

## NOTICE OF FORECLOSURE SALE

Notice is hereby given of a public non-judicial foreclosure sale.

1. Property To Be Sold. The property to be sold is described as follows:

All property (real, personal or otherwise) described in the deed of trust (as hereinafter defined as the "Deed of Trust"), together with the rights, appurtenances and improvements thereto, including, but not limited to, the real property described on Exhibit A attached hereto and made a part hereof. In the event any property encumbered by the Deed of Trust has been released by Lender (or its predecessor in interest, as applicable), then said released property shall be excluded from the property sold at foreclosure.

2. Date, Time, and Place of Sale. The sale is scheduled to be held at the following date, time, and place:

**Date: Tuesday, January 2, 2024.**

**Time: The sale shall begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale shall be completed by no later than 1:00 p.m.**

**Place: The sale will take place at the Cass County Courthouse at the place designated by the Cass County Commissioner's Court.**

The Deed of Trust permits the Lender (as hereinafter defined) to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the Deed of Trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code and/or Texas Business and Commerce Code. Such reposting or refiling may be after the date originally scheduled for this sale.

3. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the Lender to have the bid credited up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold.

The sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

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4. Type of Sale. The sale is a non-judicial foreclosure sale being conducted pursuant to the power of sale granted by that certain Deed of Trust (the "Deed of Trust") recorded under Instrument No. 2018002178 in the Real Property Records of Cass County, Texas, as corrected under Instrument No. 2018003275 and Instrument No. 2018003276 in the Real Property Records of Cass County, Texas and executed by Herbie Dean Wilson, Joseph Allen Wilson and Robin Michelle Wilson (whether one or more, the "Grantor"), for the benefit of 21<sup>st</sup> Mortgage Corporation ("Lender"), covering the property described above.

5. Obligations Secured. The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Indebtedness") including but not limited to the unpaid principal and interest owing on: that certain Consumer Loan Note, Security Agreement and Disclosure Statement (the "Note") dated on or about May 4, 2018, executed by the Grantor and payable to the order of Lender, and all renewals, modifications and extensions of the Note. Lender is the current owner and/or holder of the Note and the Indebtedness and is the beneficiary under the Deed of Trust.


Questions concerning the sale may be directed to the undersigned or to the Lender:


21st Mortgage Corporation  
620 Market Street One Center Square  
Knoxville, TN 37902  
Phone: 800-955-0021  
Fax: 866-231-4851

6. Default and Request To Act. Default has occurred under the Deed of Trust, and Lender has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale Lender may appoint another person as substitute trustee to conduct the sale.

7. Armed Forces Notice. 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: December 6, 2023.

  
Richard A. McKinney, Substitute Trustee  
Higier Allen & Lautin, P.C.  
The Tower at Cityplace  
2711 N. Haskell Ave., Suite 2400  
Dallas, Texas 75204  
Telephone: (972) 716-1888  
Fax: (972) 716-1899

  
Posted by Robert LaMont, December 11, 2023.

**\*\*\*PLEASE FAX ALL COMMUNICATIONS REGARDING THIS MATTER TO THE  
SUBSTITUTE TRUSTEE AT 972-716-1899 (FAX), NOTE THE SUBSTITUTE  
TRUSTEE'S NAME ON YOUR COVER SHEET AND CONTACT THE SUBSTITUTE  
TRUSTEE AT 972-716-1888 (PHONE) TO CONFIRM RECEIPT. PLEASE ASSUME  
YOUR FAX HAS NOT BEEN RECEIVED UNTIL YOU VERBALLY CONFIRM  
RECEIPT THEREOF WITH OUR OFFICE. THANKS IN ADVANCE FOR YOUR  
COOPERATION.\*\*\***

**EXHIBIT A**

PROPERTY DESCRIPTION

[FOLLOWS THIS COVER PAGE]

**EXHIBIT "A"**

Being a lot, tract or parcel of land situated in the Patrick W. Birmingham Survey, Abstract No. 55, Cass County, Texas, and being all of that certain 1.00 acre tract of land conveyed from William Blaydes et al to 21st Mortgage Corporation, by Warranty Deed in Lieu of Foreclosure, as recorded in File #2017001329, Official Public Records, Cass County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2 inch iron rod found marked (Grubbs) at the Northwest corner of said 1.00 acre tract, and a Northeast corner of an 18.10 acre tract of land conveyed to Gregg Byers et ux, by deed recorded in File #2013000158, Official Public Records, Cass County, Texas, said point lying in the South line of a 1 acre tract of land conveyed to Brinda Oliver, by deed recorded in Volume 933, Page 322, Real Property Records, Cass County, Texas;

**BEGINNING** at a 1/2 inch iron rod found marked (Grubbs) at the Northwest corner of said 1.00 acre tract, and a Northeast corner of an 18.10 acre tract of land conveyed to Gregg Byers et ux, by deed recorded in File #2013000158, Official Public Records, Cass County, Texas, said point lying in the South line of a 1 acre tract of land conveyed to Brinda Oliver, by deed recorded in Volume 933, Page 322, Real Property Records, Cass County, Texas;

**THENCE**, South 07 degrees 20 minutes 12 seconds East, along the East line of said 1.00 acre tract, the West line of said 39.45 acre tract, and said County Road No. 3216, a distance of 209.85 feet to a 1/2 inch iron rod found marked (Grubbs) at the Southeast corner of said 1.00 acre tract, and a Northeast corner of said 18.10 acre tract, said point lying in the West line of said 39.45 acre tract, and in said County Road No. 3216, from said point, a 5/8 inch iron rod found at an angle point in an East line of said 18.10 acre tract, and an angle point in the West line of said 39.45 acre tract, bears South 07 degrees 20 minutes 12 seconds East, a distance of 101.90 feet;

**THENCE**, South 86 degrees 56 minutes 41 seconds West, along the South line of said 1.00 acre tract, and a North line of said 18.10 acre tract, passing at a distance of 12.85 feet, a 1/2 inch iron rod found marked (Grubbs) for witness, and continuing the same course along the South line of said 1.00 acre tract, and a North line of said 18.10 acre tract, a distance of 208.00 feet to a 1/2 inch line of said 18.10 acre tract, a distance of 208.00 feet to a 1/2 inch iron rod found marked (Grubbs) at the Southwest corner of said 1.00 acre tract, and an ell corner of said 18.10 acre tract;

**THENCE**, North 07 degrees 24 minutes 42 seconds West, along the West line of said 1.00 acre tract, and an East line of said 18.10 acre tract, a distance of 210.14 feet to the **POINT OF BEGINNING** and **CONTAINING** 1.00 acre of land.