

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, more commonly described as 835 FM 2126, Early, Texas, 76802, is described as follows: LOTS NO. 6,7,8,9 AND 10 IN TWIN HILLS SUBDIVISION, AN ADDITION IN BROWN COUNTY, TEXAS, AS SHOWN BY THE MAP OR PLAT OF SAID ADDITION RECORDED IN VOLUME 3, PAGE 15, PLAT RECORDS, BROWN COUNTY, TEXAS. LESS.

LESS, SAVE AND EXCEPT THAT PORTION OF LOT 10 CONVEYED TO TIM GRIFFIN BY DEED RECORDED IN VOLUME 1441, PAGE 51, OFFICIAL PUBLIC RECORDS, BROWN COUNTY, TEXAS.

2. Instrument to be Foreclosed. The instrument to be foreclosed is the Deed of Trust dated January 8, 2007, and recorded in real property records of Brown County, Texas as Document 391.

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

Date: October 6, 2020

Time: 10:00 AM

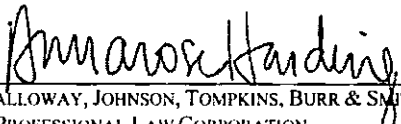
Place: Brown County Courthouse, Texas at the following location: SOUTH (MAIN) ENTRANCE OF THE COURTHOUSE IN AN AREA NOT TO EXCEED 12 FEET FROM THE FRONT DOOR OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE.

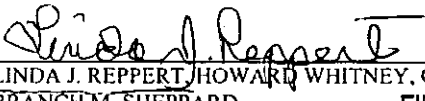
4. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the Deed of Trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the Property. Pursuant to § 51.009 of the TEXAS 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 GEORGE T. GRIFFIN and NADENE GRIFFIN, provides that it secures the payment of the indebtedness in the original principal amount of \$170,250.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. SEATTLE BANK 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 Linda J. Reppert, Howard Whitney, 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


 LINDA J. REPERT, HOWARD WHITNEY, OR
 BRANCH M. SHEPPARD
 c/o Galloway Johnson Tompkins Burr & Smith
 1301 McKinney Drive, Suite 1400
 Houston, Texas 77010
 (713) 599-0700

FILED FOR RECORD

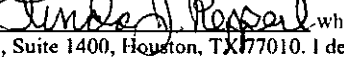
TIME 2:06 pm

AUG 27 2020

Sharon Ferguson, Brown County Clerk

Deputy 

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 August 27, 2020 I filed this Notice of Foreclosure Sale at the office of the Brown County Clerk and caused it to be posted at the location directed by the Brown County Commissioners Court.

CAUSE NO. CV2001014

IN RE: ORDER FOR FORECLOSURE
CONCERNING

835 FM 2126
EARLY, TEXAS 76802

UNDER TEX. R. CIV. P. 736

PETITIONER:

SEATTLE BANK

RESPONDENT:

GEORGE GRIFFIN and
THE ESTATE OF NADENE GRIFFIN

IN THE DISTRICT COURT OF

BROWN COUNTY, TEXAS

35th 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. Rule 736.8(b)(1) – All material facts establishing Respondents' default are alleged in Applicant's Application for Expedited Foreclosure Under Rule 736 on a Reverse Mortgage, the supporting exhibits, and supporting affidavits. Those facts are adopted and incorporated by reference in this order.

2. Under Tex. Const. Art. XVI §50(k)(6)(C), the abandonment of the Property by the Mortgagor would be an 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.



3. Mortgagor failed on an obligation specified in the loan documents to repair and maintain, pay taxes and assessments on 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).

4. Rule 736.8(b)(2) – 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 835 FM 2126, Early, Texas 76802 and more particularly described as:

LOTS NO. 6,7,8,9 AND 10 IN TWIN HILLS SUBDIVISION, AN ADDITION IN BROWN COUNTY, TEXAS, AS SHOWN BY THE MAP OR PLAT OF SAID ADDITION RECORDED IN VOLUME 3, PAGE 15, PLAT RECORDS, BROWN COUNTY, TEXAS. LESS.

LESS, SAVE AND EXCEPT THAT PORTION OF LOT 10 CONVEYED TO TIM GRIFFIN BY DEED RECORDED IN VOLUME 1441, PAGE 51, OFFICIAL PUBLIC RECORDS, BROWN COUNTY, TEXAS.

5. Rule 736.8(b)(3) – Mortgagor is subject to this order. Mortgagor is George Griffin, whose last known address is 835 FM 2126, Early, Texas 76802 and The Estate of Nadene Griffin, whose last known address is 835 FM 2126, Early, Texas 76802. Plus, any and all occupants of 835 FM 2126, Early, Texas 76802, whose last known address is the subject Property are also subject to this order.

6. Rule 736.8(b)(4) – Applicant, Seattle Bank, its successors and/or assigns, is entitled to relief on the reverse mortgage lien recorded in the Brown County public real property



records under number 391. 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, Robert K. Fowler, or its successor, was appointed to conduct the sale under Tex. Prop. Code §51.002.

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.

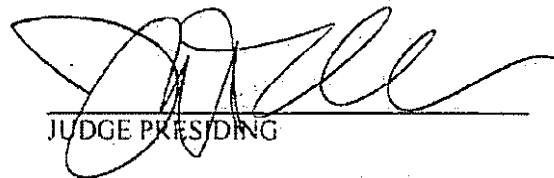
IT IS FURTHER ORDERED that if a person occupying the Property fails to surrender possession of the premises after foreclosure, Applicant, or its successor in interest, shall be entitled to a Writ of Possession issued in accordance with Tex. R. Civ. P. 310; and

IT IS FURTHER ORDERED that Applicant shall be, and the same hereby is, awarded attorney fees and costs to be assessed to the loan.

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

All relief not granted herein is denied.

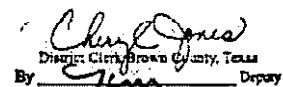
SIGNED this 26 day of MARCH, 2020.



JUDGE PRESIDING

FILED
At 12:07 O'clock P M

MAR 26 2020


Cheryl Jones
Deputy Clerk, Brown County, Texas
By _____ Deputy



ORDER PREPARED BY:

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

By: //s// Branch M. Sheppard
BRANCH M. SHEPPARD
Texas State Bar No. 24033057
BSheppard@gallowaylawfirm.com
SARA A. MORTON
Texas Bar No. 24051090
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ANNAROSE M. HARDING
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AHarding@gallowaylawfirm.com
1301 McKinney, Suite 1400
Houston, Texas 77010
(713) 599-0700 (Telephone)
(713) 599-0777 (Facsimile)
**ATTORNEYS FOR APPLICANT,
SEATTLE BANK**

FILED FOR RECORD
TIME _____

AUG 27 2020

Sharon Ferguson, Brown County Clerk
Deputy [Signature]

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**CERTIFIED TRUE AND CORRECT COPY CERTIFICATE
STATE OF TEXAS
COUNTY OF BROWN**

The document to which this certificate is affixed, containing 4
pages, is a full, true and correct copy of the original on file and of record in
my office.



ATTEST: 3-27-20 20

CHERYL JONES, DISTRICT CLERK
BROWN COUNTY, TEXAS

BY [Signature] DEPUTY