

FILED FOR RECORD
2024 JUL 15 PM 1:32
AMY L. VARNELL
CASS COUNTY CLERK

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 THAT CERTAIN LOT OR PARCEL OF LAND SITUATED IN THE TOWN OF HUGHES SPRINGS, PART OF THE EDWARD WEST SURVEY, ABSTRACT 1080, CASS COUNTY, TEXAS, AND BEING ALL OF LOT SEVENTEEN (17), BLOCK EIGHT (8), OF 2ND SECTION OF WILLIAMSON SUBDIVISION TO THE TOWN OF HUGHES SPRINGS, AS PER PLAT OF SAME RECORDED IN VOLUME I, PAGE 127, PLAT RECORDS OF CASS COUNTY, TEXAS.

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

Date: August 6, 2024

Time: The sale shall begin no earlier than 10:00 AM or no later than three hours thereafter. The sale shall be completed by no later than 4:00 P.M.

Place: CASS County, the north entrance of the Cass County Courthouse located on Houston Street, Linden, TX, or at the location and address designated by the Commissioners Court of said county, pursuant to 51.002 of the Texas Property Code as the location and address where the sale is to be held. The sale shall take place in the area designated by the Commissioners Court, pursuant to Section 51.002 of the Texas Property Code, as the place where foreclosure sales are to take place. If no place is designated by the Commissioners Court, sale will be conducted at the place where the Notice of Trustee's Sale was posted.

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 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. Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold. If a purchaser desires to pay with cashier's checks, they should be made payable to Anderson Vela, L.L.P. or endorsed in accordance with the instructions by the Trustee. The purchase price in a sale held by the undersigned herein is payable immediately on acceptance of the bid by the undersigned trustee or substitute trustee. 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. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of 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. Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee. If the Foreclosure Sale is passed, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

4. The Deed of Trust may encumber both real and personal property. Notice is hereby given of Holder's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with the Holder's rights and remedies under the Deed of Trust and Section 9.604 of the Texas Business and Commerce Code.

5. 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. Prospective bidders are advised to conduct an independent investigation of the property.

Pursuant to section 51.0075 of the Texas Property Code, the 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 trustee or any substitute trustee.

6. Type of Sale. The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust/Security Instrument ("Deed of Trust") executed by Randall Lynn Watkins A/K/A Randall L. Watkins ("Debtor"). Said Deed of Trust secures a Promissory Note/Loan Agreement, and any renewals, extensions or modifications thereof, dated February 26, 2008 and executed by Debtor in the Original Principal Amount of \$48,787.78. The current beneficiary of the Deed of Trust is U.S. Bank Trust National Association, as Trustee for LB-Ranch Series V Trust, 323 Fifth Street, Eureka, CA 95501. The Deed of Trust is dated February 26, 2008, designating Brittany Rubio as the Original Trustee and is recorded in the office of the County Clerk of CASS County, Texas, under Instrument No. 2008001164, of the Real Property Records of CASS County, Texas. The foreclosure of this mortgage is being administered by a mortgage servicer representing the mortgagee under a servicing agreement. Questions concerning the sale may be directed to the undersigned, Richard E. Anderson, 4920 Westport Drive, The Colony, Texas 75056, who sent this notice, or to the mortgage servicer, SN Servicing Corporation, 323 Fifth Street, Eureka, CA 95501.

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

8. **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: July 15, 2024



Robert LaMont, Sheryl LaMont, David Garvin,
Richard E. Anderson, Ray Vela or Cesar DeLaGarza

4920 Westport Drive
The Colony, Texas 75056
214.276.1545 - telephone
214.276.1546 - facsimile
Substitute Trustees

NO. 24C151

IN RE: ORDER FOR FORECLOSURE	§	IN THE DISTRICT COURT
CONCERNING RANDALL LYNN	§	
WATKINS A/K/A RANDALL L.	§	
WATKINS AND ALL OCCUPANTS OF	§	
THE PROPERTY, RESPONDENTS,	§	
	§	
AND	§	
	§	
312 WILLOW STREET, HUGHES	§	OF CASS COUNTY, TEXAS
SPRINGS, TEXAS 75656, UNDER	§	
TEX.R.CIV.P. 736	§	
	§	
AND	§	
	§	
U.S. BANK TRUST NATIONAL	§	
ASSOCIATION, AS TRUSTEE FOR LB-	§	
RANCH SERIES V TRUST,	§	
PETITIONER.	§	<u>5th</u> JUDICIAL DISTRICT

ORDER GRANTING APPLICATION UNDER RULE 736 ALLOWING THE
FORECLOSURE OF A LIEN UNDER TEX. CONST. art. XVI, SECTION 50(a)(6)

This matter having come before the Court and the Court having reviewed the pleadings and being otherwise fully advised in the premises, FINDS:

1. The Court has jurisdiction over the subject matter and the parties.
2. The Application filed in this cause by SN Servicing Corporation, the Mortgage Servicer for U.S. Bank Trust National Association, as Trustee for LB-Ranch Series V Trust, its successors or assigns.
3. The name and last known address of each Respondent subject to this order is All occupants of the property and Randall Lynn Watkins A/K/A Randall L. Watkins at 312 Willow Street, Hughes Springs, Texas 75656. Each Respondent was properly served with the citation, but

none filed a response within the time required by law. The return of service for each Respondent has been on file with the court for at least ten days.

4. On this day, the Court considered Petitioner's motion for a default order granting its application for an expedited order under Rule 736. Petitioner's application complies with the requirements of Texas Rule of Civil Procedure 736.1.

5. The property that is the subject of this foreclosure proceeding is commonly known as 312 Willow Street, Hughes Springs, Texas 75656 with the following legal description:

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATED IN THE TOWN OF HUGHES SPRINGS, PART OF THE EDWARD WEST SURVEY, ABSTRACT 1080, CASS COUNTY, TEXAS, AND BEING ALL OF LOT SEVENTEEN (17), BLOCK EIGHT (8), OF 2ND SECTION OF WILLIAMSON SUBDIVISION TO THE TOWN OF HUGHES SPRINGS, AS PER PLAT OF SAME RECORDED IN VOLUME 1, PAGE 127, PLAT RECORDS OF CASS COUNTY, TEXAS.

6. The lien to be foreclosed is indexed or recorded at Instrument 2008001164 and recorded in the real property records of Cass County, Texas.

7. The material facts establishing Respondent's default are alleged in Petitioner's application and the supporting affidavits and declarations. Those facts are adopted by the court and incorporated by reference in this order.

8. Based on the verification of Petitioner, no Respondent subject to this order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 et seq.

9. Therefore, the Court grants Petitioner's motion for a default order under Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner may proceed with foreclosure of the property described above in accordance with applicable law and the Security Agreement sought to be foreclosed.

It is, therefore, **ORDERED**, pursuant to TEX. CONST. art. XVI, Section 50(a)(6)(D), that SN Servicing Corporation, the Mortgage Servicer for U.S. Bank Trust National Association, as

Trustee for LB-Ranch Series V Trust, its successors, assigns or agents, shall sell the following real property which is the subject matter of this cause, commonly known as 312 Willow Street, Hughes Springs, Texas 75656, which is more particularly described as follows:

Property: ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATED IN THE TOWN OF HUGHES SPRINGS, PART OF THE EDWARD WEST SURVEY, ABSTRACT 1080, CASS COUNTY, TEXAS, AND BEING ALL OF LOT SEVENTEEN (17), BLOCK EIGHT (8), OF 2ND SECTION OF WILLIAMSON SUBDIVISION TO THE TOWN OF HUGHES SPRINGS, AS PER PLAT OF SAME RECORDED IN VOLUME 1, PAGE 127, PLAT RECORDS OF CASS COUNTY, TEXAS.

Such sale shall be conducted pursuant to the terms of the Texas Home Equity Security Instrument and TEX. PROP. CODE Section 51.002.

It is further **ORDERED** that a copy of this Order shall be sent to Respondents with the notice of sale and that Applicant may communicate with the Respondents and all third parties reasonably necessary to conduct the foreclosure sale and, if Respondents are represented by counsel, a notice of the foreclosure sale shall also be mailed to counsel by certified mail.

This order is not subject to a motion for rehearing, a new trial, a bill of review, or an appeal. Any challenge to this order must be made in a separate, original proceedings filed in accordance with Texas Rule of Civil Procedure 736.11.

Signed this _____ day of _____, 2024. 6/19/2024 1:26:56 pm


JUDGE PRESIDING

Submitted By:



Richard E. Anderson
State Bar No. 01209010
Anderson Vela, L.L.P.
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ATTORNEY FOR APPLICANT/PETITIONER