

NOTICE OF ACCELERATION AND NOTICE OF TRUSTEE'S 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.

DEED OF TRUST INFORMATION:

Date: **October 12, 1994**
Grantor(s): **Oletha F. McDaniel**
Original Mortgagee: **United States of America, acting through the Farmers Home Administration,
United States Department of Agriculture**
Original Principal: **\$46,280.00**
Recording Information: **Book 1327, Page 155**
Property County: **Van Zandt**
Property: **See "Exhibit A" attached hereto and incorporated herein for all purposes.**
Property Address: **251 VZCR 4908
Ben Wheeler , TX 75754**

FILED FOR RECORD

JAN 19 2023

SUSAN STRICKLAND
COUNTY CLERK, VAN ZANDT CO., TX
BY _____ DEP

MORTGAGE SERVICING INFORMATION:

The Mortgage Servicer, if not the Current Mortgagee, is representing the Current Mortgagee pursuant to a Mortgage Servicing Agreement.

Current Mortgagee: **United States Department of Agriculture, Rural Housing Service**
Mortgage Servicer: **USDA Rural Development**
Mortgage Servicer Address: **4300 Goodfellow Blvd.
Bldg. 105F, FC 215
St. Louis, MO 63120**

SALE INFORMATION:

Date of Sale: **March 7, 2023**
Time of Sale: **10:00 AM or within three hours thereafter.**
Place of Sale: **THE STEPS OF THE NORTH ENTRANCE TO THE VAN ZANDT COUNTY
COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S
OFFICE.**
Substitute Trustee: **Randy Daniel, Cindy Daniel, Jim O'Bryant, or Michael J. Burns, any to act**
Substitute Trustee Address: **546 Silicon Drive, Suite 103
Southlake, TX 76092
TXAttorney@PadgettLawGroup.com**

APPOINTMENT OF SUBSTITUTE TRUSTEE:

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 OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

The undersigned is the attorney for the mortgagee and/or mortgage servicer, and in such capacity does hereby remove the original trustee and all successor substitute trustees under the above-described Deed of Trust and appoints in their place Randy Daniel, Cindy Daniel, Jim O'Bryant, or Michael J. Burns, any to act, whose address is c/o Padgett Law Group, 546 Silicon Drive, Suite 103, Southlake, TX 76092 as Substitute Trustee, who shall hereafter exercise all powers and duties to set aside the said original trustee under said Deed of Trust, and further does hereby request, authorize, and instruct said Substitute Trustees to conduct and direct the execution of remedies set aside to the beneficiary therein.

WHEREAS, the above-named Grantor(s) previously conveyed the above described property in trust to secure payment of the Note set forth in the above-described Deed of Trust; and

WHEREAS, a default under the Note and Deed of Trust was declared, such default was reported to not have been cured, and all sums secured by such Deed of Trust are declared immediately due and payable.

WHEREAS, the original Trustee and any previously appointed Substitute Trustee under said Deed of Trust has been hereby removed and the herein described Substitute Trustees, have been appointed as Substitute Trustees and authorized by the Mortgage Servicer to enforce the power of sale granted in the Deed of Trust; and

WHEREAS, the undersigned law firm has been requested to provide these notices on behalf of the Current Mortgagee, Mortgage Servicer and Substitute Trustees;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN of the foregoing matters and that:

1. The maturity of the Note is hereby accelerated, and all sums secured by the Deed of Trust are declared to be immediately due and payable.
2. The herein appointed Substitute Trustees, any to act, as Substitute Trustee will sell the Property to the highest bidder for cash on the date, at the place, and no earlier than the time set forth above in the Sale Information section of this notice. The sale will begin within three hours after that time.
3. This sale shall be subject to any legal impediments to the sale of the Property to any exceptions referenced in the Deed of Trust or appearing of record to the extent the same are still in effect and shall not cover any property that has been released from the lien imposed by the Deed of Trust.
4. No warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for the particular purpose shall be conveyed at the sale, save and except the Grantor's warranties specifically authorized by the Grantor in the Deed of Trust. The property shall be sold "AS-IS", purchaser's will buy the property "at the purchaser's own risk" and "at his peril" and no representation is made concerning the quality or nature of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property, subject to any liens or interest of any kind that may survive the sale. Interested persons are encouraged to consult counsel of their choice prior to participating in the sale of the property.
5. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, the Mortgagee's Attorney, or the duly appointed Substitute Trustee.



Michael J. Burns

Exhibit A

0.548 acre tract of land out of called 10.33 acre tract in the name of Thurman Young, Jr., as described by deed dated October 30, 1984 and recorded in Volume 1039 Page 459, Deed Records, Van Zandt County, Texas. Said 10.33 acre tract called to be within the J.W. DAVIDSON SURVEY, Abstract 202 and the W.H. JONES COUNTY, Texas. Abstract 1114 in Van Zandt County, Texas, and in more particularly described by metes and bounds as follows: BEGINNING at a bridge spike found in the centerline of a county road for the Northeast corner of said called 10.33 acre tract and northeast corner of this tract; THENCE South 09 degrees 06'01" West, with an East line of said 10.33 acre tract and an East line of this tract, 63.67 feet to a bridge spike found in the centerline of said county road for an angle corner of said called 10.33 acre tract and an angle corner of this tract; Thence South 06 degrees 41 minutes 28 seconds West with an East line of said 10.33 acre tract and an East line of this tract, 89.14 feet to a 1/2 iron rod set in the centerline of said county road for the Southeast corner of this tract; THENCE SOUTH 86 degrees 37 minutes 59 seconds West, with the South line of this tract, at 28.43 feet pass a 1/2 inch iron rod set for reference, in all a total distance of 149.82 feet to a 1/2 inch rod set for the Southwest corner of this tract; THENCE North 00 degrees, 03 minutes 45 seconds East, 150.23 feet to a 1/2 inch iron rod set in the North line of said 10.33 acre tract for the Northwest corner of this tract; THENCE north 86 degrees 38'33" East, with the North line of said 10.33 acre tract and the North line of this tract, at 140.14 feet pass a 1/2 inch iron rod set for reference in all a total distance of 170.14 feet to the POINT OF BEGINNING and containing 0.548 acres of land, more or less. These field notes are furnished from an actual on the ground survey made under the direction and supervision of Richard E. Zander, Registered Public Surveyor Number 4824, dated September 9, 1994. SUBJECT, HOWEVER, TO THE FOLLOWING: 1. All oil, gas and other minerals in and under the herein described property, together with right of ingress and egress, mining and all drilling privileges appurtenant thereof, heretofore reserved by Predecessor's in title. Any portion of the above described property lying within the boundaries dedicated or existing roadways or which may be used for road or street purposes. Any visible and apparent roadway or easement over or across the subject property. Payment of taxes for 1994 and subsequent years. Right of Way to RPM Water Supply Corporation from Thurman Young, et ux Lois Young in instrument dated August 12, 1986, recorded in Volume 1110 Page 199 of the Real Records of Van Zandt County, Texas.

CERTIFICATE OF POSTING

My name is _____, and my address is c/o Padgett Law Group, 546 Silicon Drive, Suite 103, Southlake, TX 76092. I declare under penalty of perjury that on _____, I filed at the office of the Van Zandt County Clerk to be posted at the Van Zandt County courthouse this notice of sale.

Declarant's Name: _____

Date: _____

546 Silicon Drive, Suite 103
Southlake, TX 76092
TXAttorney@PadgettLawGroup.com
(850) 422-2520