

Prepared by:
J. Randell Stevens, Attorney at Law
Norton & Wood, L.L.P.
315 Main Street, Texarkana, Texas 75503

After recording, return to:
TEXAR Federal Credit Union
2301 Richmond Road, Texarkana, Texas 75501

FILED FOR RECORD

2020 JAN -7 AM 10:06

AMY L. VARNELL
CASS COUNTY CLERK

[Space Above This Line For Recording Data]

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

All that certain tract or parcel of land lying, being situated in Cass County, Texas, and described as follows, to-wit:

Being a part of the Mathew Powell Headright survey, situated in the town of Linden, Cass County, Texas, and more particularly described as follows, to-wit:

BEGINNING at the Northwest corner of a lot heretofore conveyed to Elmer Patman, being the Southwest corner of this tract;

THENCE EAST 125', more or less, to the Southeast corner of this tract, an iron stake capped with cement;

THENCE NORTH 130', more or less, to the Northeast corner of this tract, an iron stake capped with cement;

THENCE WEST 125', more or less, to the Northwest corner of this tract, an iron stake capped with cement;

THENCE SOUTH 130' more or less, to the Southwest corner of this tract, which is the place of beginning.

Being same land described in warranty Deed from Dr. O. R. Taylor and wife, Annie Taylor, to Kathryn T. Temple dated February 26, 1963, recorded in Volume 438, Page 148, Real Property Records, Cass County, 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, February 4, 2020. 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 Texas Home Equity Security Instrument executed on December 11, 2008, and recorded in Instrument No. 2008007293 of the Real Property Records of Cass County, Texas on December 22 2008 (the "Security Instrument"), wherein John G. Herring and Jackie Haynes Herring (the "Borrower") conveyed the Property to Kelly D. Mitchell (the "Trustee") to be held in trust. Insofar as the Mortgagors have 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 Mortgagors, 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 4, 2020.

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: J. Randell Stevens, Fred R. Norton, Jr., Cory J. Floyd, 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.

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: January 7 2020

Submitted by:



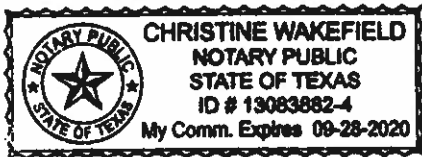
J. Randell Stevens, Attorney for the Mortgagee

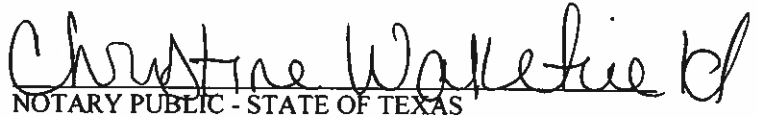
[Space Below This Line For Acknowledgment]

STATE OF TEXAS §
 §
COUNTY OF BOWIE §

BEFORE ME, the undersigned Notary Public, on this day came J. Randell Stevens, 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 7th day of January, 2020.




NOTARY PUBLIC - STATE OF TEXAS