

8098

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 3, 2023.

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 Newton County Courthouse at the place designated by the Newton 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 refileing 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.

POSTED
DEC 12 2022
TIME 3:40pm
BY: Nichelle Mealey
SANDRA K. DUCKWORTH, COUNTY CLERK

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.163378, Vol. 0686, Page 543 in the Real Property Records of Newton County, Texas, and executed by Billy Joe Wayne Carl and Leslie A. Carl (whether one or more, the "Grantor"), for the benefit of 21st 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 15, 2017, 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 7, 2022.

Marcie Allen
Substitute Trustee

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

*****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]

A 3.284 acre tract of land being Lot 79 of the Hardin Addition out of the Jasper Harding, Section 1, Abstract 179, Newton County, Texas, being more particularly described as follows, to-wit:

BEGINNING at a point in the centerline of a 60 foot wide road right-of-way N. 47° 20' 51" W 3687.90 feet from a concrete monument found stamped "N-302" at the southeast corner of said Abstract 179, same being the southwest corner of the P.L.S.L. Wheaton, Section 2, Abstract 644 and being in the south line of said Newton County, same being the north line of Orange County and the John Macey Survey, Abstract 415. From said concrete monument an 8" Black Gum bears N 25° E 4.85 feet.

THENCE N. 44° 52' 27" W along and with the centerline of said road 279.75 feet to a point.

THENCE S 71° 30' 42" W at 27.91 feet pass an iron rod set and continue on a total distance of 421.81 feet to an iron rod set.

THENCE S 37° 45' 22" E 416.79 feet to an iron rod set.

THENCE N 52° 14' 35" E at 407.65 feet pass an iron rod set and continue a total distance of 432.95 feet to the PLACE OF BEGINNING, containing 3.284 acres of land.

EXHIBIT "A"
HOOKS TITLE & ABSTRACT COMPANY
GF NO. 60,323
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Filed for record on: 05/24/2017 at: 1:50 pm In Book: 0686 Page(s) 0543-0565
I hereby certify that this instrument was filed for record as listed above and duly recorded in the OFFICIAL PUBLIC RECORDS of Newton County, Texas, in the Volume and Page as stamped hereon by me.

Instrument # 163378
Sandra K. Duckworth
County Clerk, Newton County, Texas