

FILED FOR RECORD

MAY 18 2023

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

Notice of Foreclosure Sale

July 5, 2023

Deed of Trust ("Deed of Trust"):

Dated: August 20, 2012

Grantor: Mark Wade Russell and Herman Ray Russell

Trustee: R. Paul Elliott

Lender: Todd G, Howell

Recorded in: 2012-006352 of the real property records of Van Zandt County, Texas

Legal Description: See attached as Exhibit "A".

Secures: Promissory Note ("Note") in the original principal amount of \$563,764.00, executed by Mark Wade Russell ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

Foreclosure Sale:

Date: Wednesday, July 5, 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 AM and not later than three hours thereafter.

Place: North Entrance, Van Zandt County Courthouse, Canton, Texas

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 Todd G, Howell'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, Todd G, Howell, 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 Todd G, Howell's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Todd G, Howell'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 Todd G, Howell passes 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 Todd G, Howell. 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.

R. Paul Elliott

R. Paul Elliott
301 S. Main St.
Canton, TX 75103
Telephone (903) 567-4141
Telecopier (903) 567-6228

Document No. 2012-006351

WARRANTY DEED WITH VENDOR'S LIEN

Parties: HOWELL TODD
to
RUSSELL MARK WADE

FILED AND RECORDED
REAL RECORDS

On: 08/20/2012 at 03:04 PM

Document Number: 2012-006351

Receipt No.: 201247934

Amount: \$ 40.00

By: aharrelson
Charlotte Bledsoe, County Clerk
Van Zandt County, Texas

8 Pages

DO NOT REMOVE THIS PAGE - IT IS A PART OF THIS INSTRUMENT



STATE OF TEXAS
COUNTY OF VAN ZANDT

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded under the Document Number stamped hereon of the Official Public Records of Van Zandt County.

Charlotte Bledsoe, County Clerk

Record and Return To:

VZA



ex. "A"

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Warranty Deed with Vendor's Lien

Date: August 20, 2012

Grantor: TODD HOWELL a/k/a TODD GENE HOWELL, a single person

Grantor's Mailing Address:

TODD HOWELL a/k/a TODD GENE HOWELL
4144 Scenic Dr
Tulsa Tx 75709
Smith County

Grantee: MARK WADE RUSSELL, married but dealing with separate property; and
HERMAN RAY RUSSELL, married but dealing with separate property

Grantee's Mailing Address:

MARK WADE RUSSELL
11864 CR 240 N.
Henderson Tn 38552
Rusk County

HERMAN RAY RUSSELL
P.O. Box 317
Diana Tn 38640
UPSHUR County

Consideration:

Cash and a note of even date executed by Grantee and payable to the order of Grantor in the principal amount of TEN AND NO/100 DOLLARS (\$10.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed and by a first-lien deed of trust of even date from Grantee to R. PAUL ELLIOTT, Trustee.

Property (including any improvements):

FIRST TRACT: All that certain lot, tract or parcel of land situated in the J. T. EVANS SURVEY, Abstract No. 233, in Van Zandt County, Texas, same being part of a called 116.00 acre tract of land as found in Warranty Deed dated September 7, 1965, from F. A. Murphy to Merle Jones and wife, Edith Jones, as found recorded in Volume 617, page 146, of the Deed Records of Van Zandt County, Texas, and being more fully described as follows:

BEGINNING at a 10" birch tree found for the Southeast corner of said 116.00 acre tract of land, same being the Southeast corner of said J. T. Evans Survey, and the Southeast corner of this;

THENCE: South 89 deg. 50 min. 18 sec. West 1377.64 feet along the occupied South survey line of said Evans Survey, and along the South line of said 116.00 acre tract of land to a point for a corner of this, and an angle point in the same;

THENCE: North 89 deg. 09 min. 51 sec. West 335.04 feet along the occupied South survey line of said Evans Survey, and along the South line of said 116.00 acre tract of land to a point in the center of a community oil road for the Southwest corner of said 116.00 acre tract of land, and for the Southwest corner of this, from which a spike bears South 89 deg. 09 min. 51 sec. East 39.61 feet;

THENCE: North 00 deg. 11 min. 18 sec. West 1589.45 feet along the center of said community oil road to a P. K. nail set in the center of Farm to Market Road #858 for the Northwest corner of this;

THENCE: North 89 deg. 03 min. 40 sec. East 1740.98 feet along the center of said Farm to Market Road #858 to a point in the East survey line of said Evans Survey, and in the East line of said 116.00 acre tract of land for the Northeast corner of this, from which an occupied corner post bears South 00 deg. 20 min. 31 sec. West 37.44 feet;

THENCE: South 00 deg. 20 min. 31 sec. West 1418.61 feet along the East line of said 116.00 acre tract of land, and along the East occupied survey line of said Evans Survey to a 1/2" iron rod found for a corner of this, and an angle point in the same;

THENCE: South 04 deg. 06 min. 51 sec. West 200.90 feet along the East line of said 116.00 acre tract of land, and along the East occupied survey line of said Evans Survey to the place of beginning, containing 63.89 acres of land, more or less.

LESS AND EXCEPT: All that certain 30.000 acre tract of land, being part of the J. T. EVANS SURVEY, Abstract No. 233, Van Zandt County, Texas, and being part of a called 63.89 acre tract of land conveyed to Todd Howell by deed recorded in Volume 2116, page 48, Real Records of Van Zandt County, Texas. Said 30.000 acre tract of land having a reference bearing of North deg. 11 min. 18 sec. West, being a West line of said 63.89 acre tract. Being further described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the Northwest corner of said 63.89 acre tract and the Northeast corner of a called 5.60 acre tract of land conveyed to John Gene Howell and wife, Penny Howell, by deed recorded in Volume 1766, page 03, Real Records of Van Zandt County, Texas, and being at the approximate centerline intersection of FM 858 and Van Zandt County Road No. 4614 (a variable width prescriptive right of way);

THENCE North 89 deg. 05 min. 07 sec. East along the North line of said 63.89 acre tract and the approximate centerline of said FM 858 a distance of 818.85 feet to a point for corner;

THENCE South 00 deg. 11 min. 18 sec. East over and across said 63.89 acre tract, passing at a distance of 41.28 feet a 1/2" capped iron rod set for witness, continuing a total distance of 1606.59 feet to a 1/2" capped iron rod set for corner on the South line of said 63.89 acre tract and the common North line of a tract of land conveyed to Micah Lenox et al. by deed recorded in Instrument No. 2010-004385, Official Public Records, Van Zandt County, Texas, from which a 1/2" iron rod found on the East line of said 63.89 acre tract bears North 77 deg. 23 min. 58 sec. East a distance of 932.55 feet;

THENCE along the South line of said 63.89 acre tract and the common North line of said Lenox tract(s) the following courses and distances:

South 89 deg. 50 min. 08 sec. West a distance of 483.48 feet to a T-post found for corner,

North 89 deg. 03 min. 25 sec. West passing a fence corner at 291.06 feet found for witness continuing a total distance of 333.37 feet to a point found for the Southwest corner of said 63.89 acre tract and being on the East line of a tract of land conveyed to Lytrice Lynn McLean by deed recorded in Volume 1513, page 7, Real Records, Van Zandt County, Texas, and being in the approximate centerline of said Van Zandt County Road No. 4614;

THENCE North 00 deg. 11 min. 18 sec. West along the West line of said 63.89 acre tract and the common East lines of said 57.04 acre tract and said 5.60 acre tract and the approximate centerline of said Van Zandt County Road No. 4614 a distance of 1589.45 feet to the point of beginning, containing 30.000 acres, more or less.

SECOND TRACT: All that certain lot, tract or parcel of land situated in the THOMAS HORSLEY SURVEY, Abstract No. 341, in Van Zandt County, Texas, same being part of Tracts 1, 2 and 3 as found in Warranty Deed dated June 4, 1969, from D. R. Howell and wife, Emma Howell, to R. D. Howell and wife, Frieda M. Howell, as found recorded in Volume 708, page 240, of the Deed Records of Van Zandt County, Texas, and being more fully described as follows:

BEGINNING at a 1/2" iron rod set for the Northeast corner of this, same being South 01 deg. 31 min. 51 sec. West 221.80 feet from the occupied Northeast corner of said Tract 2;

THENCE: South 00 deg. 44 min. 52 sec. West 2057.15 feet with the East line of said Tracts 2, 1, and 3 to a 36" forked red oak tree for the Southeast corner of said Tract 3, and the Southeast corner of this;

THENCE: North 89 deg. 37 min. 51 sec. West 1191.24 feet with the South line of said Tract 3 to a 1/2" iron rod set for the most Southerly Southwest corner of this;

THENCE: North 00 deg. 42 min. 47 sec. East 300.00 feet to a 1/2" iron rod set for an inner-ell corner of this;

THENCE: North 89 deg. 37 min. 51 sec. West 726.01 feet to a plastake found for a corner of this,

THENCE: North 89 deg. 39 min. 09 sec. West 764.66 feet to a 60d nail set in the center of a community oil road for the most Westerly Southwest corner of this;

THENCE: North 00 deg. 38 min. 50 sec. East 829.33 feet with the center of said road to a 60d nail set for the Northwest corner of this;

THENCE: Along the North line of this as follows:

North 44 deg. 39 min. 52 sec. East 364.60 feet;

South 73 deg. 26 min. 08 sec. East 143.94 feet;

North 11 deg. 34 min. 37 sec. East 163.23 feet;

North 73 deg. 54 min. 37 sec. East 211.22 feet;

North 17 deg. 03 min. 29 sec. East 119.49 feet;

North 39 deg. 30 min. 29 sec. East 314.81 feet;

North 26 deg. 30 min. 25 sec. East 129.54 feet;

South 44 deg. 13 min. 36 sec. East 448.92 feet;

South 50 deg. 42 min. 26 sec. East 149.70 feet;

North 28 deg. 40 min. 18 sec. East 237.56 feet;

North 85 deg. 48 min. 55 sec. East 222.29 feet;

North 31 deg. 29 min. 34 sec. East 266.53 feet;

North 83 deg. 42 min. 43 sec. East 412.47 feet;

South 80 deg. 08 min. 50 sec. East 465.49 feet to the place of beginning, containing 101.71 acres of land, more or less.

THIRD TRACT: All that certain 0.792 acre tract of land, being part of the T. HORSLEY SURVEY, Abstract No. 341, Van Zandt County, Texas, and being part of a called 20.08 acre tract of land conveyed to Todd Gene Howell by deed recorded in Volume 1248, page 695, Real Records of Van Zandt county, Texas, said 0.792 acre tract of land having reference bearing of North 00 deg. 00 min. 00 sec. West, being a West line of a said 20.08 acre tract and being further described by metes and bounds as follows:

COMMENCING at a 1 inch iron pipe found for an occupied Southeast corner of said 20.08 acres and being a Northwest corner of a called 101.71 acre tract of land conveyed to Todd Howell by deed recorded in Volume 1494, page 862, Real Records of Van Zandt County, Texas;

THENCE South 54 deg. 59 min. 32 sec. West, over and across said 20.08 acre tract, a distance of 207.58 feet to a point for the POINT OF BEGINNING, on the Southeast line of said 20.08 acre tract and the common Northwest line of said 101.71 acre tract, from which an 8 inch wood post bears North 54 deg. 29 min 28 sec. West, a distance of 3.60 feet;

THENCE South 44 deg. 39 min. 52 sec. West, along the common Southeast line of said 20.08 acre tract and the common Northwest line of said 101.71 acre tract, a distance of 364.60 feet to a point for corner in the approximate centerline of Van Zandt County Road No. 4614 (a variable width prescriptive right of way), from which a cross tie fence corner bears North 54 deg. 06 min. 13 sec. East, a distance of 58.38 feet;

THENCE North 00 deg. 00 min. 00 sec. West, along the West line of said 20.08 acre tract and the approximate centerline of said Van Zandt County Road No. 4614, a distance of 269.14 feet to a point for corner;

THENCE South 87 deg. 48 min. 19 sec. East, over and across said 20.08 acre tract, passing an 18 inch pine tree at a distance of 46.22 feet, a distance of 256.48 feet to the point of beginning, containing 0.792 acres, more or less.

Reservations from Conveyance:

None

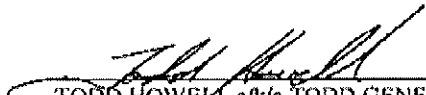
Exceptions to Conveyance and Warranty:

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2012, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

When the context requires, singular nouns and pronouns include the plural.

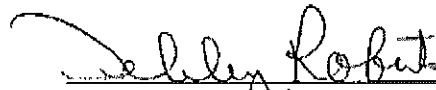

TODD HOWELL a/k/a TODD GENE HOWELL

STATE OF TEXAS)

COUNTY OF VAN ZANDT)

This instrument was acknowledged before me on August 20, 2012, by TODD HOWELL a/k/a TODD GENE HOWELL.




Notary Public, State of Texas
My commission expires: 3-7-15

PREPARED IN THE OFFICE OF:

R. PAUL ELLIOTT
Attorney at Law, P.C.
301 S. Main Street
Canton, Texas 75103
Tel: (903) 567-4141
Fax: (903) 567-6228

AFTER RECORDING RETURN TO:

Mr. Mark Wade Russell
Mr. Herman Ray Russell
11864 CR 240N
Henderson, Tx 75652