SHORE-LINE OF LAKE TAWAKONI, IN THE COUNTY OF VAN ZANDT, STATE OF TEXAS, PART OF THE E. ALVARADO SURVEY, ABSTRACT NO. 4, AND BEING PART OF THE SAME LANDS CONVEYED TO R. D. DEAN, ET AL, BY JOHN E. HOWELL:**

BEGINNING AT A 3/8 INCH STEEL ROD IN THE TAKE-LINE OF THE SABINE RIVER AUTHORITY, BEING THE NORTH CORNER OF THIS ONE ACRE TRACT AND THE EAST CORNER OF THE WEST ONE ACRE TRACT, AND BEING A POINT 49.58 FEET SOUTH 86 DEGREES 21 MINUTES 50 SECONDS EAST AND 120 FEET SOUTH 60 DEGREES 40 MINUTES 20 SECONDS EAST FROM A CONCRETE MONUMENT SET IN THE CENTER ROADWAY ON THE WEST LINE OF THE R. D. DEAN AND R. R. HANSON LANDS, SAID MONUMENT BEING THE MOST WESTERLY SOUTHWEST CORNER OF THE LANDS DESCRIBED AND CONVEYED IN DEED FROM R. D. DEAN AND WIFE, MARY SUE DEAN AND R.R. HANSON AND WIFE THELMA HANSON, TO THE SABINE RIVER AUTHORITY OF TEXAS, RECORDED IN VOLUME 474, PAGE 308 OF THE DEED RECORDS OF VAN ZANDT COUNTY, TEXAS;

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2. Under Tex. Const. Art. XVI §50(k)(6)(D), the advancement of funds on Mortgagor's behalf to insure and pay taxes on the Property in conjunction with Secretary approval qualified as a default event which required the payment of all principal and interest owed under the Loan Agreement. The necessary conditions precedent for Applicant to exercise its rights under the security instrument by proceeding with a non-judicial foreclosure against the Property has been accomplished. Applicant will enforce its security interest pursuant to the terms of the Loan Agreement and Tex. Prop. Code §51.002. The Trustee or Substitute Trustee Alan E. South, or their successor, was appointed to conduct the sale under Tex. Prop. Code §51.002.

3. Mortgagors failed on an obligation specified in the loan documents to repair and maintain, pay taxes and assessments on and/or insure the homestead property, which accelerated the maturity of the Reverse Mortgage debt and subjected the Property to payment of all principal, interest and other fees and expenses allowed under the Reverse Mortgage made the subject of this proceeding by a nonjudicial foreclosure under Tex. Const. Art. XVI § 50(k)(6)(D) and Tex. Const. Art. XVI §50(k)(11).

IT IS THEREFORE ORDERED that Applicant, its successors and/or assigns in accordance with Tex. Const. Art. XVI §50(k)(11) shall enforce the Loan Agreement default by foreclosing its security interest encumbering the Property pursuant to the Loan Agreement or Tex. Prop. Code §51.002;

IT IS FURTHER ORDERED that if a person occupying the Property fails to surrender possession of the premises after foreclosure, Applicant, or its successor in interest, shall be entitled to a Writ of Possession issued in accordance with Tex. R. Civ. P. 310;

IT IS FURTHER ORDERED that Petitioner shall be, and the same hereby is, awarded reasonable and necessary attorneys' fees and costs of \$2000 to be assessed to the loan;

IT IS FURTHER ORDERED that all costs are to be paid by the party by whom incurred;

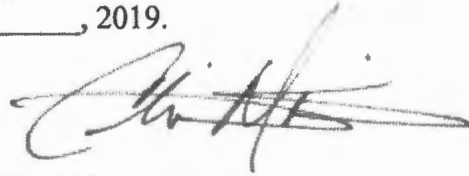
~~IT IS FURTHER ORDERED that as part of the costs of court, and payable by Applicant,  
the Guardian and/or Attorney Ad Litem is hereby granted the sum of \$ \_\_\_\_\_; and~~

IT IS FURTHER ORDERED Applicant is entitled to all writs necessary to enforce this  
Judgment.

All relief not granted herein is denied.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

9/12/2019 4:50 PM



JUDGE PRESIDING

ORDER PREPARED BY:

GALLOWAY, JOHNSON, TOMPKINS, BURR & SMITH  
A Professional Law Corporation

//s// Branch M. Sheppard  
BRANCH M. SHEPPARD  
Texas State Bar No. 24033057  
SARA A. MORTON  
Texas Bar No. 24051090  
1301 McKinney, Suite 1400  
Houston, Texas 77010  
(713) 599-0700 (Telephone)  
(713) 599-0777 (Facsimile)  
**ATTORNEYS FOR APPLICANT,  
REVERSE MORTGAGE SOLUTIONS, INC.**