

NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF SUBSTITUTE TRUSTEE

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. Sender is: Codilis & Moody, P.C., 400 North Sam Houston Parkway East, Suite 900A, Houston, Texas 77060

INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated April 14, 2004 and recorded under Vol. 1227, Page 758, or Clerk's File No. 029926 AND RE-RECORDED IN CLERK'S FILE NUMBER 030260 under Vol. 1229, Page 398, in the real property records of CASS County Texas, with Brian C Fincher and wife, Kasi K Fincher as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Hibernia National Bank, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Brian C Fincher and wife, Kasi K Fincher securing payment of the indebtedness in the original principal amount of \$95,000.00 and obligation therein described including but not limited to the promissory note and all modifications, renewal and extensions of the promissory note (the "Note") executed by Brian C Fincher. U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust c/o U.S. Bank Trust National Association is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the property securing the above referenced loan. Selene Finance LP is acting as the Mortgage Servicer for the Mortgagee. Selene Finance LP, is representing the Mortgagee, whose address is: 3501 Olympus Blvd. 5th Fl. Ste. 500, Dallas, TX 75019.

Legal Description:

ALL THAT CERTAIN 3.000 ACRE TRACT OF LAND IN THE WILLIS HESTER SURVEY, A-513 IN CASS CO., TX. BEING A PART OF THAT 64.675 ACRE TRACT OF LAND CONVEYED TO EUGENIA SHELTON ET AL. BY GIFT DEED RECORDED IN VOL. 933, PG. 593 OF THE REAL PROPERTY RECORDS OF CASS CO., AND BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES

SALE INFORMATION

Date of Sale: 10/04/2022

Earliest Time Sale Will Begin: 10:00 AM

Location of Sale: The place of the sale shall be: CASS County Courthouse, Texas at the following location: The North Entrance of the Cass County Courthouse located on Houston Street, Linden, TX, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

TERMS OF SALE

A default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.



The Sale will be conducted as a public auction to the highest bidder for cash, except that Mortgagee's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust. Pursuant to the Deed of Trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. **Pursuant to Section 51.009 of the Texas Property Code, the Property will be sold in "AS IS," "WHERE IS" condition, without any express or implied warranties, except as to the warranties of title, if any, provided for under the Deed of Trust.**

The sale will begin at the earliest time stated above, or within three (3) hours after that time. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

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.

WHEREAS, in my capacity as attorney for the Mortgagee and/or Its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, **I HEREBY APPOINT AND DESIGNATE Robert LaMont, David Sims, Sheryl LaMont, Harriett Fletcher, Allan Johnston, Sharon St. Pierre, Ronnie Hubbard, Shannah Walker, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or ServiceLink Agency Sales And Posting, as Substitute Trustee.**

The address for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:
Codilis & Moody, P.C.
400 N. Sam Houston Pkwy E, Suite 900A
Houston, TX 77060
(281) 925-5200

Executed on 09/02/2022.

/s/ Olufunmilola Oyekan SBOT No. 24084552, Attorney at
Law
Codilis & Moody, P.C.
400 N. Sam Houston Pkwy E, Suite 900A
Houston, TX 77060
(281) 925-5200

Posted and filed by:



Printed Name: ~~Robert~~ ^{Sheryl} La Mont. September 08, 2022

C&M No. 44-22-2065

EXHIBIT A

LEGAL DESCRIPTION

All that certain 3.000 Acre tract of land in the Willis Hester Survey, A-513 in Cass Co., TX. Being a part of that 64.675 Acre tract of land conveyed to Eugenia Shelton et al. By Gift Deed recorded in Vol. 933, Pg. 593 of the Real Property Records of Cass Co., TX, said 3.000 Acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a Railroad Spike set in the center of Co. Rd. #4667, in the most Northerly South line of said Hester Survey, the most Easterly North line of the William Criswell Survey, A-165, for the Southeast corner of this described tract, from which a 5/8" Iron Rod found in a 2" Iron Pipe (Reference) bears N 77°25'57" E, 102.45' and a 5/8" Iron Rod found in the center of said road for the Southeast corner of a 5.00 Acre tract of land conveyed to Chappy D. Shelton et ux. by Warranty Deed recorded in Vol. 593, Pg. 289 bears S 89°57'01" E, 399.81';

THENCE: N 89°57'01" W (Bearing Basis Solar Observation), 232.78' along said center to a Railroad Spike set for the Southwest corner of this described tract, from which a 5/8" Iron Rod found in an old fence (down) for the Southwest corner of said 64.675 Acre tract bears S 89°29'16" W, 565.53';

THENCE: N 00°02'59" E, at 24.50' pass a 1/2" Rebar set for reference, continuing a total distance of 522.72' along a new line to 1/2" Rebar set for the Northwest corner of this described tract;

THENCE: S 89°59'20" E, 250.00' along a new line to a 1/2" Rebar set for the Northeast corner of this described tract;

THENCE: S 00°02'59" W, at 502.70' pass a 1/2" Rebar set for reference, continuing a total distance of 522.72' along a new line to the Point of Beginning, containing 3.000 Acres of land, more or less.