



FILED FOR RECORD
2022 DEC 21 P 4: 05
AMY L. YARNELL
CASS COUNTY CLERK

Prepared by:
Jacob A. Hill, Attorney at Law
NORTON & WOOD, L.L.P.
315 Main Street, Texarkana, Texas 75501-5604

After recording, return to:
Jacob A. Hill, Attorney at Law
NORTON & WOOD, L.L.P.
315 Main Street, Texarkana, Texas 75501-5604

**NOTICE OF PUBLIC FORECLOSURE SALE
AND
APPOINTMENT OF SUBSTITUTE TRUSTEE**

Pursuant to Section 51.002 of the Texas Property Code, notice is hereby given of the following non-judicial foreclosure sale (the "Sale"):

I. **PROPERTY FOR SALE.** The property for sale (the "Property") is commonly known as 302 & 304 Polk Street, Atlanta, Texas 75551, and is further described in the Real Property Records of Cass County, Texas as follows:

All that certain tract or parcel of land being a part of the Jane Richey Headright Survey, A-877, Cass County, Texas and being all of a 0.386 Acre tract (Tract One) as described in Warranty Deed from Atlanta Funeral Home, Inc. to Calvin Jerome Coleman dated September 21, 2001, recorded in Volume 1146, Page 868 of the Real Property Records of Cass County, Texas and being more particularly described as follows:

BEGINNING: At a found Railroad Spike for corner on the East Right of Way line of Polk Street at the Southwest corner of the above described 0.386 Acre tract of land, same being the Northwest corner of a 0.486 Acre tract as described in Warranty Deed to Doyle R. Willford, et ux recorded in Volume 1234, Page 94 of the Official Public Records of Cass County, Texas;

THENCE: N 17°29'28" W, with the West boundary line of the above described 0.386 Acre tract, same being the East Right-of-Way line of Polk Street, 130.87 feet to a set 5/8" rebar with plastic cap (Stamped R.P.L.S. 4874 Typical) for corner;

THENCE: N 81°23'18" E, with the North boundary line of the above described 0.386 Acre tract, same being the South boundary line of a Access Easement to a 3.63 Acre tract as described in a Warranty Deed to Preston R. Cunningham, et ux recorded in Volume 307, Page 208 of the Deed Records of Cass County, Texas, 151.09 feet to a set 5/8" rebar with plastic cap for corner;

THENCE: S 01°38'56" W, with the East boundary line of the above described 0.386 Acre tract, same being the West boundary line of a 0.537 Acre tract as described in Warranty Deed to Donna A. Trussell recorded in Document No. 2011004548 of the Official Public Records of Cass County, Texas, 130.95 feet to a found 3" metal pipe for corner;

THENCE: S 81°08'58" W, with the South boundary line of the above described 0.386 Acre tract, same being the North boundary line of the above described 0.486 Acre tract, 107.57 feet to the POINT OF BEGINNING, containing 0.3832 of an Acre of land, more or less.

II. **DATE, TIME, & VENUE OF THE SALE.** The Sale will be held at the entrance of the Cass County Courthouse in Linden, Texas, on **Tuesday, February 7, 2023**. The Sale will begin no earlier than 10:00 a.m., or no later than three (3) hours thereafter, and will be completed by no later than 4:00 p.m. *Please be aware that the Cass County Commissioners' Court may hereafter designate another location for the Sale, in which case such designation will be recorded in the Real Property Records of Cass County, Texas. The Sale may also be postponed, in which case such postponement will be recorded in the Real Property Records of Cass County, Texas.*

III. AUTHORITY TO CONDUCT THE SALE. The Sale will be conducted pursuant to the power of sale conferred upon TEXAR Federal Credit Union (the "Lender") by that one certain Deed of Trust executed on June 3, 2019, and recorded in Instrument No. 2019-002541, of the Real Property Records of Cass County, Texas on June 4, 2019 (the "Security Instrument"), wherein Calvin Jerome Coleman and Beverly A. Coleman (the "Borrower") conveyed the Property to Kelly D. Mitchell (the "Trustee") to be held in trust. Insofar as the Mortgagor has failed to timely cure default under the terms of the Security Instrument and the promissory note it secures, the Mortgagee has elected to foreclose upon its lien on the Property in accordance with Texas law.

IV. TERMS OF THE SALE. The Sale will be conducted according to the terms of the Security Instrument. One or more of the Substitute Trustees named in Paragraph "V" of this Notice will conduct the Sale as a public auction. The Property will be sold in one or more parcels to the highest bidder for cash in any order that the Substitute Trustee(s) determine(s). The purchase price will be due and payable immediately upon acceptance of a bid. The Property will be sold in "as-is" condition, without any express or implied warranties, except for the warranties of title (if any) provided for in the Security Instrument. Thus, for example, there may be occupants that claim an interest in the Property based upon said occupancy. Prospective bidders are, therefore, advised to conduct an independent investigation of the nature and physical condition of the Property prior to the Sale. If the Sale is set aside for any reason, the purchaser of the Property will be entitled only to a return of the purchase price that he, she, or it paid and will have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's attorneys. *Please be aware that the Substitute Trustee(s) reserve(s) the right to set further reasonable terms of sale.* Any such terms shall be announced before bidding is opened for the first sale of the day conducted by the Substitute Trustee(s) on Tuesday, February 7, 2023.

V. APPOINTMENT OF SUBSTITUTE TRUSTEE(S).

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.

The Substitute Trustees shall be: Jacob A. Hill, Richard J. Kroll, Fred R. Norton, Jr., and Marshall C. Wood, or any one of them. All said individuals are attorneys of NORTON & WOOD, L.L.P., 315 Main Street, Texarkana, Texas 75501-5604.

VI. NOTICE TO THE MORTGAGOR.

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 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: December 21, 2022

Submitted by:



Jacob A. Hill, Attorney for the Mortgagee

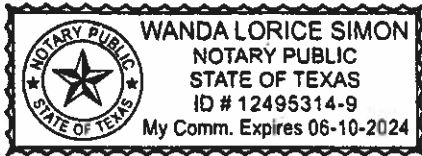
[Space Below This Line For Acknowledgment]

STATE OF TEXAS §
COUNTY OF BOWIE §

BEFORE ME, the undersigned Notary Public, on this day came Jacob A. Hill, known to me to be the person whose name is subscribed to this instrument, and acknowledged to me that he has the authority to execute this instrument and that he executed this instrument for the purposes and consideration stated herein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 21st day of December, 2022.

Wanda Lorice Simon
NOTARY PUBLIC - STATE OF TEXAS



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Amy L. Varnell

Amy L. Varnell, County Clerk
Cass County, Texas

December 21, 2022 03:54 56 PM

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