

Begin forwarded message:

From: Thuy Frazier <tfrazier@mccarthyholthus.com>
Date: January 29, 2024 at 8:53:34 AM CST
To: dee <dcraig76@yahoo.com>
Cc: txidscm <txidscm@mccarthyholthus.com>, amy.countyclerk@casscountytexas.org
Subject: TX-23-96721-POS RE: DAVID A SHADDIX

Mr. Shaddix,

Please allow this communication to serve as written confirmation that the foreclosure sale scheduled on 2/6/2024 for the property located at 307 North Central Avenue, Marietta, TX 75566 was cancelled.

Texas provides no legal mechanism for public cancellation of foreclosure sale. As such, as a professional courtesy to you, I am providing you that confirmation of sale cancellation via this communication.

Regarding the Cass County Clerk's website and the foreclosure postings provided thereon, neither my office nor the lienholder can compel nor influence the County Clerk's office to remove properties from their county website.

Pursuant to your demand below, I am including the Cass County Clerk email hereon. However, as stated above, my office cannot compel nor influence the County Clerk regarding this matter. The County Clerk's office maintains the records pursuant to Texas Property Code Section 51.002 and has acted pursuant to statute.

Thank you,

Thuy ("Twee") Frazier | Partner | Member State Bar of TX



McCarthy ♦ Holthus, LLP
m. 1255 West 15th St., Suite 1060, Plano, TX 75075
d. 214.291.3817 | c. 469.929.1493
e. tfrazier@mccarthyholthus.com
w. <http://www.mccarthyholthus.com>

FILED FOR RECORD
2024 JAN 29 A 10:33
AMY L. VARNELL
CASS COUNTY CLERK

“Service Second to None”

Our Firm Provides Legal Services in: **AR | AZ | CA | CO | ID | NV | NM | OR | TX | WA**

Should escalation be required, please contact: Cole Patton at cpatton@mccarthyholthus.com.

Federal law requires us to advise you that communication with our office could be interpreted as an attempt to collect a debt and that any information obtained will be used for that purpose.

NOTICE REGARDING ELECTRONIC COMMUNICATION: If you wish to opt out of electronic communication, please forward this email to OptOut@McCarthyHolthus.com, with the word “STOP” in the subject line of the email. Please be advised that we may still be required to send you statutory and court-mandated notices pursuant to applicable law.

The information contained herein may be privileged and protected by the attorney/client and/or other privilege. It is confidential in nature and intended for use by the intended addressee only. If you are not the intended recipient, you are hereby expressly prohibited from dissemination distribution, copy or any use whatsoever of this transmission and its contents. If you receive this transmission in error, please reply or call the sender and arrangements will be made to retrieve the originals from you at no charge.

If you have received excellent customer service please let us know: ServiceSecondToNone@McCarthyHolthus.com.

From: dee <dcraig76@yahoo.com>
Sent: Friday, January 26, 2024 10:48 PM
To: Thuy Frazier <tfrazier@McCarthyHolthus.com>
Subject: DAVID A SHADDIX

You don't often get email from dcraig76@yahoo.com. [Learn why this is important](#)

In regards to:

David A Shaddix
307 North Central Avenue
Marietta, TX 75566

Promissory Note and Deed of Trust Dated 10/10/2006
Property Address: 307 North Central Avenue, Marietta, TX 75566

Current Mortgage Servicer: Select Portfolio Servicing Inc,
and Mortgagee: Deutsche Bank National Trust Company, as Trustee on behalf of the Certificateholders of
Natixis Real Estate Capital Trust 2007-HE2, Mortgage Pass-Through Certificates, Series 2007-HE2

I have attached a letter issued by Select Portfolio Servicing, Inc regarding the cancellation of the scheduled foreclosure on the above referenced property.

I am requesting that you contact the Cass County Clerk, Amy L. Varnell, and request the removal of this property from their auction list. At present, this property is still listed on the Cass County website to be auctioned on February 6, 2024.

Please review the attached letter, and if everything is in order, please contact Amy L. Varnell, Cass County Clerk, preferably by email. If more information or documentation is required, please reply and let me know what I need to provide.

Contact information for Amy L Varnell:
PO Box 449 Phone (903) 756-5071
100 Houston Street Fax (903) 756-8057
Linden, TX 75563 amy.countyclerk@casscountytexas.org

Thank you,

David A Shaddix

NOTICE OF SUBSTITUTE TRUSTEE SALE

Deed of Trust Date: 10/10/2006	Grantor(s)/Mortgagor(s): DAVID A. SHADDIX, A SINGLE MAN
Original Beneficiary/Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS") SOLELY AS A NOMINEE FOR LENDERS DIRECT CAPITAL CORPORATION, ITS SUCCESSORS AND ASSIGNS	Current Beneficiary/Mortgagee: Deutsche Bank National Trust Company, as Trustee on behalf of the Certificateholders of Natixis Real Estate Capital Trust 2007-HE2, Mortgage Pass-Through Certificates, Series 2007-HE2
Recorded in: Volume: N/A Page: N/A Instrument No: 2006005532	Property County: CASS
Mortgage Servicer: Select Portfolio Servicing, Inc. is representing the Current Beneficiary/Mortgagee under a servicing agreement with the Current Beneficiary/Mortgagee.	Mortgage Servicer's Address: 3217 S. Decker Lake Dr., Salt Lake City, UT 84119
Date of Sale: 2/6/2024	Earliest Time Sale Will Begin: 10am
Place of Sale of Property: THE NORTH ENTRANCE OF THE CASS COUNTY COURTHOUSE LOCATED AT 100 HOUSTON ST., LINDEN, TX OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE.	

Legal Description: SEE EXHIBIT "A" ATTACHED HERETO

In accordance with TEX. PROP. CODE §51.0076 and the Deed of Trust referenced above, the undersigned as attorney for Mortgagee or Mortgage Servicer does hereby remove the original Trustee and all successor substitute trustees and appoints in their stead, Robert LaMont, Harriett Fletcher, Ronnie Hubbard, Sheryl LaMont or Allan Johnston, Cole Patton, Myra Homayoun, Thuy Frazier, McCarthy & Holthus, LLP, as Substitute Trustee, who shall hereafter exercise all powers and duties set aside to the said original Trustee under there said Deed of Trust; and, further, does hereby request, authorize, and instruct said Substitute Trustee to conduct and direct the execution of remedies set aside to the beneficiary therein


The Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that time.

The Property will be sold "AS IS," without any express or implied warranties, except as to warranties of title, and at the purchaser's own risk, pursuant to the terms of TEX. PROP. CODE §51.002 and §51.009. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

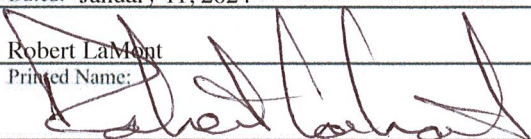
Substitute Trustee reserves the right to set further reasonable conditions for conducting the public auction. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

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.

NOTICE PURSUANT TO TEX. PROP. CODE § 51.002(I): ASSERT AND PROTECT YOUR RIGHTS AS MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU OR YOUR SPOUSE ARE SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL 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.

Dated: 1/5/2024


Thuy Frazier, Attorney
 McCarthy & Holthus, LLP
 1255 West 15th Street, Suite 1060
 Plano, TX 75075
 Attorneys for Select Portfolio Servicing, Inc.

Dated: January 11, 2024


Substitute Trustee
 c/o Tejas Trustee
 1255 West 15th Street, Suite 1060
 Plano, TX 75075

CASS COUNTY CLERK
 AMY L. VARNELL
 2024 JAN 11 PM 2:34
 FILED FOR RECORD

MH File Number: TX-23-96721-POS
Loan Type: Conventional Residential

A 5 000-ACRE LOT, TRACT OR PARCEL OF LAND SITUATED IN THE JOHN M BOURLAND SURVEY, ABSTRACT NO A-70, CASS COUNTY, TEXAS, AND BEING PART OF THAT CERTAIN 19-ACRE TRACT OF LAND CONVEYED TO DELTON WESLEY MILLER IN VOLUME 312, PAGE 441, OF THE DEED RECORDS, CASS COUNTY, TEXAS, SAME BEING PART OF THAT CERTAIN 13 959-ACRE TRACT OF LAND CONVEYED TO DELTON WESLEY MILLER IN VOLUME 1076, PAGE 324, OF SAID DEED RECORDS, SAID 5 00-ACRES BEING MORE FULLY DESCRIBED AS FOLLOWS

Beginning at a 1/2-inch iron rod found at corner post at the apparent southwest corner of said Best Benton Tract, same being a point in the east line of 19 00 Tract,

Thence N 86°21'38" E, with the south line of said Best Benton Tract a distance of 140 34 feet to a 1/2-inch iron rod found in the west right-of-way line of North Central Avenue A/K/A FM 250,

Thence with the west right-of-way line of North Central Avenue A/K/A FM 250 the following (4) four courses and distances:

- 1) S 09°22'20" W, a distance of 51 94 feet to a 1/2-inch iron rod found,
- 2) S 13°34'03" W, a distance of 55 56 feet to a 1/2-inch iron rod found,
- 3) S 18°32'03" W, a distance of 43 33 feet to a 1/2-inch iron rod found,
- 4) S 22°29'03" W, a distance of 55 56 feet to the occupied northeast corner of the Benton Tract and from which a spike found bears N 73°36'46" E a distance of 22 44 feet,

Thence with the north lines of said Benton Tract and the a 6 89-acre tract setout in Volume 589, Page 617 of said Records the following (3) three courses and distances

- 1) S 88°23'38" W, a distance of 141 21 feet to a 1/2-inch iron rod found,
- 2) N 00°57'35" W, a distance of 52 50 feet to a 1/2-inch iron rod found,
- 3) S 86°32'52" W a distance of 329 22 feet to a 1/2-inch iron rod found at the southeast corner of a 0 742-acre tract of land conveyed to Daisy Hitzelberger in Volume 814, Page 396 of said Records,

Thence N 03°10'23" E, with the east of said 0 742-acre tract a distance of 155 62 feet to a 1/2-inch iron rod found,

Thence over and across said 19-acre Tract the following (2) two courses and distances

- 1) N 00°54'01" E, a distance of 363 72 feet to a capped and inscribed (RPLS 5483) 1/2-inch iron rod set for the northwest corner hereof,
- 2) S 89°05'59" E, a distance of 381 92 feet to a capped and inscribed (RPLS 5483) 1/2-inch iron rod set for the northeast corner hereof,

Thence S 01°28'32" W, with the east line of said 19 00-acre tract a distance of 353 11 feet, to the Point of Beginning hereof, having an area of 5 000 acres