

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

STATE OF TEXAS

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COUNTY OF CASS

DEED OF TRUST:

Date: July 10, 1998
Grantor: Elizabeth Marcel Yates
Original Beneficiary: First Federal Savings and Loan Association of Texarkana
Trustee: James W. McKinney
Recording Info: Volume 1060, Page 78 of the Real Property Records of Cass County, Texas

CURRENT BENEFICIARY: Cadence Bank f/k/a BancorpSouth Bank, successor-by-merger to First Federal Savings and Loan Association of Texarkana

SUBSTITUTE TRUSTEE: Robert LaMont and/or Sheryl LaMont and/or David Garvin and/or Bruce M. Badger and/or Travis C. Badger

SUBSTITUTE TRUSTEE ADDRESS: 3400 Avenue H, 2nd Floor, Rosenberg, TX 77471

PROPERTY DESCRIPTION: See Exhibit "A" attached hereto and made a part hereof for all purposes.

DATE OF SALE: Tuesday, July 2, 2024
TIME OF SALE: No earlier than 10:00 AM and to be concluded within three hours of such time.
PLACE OF SALE: In the area designated by the Cass County Commissioners Court or, if no area is designated, then at the front door of the west entrance to the Cass County Courthouse, or, if there is no such entrance, then at the west wall of the Cass County Courthouse.

Because of default in performance of the obligations and/or covenants set forth in the Deed of Trust described hereinabove, Substitute Trustee will sell the above described property at a public auction to the highest bidder for cash at the place and date specified herein to satisfy the debt secured by the Deed of Trust.

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.

DATED: June 10, 2024

Robert LaMont and/or Sheryl LaMont
and/or David Garvin and/or Bruce M.
Badger and/or Travis C. Badger
Substitute Trustee

PREPARED BY:
BADGER LAW PLLC
3400 Ave. H, Second Floor
Rosenberg, TX 77471

AMY L. VANMELL
CASS COUNTY CLERK
2024 JUN 10 AM 11:36
FILED FOR RECORD

Exhibit "A"

All that certain lot, tract or parcel of land lying and situated in Cass County, Texas, a part of the most Westerly John Germany Survey and situated on the North side of F.M. Highway No. 249 and being more particularly described as follows:

BEGINNING at a stake in the North right-of-way line of F.M. Highway No. 249 at the Southwest corner of the 85 acre tract for D. C. Wood and at the original Southeast corner of the tract for Dee Floyd, and on the South line of the John Germany Survey;

THENCE: Westerly along the North line of said Highway, a distance of 295 feet to a stake for corner;

THENCE: Northeasterly on a straight line to a stake for corner set in the West line of the D. C. Wood 85 acre tract at a point 295 feet North of the Southwest corner of same;

THENCE: Southerly along the D. C. Wood West line a distance of 295 feet to the PLACE OF BEGINNING, containing one acre of land, more or less.

4. The property encumbered by the lien sought to be foreclosed is commonly known as Rt 2 Box 181A, 1185 FM 249, Atlanta, TX 75551.

5. The legal description of the property encumbered by the lien sought to be foreclosed is: Exhibit "A" attached hereto and made a part hereof for all purposes.

6. The recording or indexing information for the lien to be foreclosed is: Volume 1060, Page 78, and recorded in the real property records of Cass County, Texas.

7. The type of lien listed in Rule 735 sought to be foreclosed is a home equity loan under TEX.CONST. art. XVI, § 50(a)(6).

8. The name of each person obligated to pay the loan agreement, contract, or lien sought to be foreclosed is: Elizabeth M. Yates.

9. The name of each mortgagor, if any, of the lien sought to be foreclosed, if any, of the lien sought to be foreclosed who is not a maker or assumer of the underlying debt is: NONE.

10. There is a monetary default under the terms of the loan agreement, contract, or lien sought to be foreclosed as reflected more particularly below:

i. As of March 15, 2024, the number of unpaid scheduled payments is eight (8).

ii. As of March 15, 2024, the amount required to cure the default is \$10,012.43.

iii. As of As of March 15, 2024, the amount required to pay off the loan agreement, contract or lien is \$36,495.66, plus fees and costs.

11. The requisite notice to cure the default has been mailed to each person as required under applicable law and the loan agreement, contract, or lien sought to be foreclosed and that the opportunity to cure has expired.

12. Before the application was filed, any other action required under applicable law and the loan agreement, contract, or lien sought to be foreclosed was performed.

13. The Court further finds that this is an *in rem* proceeding; that the Application filed by Petitioner complies with Rule 735 and 736 of the Texas Rules of Civil Procedure; that Respondent has not previously filed a Response or the Response was deemed insufficient; that a copy of the required Notice with Certificate of Service has been on file with the Clerk of the Court for at least ten (10) days, exclusive of the date of filing; that Petitioner has met its burden of proof as to the elements of Rule 736; and that Petitioner should proceed with foreclosure of the Property under the terms of the Security Instrument and TEX.PROP. CODE § 51.002.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Petitioner, its successors and assigned, may proceed with the foreclosure of the property located at Rt 2 Box 181A, 1185 FM 249, Atlanta, TX 75551, and described as follows:

Exhibit "A" attached hereto and made a part hereof for all purposes.

under the terms of the Texas Home Equity Security Instrument and TEX.PROP. CODE § 51.002.

All other relief not granted herein is denied.

SIGNED this the _____ day of _____, 2024. 5/6/2024 12:44:13 pm



JUDGE PRESIDING

APPROVED AS TO FORM AND ENTRY REQUESTED:

BADGER LAW, PLLC

By: 

Bruce M. Badger

State Bar No.: 01498700

Travis C. Badger

State Bar No.: 24082646

3400 Avenue H, 2nd Floor

Rosenberg, TX 77471

Telephone: (281) 633-9900

Facsimile: (281) 633-9916

E-mail: tcb@badgerlawoffice.com

ATTORNEYS FOR PETITIONER

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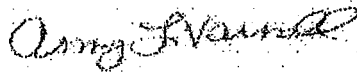
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FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Amy L. Varnell, County Clerk
Cass County, Texas

May 20, 2024 09:09:59 AM

FEE: \$41.00 2024002866

A CERTIFIED COPY
ATTEST 7 May 2024
JAMIE ALBERTSON
DISTRICT CLERK
CASS COUNTY, TEXAS
BY Kate J. Daugherty
DEPUTY