

FILED FOR RECORD

2020 OCT -8 PM 3: 35

AMY L. VARNELL
CASS COUNTY CLERK

Notice of Substitute Trustee Sale

T.S. #: 20-4449

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.

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

Date: 11/3/2020

Time: The sale will begin no earlier than 10:00 AM or no later than three hours thereafter. The sale will be completed by no later than 1:00 PM

Place: Cass County Courthouse in LINDEN, Texas, at the following location: 100 East Houston Street, Linden, Tx 75563 - or in the area designated by the commissioners court. OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE

Property To Be Sold - The property to be sold is described as follows:

SEE ATTACHED EXHIBIT A

Instrument to be Foreclosed -- The instrument to be foreclosed is the Deed of Trust is dated 10/20/2009 and is recorded in the office of the County Clerk of Cass County, Texas, under County Clerk's File No 2009004799 recorded on 11/2/2009 of the Real Property Records of Cass County, Texas.

13597 FM 125 S
BIVINS, TX 75555

Trustor(s): **NORMA T WHATLEY and
HERSHELL S WHATLEY**

Original Beneficiary: **MORTGAGE
ELECTRONIC
REGISTRATION SYSTEMS,
INC. ACTING SOLELY AS
NOMINEE FOR
FINANCIAL FREEDOM
ACQUISITION LLC, A
SUBSIDIARY OF
ONEWEST BANK, FSB, ITS
SUCCESSORS AND
ASSIGNS**

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Current Beneficiary: **Kondaaur Capital Corporation, not in its individual capacity but solely in its capacity as Separate Trustee of Matawin Ventures Trust Series 2020-1** Loan Servicer: **Kondaaur Capital Corporation**

Current Substituted Trustees: **Robert LaMont, David Sims, Harriett Fletcher, Sheryl LaMont, Sharon St. Pierre, Darla Boettcher, Patrick Zwiers, Allan Johnston, Ronnie Hubbard, Shannah Walker, Kevin Mccarthy, Al Davis, Murphy Howle, Beatrice Carrillo, Pat Walker, Sue Spasic, Rick Snoke, Briana Young, Patricia Sanchez, Heather Smith, Tom Misteli, Prestige Default Services**

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 property securing the above referenced loan.

Terms of Sale - The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any. Pursuant to the Deed of Trust, the beneficiary 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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property. Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

Type of sale - The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of the sale granted by the deed of trust executed by HERSHELL SYLVANIUS WHATLEY AND NORMA THOMAS WHATLEY, HUSBAND AND WIFE. The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

Obligations Secured - The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including by not limited to (1) the promissory note in the original principal amount of \$157,500.00, executed by HERSHELL SYLVANIUS WHATLEY AND NORMA THOMAS WHATLEY, HUSBAND AND WIFE, and payable to the order of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR FINANCIAL FREEDOM ACQUISITION LLC, A SUBSIDIARY OF ONEWEST BANK, FSB, ITS SUCCESSORS AND ASSIGNS; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of HERSHELL SYLVANIUS WHATLEY AND NORMA THOMAS WHATLEY, HUSBAND AND WIFE to NORMA T WHATLEY and HERSHELL S WHATLEY. Kondaaur Capital Corporation, not in its individual capacity but solely in its capacity as Separate Trustee of Matawin Ventures Trust Series 2020-1 is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, with interest and late charges thereon, as provided in the note(s), advances, under the terms of the Deed of Trust, interest thereon, fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. The amount may be greater on the day of sale.

T.S. #: 20-4449

Questions concerning the sale may be directed to the undersigned or to the beneficiary:
**Kondaur Capital Corporation, not in its individual capacity but solely in its capacity as Separate Trustee of
Matawin Ventures Trust Series 2020-1
c/o Kondaur Capital Corporation
333 S. Anita Drive,
Suite 400,
Orange, CA 92868
(888) 566-3287**

Dated: October 08, 2020

**Robert LaMont, David Sims, Harriett Fletcher, Sheryl LaMont, Sharon St. Pierre,
Darla Boettcher, Patrick Zwiers, Allan Johnston, Ronnie Hubbard, Shannah
Walker, Kevin McCarthy, Al Davis, Murphy Howle, Beatrice Carrillo, Pat Walker,
Sue Spasic, Rick Snoke, Briana Young, Patricia Sanchez, Heather Smith, Tom
Misteli, Prestige Default Services**



Prestige Default Services
600 E John Carpenter Freeway, Suite 175
Irving, Texas 75062
Phone: (949) 427-2010
Fax: (949) 427-2732

AFTER RECORDING, PLEASE RETURN TO:
Prestige Default Services
600 E John Carpenter Freeway, Suite 175
Irving, Texas 75062
Attn: Trustee Department

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EXHIBIT A

ALL THAT CERTAIN 6.82 ACRE TRACT OF LAND SITUATED IN THE JAMES S. SMITH SURVEY, A-978, CASS COUNTY, TEXAS, BEING THE REMAINING PART OF A CALLED 114.27 ACRE TRACT RECORDED IN VOL. 0-6, PG. 532 OF THE DEED RECORDS OF CASS COUNTY, TEXAS AND ALL OF A TRACT DESCRIBED IN VOL. 453, PG. 481 OF THE DEED RECORDS OF CASS COUNTY, TEXAS, SAID 6.82 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARING BASIS: DEED RECORD VOL. 1064, PG. 73.)

BEGINNING AT: A 1/2" IRON ROD FOUND IN THE NORTH RIGHT-OF-WAY OF TEXAS FARM ROAD NO. 125 FOR THE SOUTHEAST CORNER OF 453/481 AND THE MOST SOUTHERLY SOUTHEAST CORNER OF THIS TRACT, ALSO A CORNER OF 1068/257;

THENCE: N 72° 19' 27" W, 306.24 FEET WITH THE NORTH RIGHT-OF-WAY OF FARM ROAD NO. 125 TO A 1/2" IRON ROD SET FOR THE SOUTHWEST CORNER OF THIS TRACT, ALSO AN ANGLE CORNER OF A CALLED 2.92 ACRE TRACT IN 1064/73, A 5/8" IRON ROD FOUND AT A FENCE CORNER FOR THE SOUTHWEST CORNER OF 1064/73 BEARS N 72° 19' 27" W, 51.05 FEET;

THENCE: N 06° 08' 44" E, 670.14 FEET ALONG A COMMON BOUNDARY OF 1064/73 TO A 1/2" IRON ROD SET FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE: N 88° 27' 03" E, 431.43 FEET ALONG A COMMON BOUNDARY OF 1064/73 TO A 1/2" IRON ROD SET FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE: S 05° 11' 46" W, 665.92 FEET ALONG A COMMON BOUNDARY OF 1064/73 TO A 1/2" IRON ROD SET FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE: N 87° 45' 14" W, 198.39 FEET ALONG A COMMON BOUNDARY OF 1068/257 TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF 1068/257, NORTHEAST CORNER 453/81, AND AN ANGLE CORNER OF THIS TRACT;

THENCE: S 01° 26' 44" E, 100.43 FEET TO THE POINT OF BEGINNING, CONTAINING 6.82 ACRES OF LAND, MORE OR LESS.

NOTE: THE COMPANY IS PROHIBITED FROM INSURING THE AREA OR QUANTITY OF THE LAND DESCRIBED HEREIN. ANY STATEMENT IN THE ABOVE LEGAL DESCRIPTION OF THE AREA OR QUANTITY OF LAND IS NOT A REPRESENTATION THAT SUCH AREA OR QUANTITY IS CORRECT, BUT IS MADE ONLY FOR INFORMATIONAL AND/OR IDENTIFICATION PURPOSES AND DOES NOT OVERRIDE ITEM 2 OF SCHEDULE B HEREOF.