

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

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.

STATE OF TEXAS §
 §
COUNTY OF CASS §

FOR RECORD
NOV 12 AM 10:42
CASS COUNTY CLERK

WHEREAS, on May 17, 2019 executed a Deed of Trust (the "Deed of Trust") conveying to Kirk L. Lee, Trustee, certain real property more particularly described in Exhibit A, which is attached hereto and incorporated herein by reference, together with all improvements, fixtures and personal property located thereon or used in connection therewith and certain other personal property as more fully described in the Deed of Trust (all of the real and personal property covered by the Deed of Trust is hereinafter referred to as the "Property"), which Deed of Trust is recorded in Document Number 2019002364 of the Real Property Records of Cass County, Texas; Extension of Real Estate Note and Lien dated June 11, 2020, recorded July 6, 2020 in Document Number 2020002797 of the Real Property Records of Cass County, Texas; and

WHEREAS, the Deed of Trust secures, among other things, that certain indebtedness evidenced by that certain Promissory Note (as amended, the "Note") dated May 17, 2019 executed by **Roderick Lee Mitchell and Barbara W Mitchell** payable to Guaranty Bank & Trust, N.A. in the original principal amount of \$28,000.00 (the Note and all other obligations owing to Holder under the Deed of Trust are hereinafter called the "Indebtedness"); and

WHEREAS, Guaranty Bank & Trust, N.A. ("Holder") has all interest in, to and under the Note and Deed of Trust and in and to all other indebtedness secured by the Deed of Trust; and

WHEREAS, the undersigned Donna Hughes, whose address is 100 West Arkansas, Mt. Pleasant, Texas 75455, has been appointed Substitute Trustee in the place of said original Trustee, upon the contingency and in the manner authorized by said Deed of Trust; and

WHEREAS, default has occurred pursuant to the provisions of the Deed of Trust, the Indebtedness is now wholly due, and Holder, being the owner and holder of said Indebtedness has requested the undersigned to sell the Property to satisfy the Indebtedness;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on **Tuesday, November 2, 2021, at 10:00 a.m.**, or within three hours after that time, the undersigned will sell the Property at the Cass County Courthouse, Linden, Texas, at the place designated by the Cass County

Commissioner's Court in Cass County, Texas, 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.

Pursuant to Section 51.009 of the Texas Property Code, the Property will be sold in "as is, where is" condition, without any 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 Substitute 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 Substitute Trustee.

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.

In the event that the sale of the Property is set aside for any reason, the purchaser shall be entitled only to a refund of sums paid. The purchaser shall have no other recourse against Grantor, Holder, any Trustee or substitute Trustee, or Holder's attorney.

WITNESS my and this 12 day of October, 2021.

Donna Hughes

Name: Donna Hughes

Substitute Trustee

Address: 100 West Arkansas Street
Mt. Pleasant, Texas 75455

Phone: 903-572-9881

THE STATE OF TEXAS

COUNTY OF TITUS

This instrument was acknowledged before me on the 12 day of October, 2021, by Donna Hughes, Substitute Trustee, in the capacity therein stated.

Erin Shumate

Notary Public in and for the State of Texas

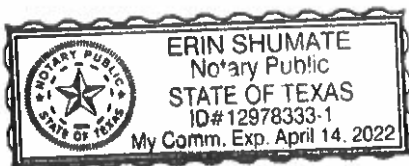


EXHIBIT A

All that certain 13.200 acres severed from the West end of that called 66 acres of land conveyed in Deed recorded in Volume 908, Page 581, Real Property Records, Cass County, Texas, and the 13.200 acres being West of County Road 1587 and in the Northwest portion of the William H. Kimbell Survey, Abstract No. 633, Cass County, Texas, and the 13.200 acres being more particularly described by metes and bounds as follows:

BEGINNING at: 5/8" Iron pipe set in South boundary of the Joshua Peters Survey, Abstract No. 826 at the Northeast corner of the D.T. Hearne Survey, Abstract No. 546 and the Northwest corner of the Kimbell Survey at the Northwest corner of the called 66 acres for the Northeast corner;

THENCE North 89 deg. 16 min. 27 sec. East with South boundary of the Peters Survey and the North boundary of the Kimbell Survey and North boundary of the called 66 acres, passing 5/8" iron rod round at 540.29 feet, and continuing in all 599.10 feet to 5/8" Iron rod set in West margin County Road 1587 for Northeast corner;

THENCE with West margin County Road 1587 as follows: South 12 deg. 36 min. 31 sec. East, 202.48 feet; South 07 deg. 06 min. 33 sec East, 320.19 feet; South 09 deg. 15 min. 04 sec. East, 338.95 feet to a 5/8" Iron pipe set in painted North boundary I.P. Co. Tract (Volume 411, page 325, D.R.) and South boundary called 66 acres for Southeast corner;

THENCE North 89 deg. 55 min. 54 sec. West 752.76 feet with common painted boundary to 5/8" iron pipe set in East boundary Hearne Survey and West boundary Kimbell Survey at Northeast corner IP. Co. tract and Southwest corner called 66 acres fir Southwest corner;

THENCE North 01 deg. 02 min. 52 sec. East 841.52 feet with common survey boundary to the place of beginning and containing 13.200 acres of land, more or less.

The Real Property or its address is commonly known as 13.2 Acres William H. Kimbell Survey CR 1587, Avinger, TX 75630.