

Prepared by:
J. Randell Stevens, Attorney at Law
NORTON WOOD FLOYD, L.L.P.
315 Main Street, Texarkana, Texas 75501-5604

After recording, return to:
TEXAR Federal Credit Union
2301 Richmond Road, Texarkana, Texas 75503

FILED FOR RECORD
2021 AUG -9 P 3:58
AMY L. VARNELL
CASS COUNTY CLERK

**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 601 Frazier Street, Linden, Texas 75563, and is further described in the Real Property Records of Cass County, Texas as follows:

All that certain 0.40 acre tract of land, in the Matthew Powell Survey, Abstract No. 858, City of Linden, Cass County, Texas, being all of that called 0.24 acre tract described in Volume 1036, Page 685, Real Property Records of Cass County, Texas, and all of that tract described in Volume 1051, Page 245, Real Property Records of Cass County, said 0.40 acre tract being more particularly described by metes and bounds as follows: (Bearing Basis: Vol. 1036, Pg. 685)

Beginning at: A 1/2" iron pipe found in the South line of Frazier Street for the Northwest corner of this tract and 1036/685, Northeast corner of 1023/364;

Thence: N 89° 48' 38" E, 75.04 feet, with said South line of Frazier Street to a 1/2" iron pipe found for the Northeast corner of this tract, and 1036/685, Northwest corner of 975/615;

Thence: S 01° 21' 43" W, 140.30 feet, with common boundary of 975/615 to a 1/2" iron rod found for an angle corner of this tract, also the Southeast corner of 1036/685;

Thence: S 12° 04' 26" W, 66.96 feet with the East line of 1051/245 to an eyebolt found for the Southeast corner of this tract and 1051/245;

Thence: N 86° 45' 01" W, 63.24 feet to an eyebolt found for an angle corner of this tract and 1051/245;

Thence: N 57° 27' 31" W, 63.73 feet to an eyebolt found for an angle corner of this tract and 1051/245;

Thence: N 02° 23' 40" E, 28.69 feet to a 1/2" iron rod found in the South line of 1023/364 for the Northwest corner of 1051/245 and an angle corner of this tract, a 5/8" iron rod found for the Southwest corner of 1023/364 bears N 89° 01' 05" W, 47.43 feet;

Thence: S 89° 01' 05" E, 54.44 feet to a 1/2" iron rod found for an angle corner of this tract, also the Southwest corner of 1036/685, Southeast corner of 1023/364;

Thence: N 01° 26' 38" E, 138.95 feet, with common boundary of 1023/364 to the Point of Beginning, containing 0.40 acre of land, more or less.

[Space Below This Line For Acknowledgment]

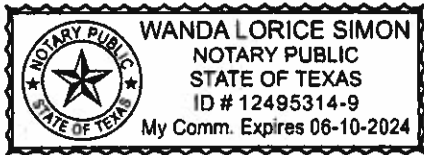
STATE OF TEXAS §
 §
COUNTY OF BOWIE §

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 9th day of August, 2021.

Wanda Lorice Simon

NOTARY PUBLIC - STATE OF TEXAS



II. **DATE, TIME, & VENUE OF THE SALE.** The Sale will be held at the North Entrance of the Cass County Courthouse in Linden, Texas, on Tuesday, September 7, 2021. 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 Domino Federal Credit Union (the "Lender") by that one certain Deed of Trust executed on September 2, 2015, and recorded in Instrument Number 2015005262, the Real Property Records of Cass County, Texas on September 4, 2015 (the "Security Instrument"), wherein Jordan L. Johnston (the "Borrower") conveyed the Property to Joy L. Waters (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, September 7, 2021.

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, J. Randell Stevens, Fred R. Norton, Jr., Marshall C. Wood, Cory J. Floyd, Richard J. Kroll, or any one of them. All said individuals are attorneys of NORTON WOOD FLOYD, 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: August 9, 2021.

Submitted by:



Jacob A. Hill, Attorney for the Mortgagee