

FILED FOR RECORD

APR 20 2023

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

Notice of Foreclosure Sale

June 6, 2023

Deed of Trust ("Deed of Trust"):

Dated: August 24, 2020

Grantor: Cody Underwood

Substitute Trustee: Bradley S. Campbell

Trustee: George Ivan Alexander

Lender: Wesley Parker and Elizabeth Parker

Recorded in: Document No. 2020-008012 of the real property records of Van Zandt County, Texas

Legal Description: As described in the attached Exhibit A

Secures: Promissory Note ("Note") in the original principal amount of \$247,500, executed by Cody Underwood, Cody Underwood and Cody Underwood ("Borrower") and payable to the order of Lender

Property: The real property, improvements, and personal property described in and mortgaged in the Deed of Trust, including the real property described in the attached Exhibit A, and all rights and appurtenances thereto

Foreclosure Sale:

Date: Tuesday, June 6, 2023

Time: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 A.M. and not later than three hours thereafter.

Place: Van Zandt County Courthouse, 121 E. Dallas St, Canton TX 75103

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that Wesley Parker and Elizabeth Parker's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Wesley Parker and Elizabeth Parker, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Wesley Parker and Elizabeth Parker's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Wesley Parker and Elizabeth Parker's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Wesley Parker and Elizabeth Parker pass the Foreclosure Sale, 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.

The Foreclosure 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 Foreclosure 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 by Wesley Parker and Elizabeth Parker. 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 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (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.

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.

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.

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.



Bradley S. Campbell
Attorney for Mortgagee
228 W. Broad Street
Mineola, TX 75773
Telephone (903) 569-0000

Exhibit A

BEING 0.275 of an acre of land situated within the corporate limits of the City of Wills Point, Van Zandt County, Texas, part of the James Hamilton Survey, Abstract No. 408, being a part of Lot 6 in Block 3 of the M. A. Wills Addition (unrecorded), and being all of that certain called 0.28 acre tract described in a Warranty Deed with Vendor's Lien, dated April 16, 1997, from George T. Hazlewood and wife, Charlene Hazlewood to Dan K. Warner and Karen Warner, recorded in Volume 1418, Page 202 of the Real Records of Van Zandt County, Texas. Said 0.275 of an acre of land being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod (set) for corner at the Southeast corner of the above referenced 0.28 acre tract, being located in the North line of O'Neal Street, and being located South 84 deg. 13 min. 56 sec. East, a distance of 41.51 feet from a 1/2 inch iron rod (set) at the intersection of the North line of O'Neal Street with the Northeast line of U. S. Highway No. 80 (Houston Street);

THENCE: North 84 deg. 13 min. 56 sec. West, with the most Easterly South line of said 0.28 acre tract and with the North line of O'Neal Street, a distance of 41.51 feet to a 1/2 inch iron rod (set) for corner at an angle corner of said 0.28 acre tract and being located in the Northeast line of U. S. Highway No. 80 (Houston Street);

THENCE: North 44 deg. 10 min. 52 sec. West, with the most Westerly Southwest line of said 0.28 acre tract and with the Northeast line of U. S. Highway No. 80, a distance of 65.0 feet to a 3/8 inch drill hole in concrete (marked this date) for corner at an angle corner of said 0.28 acre tract and being located at the intersection of the Northeast line of U. S. Highway No. 80 with the East line of Ash Lane;

THENCE: North 04 deg. 22 min. 12 sec. East, with the West line of said 0.28 acre tract and with the East line of Ash Lane, a distance of 101.89 feet to a 1/2 inch iron rod (set) for com at the Northwest corner of said 0.28 acre tract;

THENCE: South 85 deg. 00 min. 39 sec. East, with the North line of said 0.28 ac tract, a distance of 90.00 feet to a 1/2 inch iron rod (found) for corner at the Northeast corner of same;

THENCE: South 04 deg. 15 min. 50 sec. West, with the East line of said 0.28 acre act, a distance of 145.00 feet back to the PLACE OF BEGINNING and containing 0.275 of an acre of land.

Being the same land in General Warranty Deed dated March 13, 2008 from RICHARD COX and wife, MARY JANE COX to WESLEY PARKER and ELIZABETH PARKER, recorded in Document No. 2008-002365, Real Records of Van Zandt County, Texas.