

FILED FOR RECORD

APPOINTMENT OF SUBSTITUTE TRUSTEE AND NOTICE OF SUBSTITUTE TRUSTEE SALE

DEC 21 PM 2:02

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 AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

APPOINTMENT OF SUBSTITUTE TRUSTEE:

WHEREAS, in my capacity as the attorney for the Mortgagee and/or its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I hereby name, appoint and designate Jack O'Boyle, Chris Ferguson, Travis Gray, Robert LaMont, Harriett Fletcher, Ronnie Hubbard, Sheryl LaMont or Allan Johnston, Travis Gray, Chris Ferguson, or Jack O'Boyle, each as Substitute Trustee, to act under and by virtue of said Deed of Trust, including posting and filing the public notice required under Section 51.002 Texas Property Code as amended, and to proceed with a foreclosure of the Deed of Trust lien securing the payment of the Note.

SUBSTITUTE TRUSTEE'S ADDRESS:

c/o JACK O'BOYLE & ASSOCIATE, PLLC, Mailing Address: P.O. Box 815369, Dallas, Texas 75381; Physical Address: 12300 Ford Road, Suite 212, Dallas, TX 75234.

NOTICE OF SUBSTITUTE TRUSTEE SALE:

WHEREAS, 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.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on February 01, 2022 between the hours of 10am-1pm the Substitute Trustee will sell said real property at the place hereinafter set out and pursuant to the terms herein described. The sale will begin at the earliest time stated above or within three (3) hours after that time.

LOCATION OF SALE:

The place of the sale shall be: 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 in CASS County, Texas or as designated by the County Commissioners.

INSTRUMENT TO BE FORECLOSED:

Deed of Trust or Contract Lien dated 02/27/2009 and recorded under Volume, Page or Clerk's File No. DOC# 2009000951 in the real property records of Cass County Texas, with DAVID C. EATON, JR., AS A MARRIED MAN as Grantor(s) and JPMorgan Chase Bank, N.A. as Original Mortgagee.

OBLIGATIONS SECURED:

Deed of Trust or Contract Lien executed by DAVID C. EATON, JR., AS A MARRIED MAN securing the payment of the indebtedness in the original principal amount of \$158,468.00 and obligations therein described including but not limited to the promissory note and all the modifications, renewals and extensions of the promissory note (the "Note") executed by DAVID C. EATON, JR.. J.P. MORGAN MORTGAGE ACQUISITION CORP. is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

MORTGAGE SERVICING INFORMATION:

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. CARRINGTON MORTGAGE SERVICES, LLC is acting as the Mortgage Servicer for J.P. MORGAN MORTGAGE ACQUISITION CORP. who is the Mortgagee of the Note and Deed of Trust associated with the above referenced loan. CARRINGTON MORTGAGE SERVICES, LLC, as Mortgage Servicer, is representing the Mortgagee, whose address is:

J.P. MORGAN MORTGAGE ACQUISITION CORP.
c/o CARRINGTON MORTGAGE SERVICES, LLC

3848 FM 2327



1600 SOUTH DOUGLASS ROAD, SUITE 200-A
ANAHEIM, CA 92806

**LEGAL DESCRIPTION OF
PROPERTY TO BE SOLD:**

ALL THAT CERTAIN TRACT OR PARCEL OF LAND BEING 37.916 ACRES OF LAND SITUATED IN AND BEING PART OF THE GEORGE MCADAMS HEADRIGHT SURVEY A-704, CASS COUNTY TEXAS AND THE HEREIN DESCRIBED TRACT OF LAND BEING THAT SAME CALLED 38.02 ACRE TRACT CONVEYED FROM THE HEIRS OF W.L. BROWN AND WIFE, HARRIETT MELLIE BROWN TO JOHN A.T. BROWN AND RECORDED IN VOL. 306, PAGE 221 OF THE DEED RECORDS OF CASS COUNTY TEXAS SAND ALSO BEING THAT SAME TRACT CONVEYED FROM JOE AND BILL YOUNGS TO J & P YOUNGS BY DEED DATED MAY 19, 1996 AND RECORDED IN VOL. 10090, PAGE 113 OF THE REAL PROPERTY RECORDS, CASS COUNTY TEXAS AND THE SUBJECT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1 INCH PIPE FOUND FOR CORNER NEAR AN EXISTING FENCE CORNER IN THE SOUTH LINE OF THE SAID GEORGE MCADAMS HEADRIGHT SURVEY AND THE NORTH LINE OF THE J.J. MCADAMS HEADRIGHT SURVEY A-763, CASS COUNTY TEXAS AND THE SAID POINT OF BEGINNING BEING S 88 DEG. 47' 37" W, 952.16 FEET FROM THE NORTHEAST CORNER OF THE SAID H.J. MCADAMS HEADRIGHT SURVEY A-763 AND THE MOST SOUTHERLY SOUTHEAST CORNER OF THE SAID GEORGE MCADAMS HEADRIGHT SURVEY;

THENCE S 88 DEG. 47' 37" W, 733.00 FEET ALONG AN EXISTING FENCE LINE AND WITH THE SOUTH LINE OF SAID YOUNGS TRACT AND THE NORTH LINE OF A CERTAIN TRACT CONVEYED TO J.F. WILLIAMS BY DEED RECORDED IN VOL. 778, PAGE 396 OF THE REAL PROPERTY RECORDS OF CASS COUNTY TEXAS TO A CONCRETE MARKER FOUND AT THE NORTHWEST CORNER OF SAID WILLIAMS TRACT RECORDED IN VOL. 778, PAGE 396, REAL PROPERTY RECORDS OF CASS COUNTY TEXAS AND THE NORTHEAST CORNER OF A CERTAIN TRACT CONVEYED TO J.F. WILLIAMS BY DEED RECORDED IN VOL. 354, PAGE 401 OF THE DEED RECORDS OF CASS COUNTY TEXAS;

THENCE S 89 DEG. 33' 59 W, 483.68 FEET ALONG AN EXISTING FENCE LINE AND WITH THE SOUTH LINE OF SAID YOUNGS TRACT AND THE NORTH LINE OF SAID WILLIAMS TRACT TO A 1 INCH PIPE FOUND FOR CORNER AT AN EXISTING FENCE CORNER AT THE SOUTHWEST CORNER OF SAID YOUNGS TRACT;

THENCE N 00 DEG. 49' 20" W, 735.64 FEET ALONG AN EXISTING FENCE LINE AND WITH THE WEST LINE OF SAID YOUNGS TRACT AND WITH THE EAST LINE OF A CERTAIN TRACT CONVEYED TO LINDA COVERT BY DEED RECORDED IN VOL. 866, PAGE 834 OF THE REAL PROPERTY RECORDS OF CASS COUNTY TEXAS TO A 1 INCH AXLE FOUND FOR CORNER AT THE NORTHEAST CORNER SAID COVERT TRACT;

THENCE N 00 DEG. 04' 19 W, 617.09 FEET ALONG AN EXISTING FENCE LINE AND WITH THE WEST LINE OF SAID YOUNGS TRACT AND WITH THE EAST LINE OF A CERTAIN TRACT CONVEYED TO W.E. RICHARDS BY DEED RECORDED IN VOL. 449, PAGE 91 OF THE DEED RECORDS OF CASS COUNTY TEXAS TO A 1/2 INCH PIPE FOUND FOR CORNER AT THE NORTHWEST CORNER OF SAID YOUNGS TRACT;

THENCE N 88 DEG. 57' 07" E, 1218.32 FEET WITH THE NORTH LINE OF SAID YOUNGS TRACT AND THE SOUTH LINE OF A CERTAIN TRACT CONVEYED TO PAULINE GRAVES BY DEED RECORDED IN VOL. 252, PAGES 350 OF THE DEED RECORDS OF CASS COUNTY TEXAS, TO A 5/8 INCH REINFORCING STEEL ROD FOUND FOR CORNER AT THE NORTHEAST CORNER OF SAID YOUNGS TRACT;

THENCE S 00 DEG. 41' 01 E, 1355.72 FEET PRIMARILY ALONG AN EXISTING FENCE LINE AND WITH THE EAST LINE OF SAID YOUNGS TRACT AND THE WEST LINE OF A CERTAIN TRACT CONVEYED TO KEVIN B. JOHNSON BY DEED DATED SEPTEMBER 10, 1999 AND RECORDED IN VOL. 1092, PAGE 356 OF THE REAL PROPERTY RECORDS, CASS COUNTY TEXAS, TO THE POINT OF BEGINNING AND CONTAINING 37.916 ACRES OF LAND, MORE

OR LESS.

TOGETHER WITH A RIGHT OF WAY FOR ACCESS AGREEMENT BETWEEN PAULINE GRAVES ET AL TO EACH OTHER FILED IN VOL. 986, PAGE 545 AND TO THE YOUNGS FILED IN VOL. 1009, PAGE 110, OFFICIAL RECORDS, CASS COUNTY TEXAS. (the "Property")

REPORTED PROPERTY

ADDRESS: 3848 FM 2327, QUEEN CITY, TX 75572

TERMS OF SALE: The Substitute Trustee will sell the Property by public auction at the place and date specified herein.

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 nature and physical condition of the property and the priority of the lien being foreclosed.

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 Mortgagee and/or Mortgage Servicer 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 their bid immediately in cash if their bid is accepted.

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. The sale shall not cover any part of the property that has been released of public record from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the priority, nature and extent of such matters, if any.

In the event of a defect or other problem with the foreclosure process is discovered that may invalidate the sale, the consideration paid will be returned to the purchaser as the sole and absolute remedy. In the event of any claim or action brought by any person including the purchaser requiring or resulting in the invalidation of the sale and rescission of the Trustee's Deed or Substitute Trustee's Deed, purchaser's damages resulting therefrom are limited to the consideration paid to the Trustee or Substitute Trustee and the sole and absolute remedy shall be the return to purchaser of the consideration paid. The purchaser shall have no further recourse against the Trustee, Substitute Trustee, Mortgagee and/or Mortgage Servicer, or its attorney(s).

The Deed of Trust permits the Mortgagee and/or Mortgage Servicer to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deed of Trust or Substitute Trustee appointed herein 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. The reposting or refiling may be after the date originally scheduled for this 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.

Signed on the 13 day of December, 2021.

Respectfully,

JACK O'BOYLE & ASSOCIATES, PLLC



Jack O'Boyle | SBN: 15165300
jack@jackoboyle.com
 Travis H. Gray | SBN: 24044965
travis@jackoboyle.com

Chris Ferguson | SBN: 24069714
chris@jackoboyle.com
P.O. Box 815369
Dallas, Texas 75381
P: 972.247.0653 | F: 972.247.0642
ATTORNEYS FOR MORTGAGEE AND/OR ITS MORTGAGE
SERVICER

CERTIFICATE OF POSTING

My name is Robert La Mont, and my address is c/o 12300 Ford Rd, Ste. 212, Dallas, TX 75234. I declare under the penalty of perjury that on December 21, 2021 I filed at the office of the Cass County Clerk and caused to be posted at the Cass County courthouse (or other designated place) this notice of sale.

Signed: 

Declarant's Name: Robert La Mont

Date: December 21, 2021