

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.

5965-931

NOTICE OF FORECLOSURE SALE

FILED FOR RECORD

1 THE PROPERTY TO BE SOLD
COMMONLY KNOWN AS

DEC 07 2023

11698 US HIGHWAY 80, FRUITVALE, TEXAS 75127

LEGAL DESCRIPTION

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

SEE EXHIBIT A.

2 THE DEED OF TRUST TO BE FORECLOSED UPON

RECORDED IN REAL PROPERTY RECORDS OF
VAN ZANDT COUNTY

RECORDED ON
OCTOBER 9, 2007

UNDER DOCUMENT#
2007-045933

3 THE SALE IS SCHEDULED TO BE HELD

PLACE

DATE

TIME

THE STEPS OF THE NORTH ENTRANCE TO THE VAN
ZANDT COUNTY COURTHOUSE OR AS DESIGNATED
BY THE COUNTY COMMISSIONER'S OFFICE

JANUARY 2, 2024

10:00 AM - 1:00 PM

TERMS OF SALE

The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the Deed of Trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the Property. Pursuant to § 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.

OBLIGATIONS SECURED

The Deed of Trust executed by J.W. MATHIS and ALBERTA MATHIS, provides that it secures the payment of the indebtedness in the original principal amount of \$198,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. SEATTLE BANK is the current mortgagee of the note and deed of trust and PHH MORTGAGE CORPORATION is the current mortgage servicer. A servicing agreement between the mortgager, whose address is 1661 Worthington Road, Suite #100, West Palm Beach, Florida 33409, and the mortgage service exists. TEXAS PROPERTY CODE § 51.0025 authorizes the mortgage servicer to collect the debt.

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.

In accordance with Texas Property Code § 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint the following as Substitute Trustee to act under and by virtue of said Deed of Trust:

RANDY DANIEL, CINDY DANIEL, JIM O'BRYANT, NICHOLAS S. CAMPBELL, ANNAROSE M. HARDING, SARA A. MORTON, RICHARD McCUTCHEON, HALEY SHEPPARD, and/or BRANCH M. SHEPPARD.

ATTORNEYS AT LAW

Branch M. Sheppard
Annarose M. Harding
Sara A. Morton
Richard McCutcheon


GALLOWAY, JOHNSON, TOMPKINS, BURR & SMITH
A PROFESSIONAL LAW CORPORATION
1301 McKinney Street, Suite 1400
Houston, Texas 77010
(713) 599-0700

CERTIFICATE OF POSTING

I declare under penalty of perjury that I filed this Notice of Foreclosure Sale at the office of the County Clerk and caused it to be posted at the location directed by the County Commissioners Court.

POSTED 12-7-23
NAME RANDY DANIEL

TRUSTEE

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5965-931

**EXHIBIT A – LEGAL DESCRIPTION
for 11698 US Highway 80, Fruitvale, Texas 75127**

A 1.00-ACRE TRACT OUT OF THE JAMES CHESHIRE SURVEY, ABSTRACT NO. 181, VAN ZANDT COUNTY, TEXAS, AND BEING PART OF THAT CERTAIN 8.23 ACRE TRACT DEEDED TO JAMES MERIMON RECORDED IN VOLUME 1304, PAGE 754, VAN ZANDT COUNTY DEED RECORDS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN 8-INCH POST LYING SOUTH 85 DEGREES 52' 21" WEST 290.13 FEET FROM THE MOST EASTERLY SOUTHEAST CORNER OF SAID MERIMON TRACT FOR THE SOUTHWEST CORNER AND PLACE OF BEGINNING OF THIS TRACT;

THENCE NORTH 150.63 FEET TO A 1/2-INCH IRON ROD FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE NORTH 85 DEGREES 59' 50" EAST 292.13 FEET TO A 3/8-INCH IRON ROD IN THE EAST LINE OF SAID MERIMON TRACT FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 00 DEGREES 46' 38" WEST 150.15 FEET ALONG THE EAST LINE OF SAID MERIMON TRACT FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE LEAVING THE EAST LINE OF SAID MERIMON TRACT, SOUTH 85 DEGREES 52' 21" WEST 209.14 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.00 ACRES, MORE OR LESS.

WITH ACCESS AND UTILITY EASEMENT; A 30-FOOT WIDE ACCESS AND UTILITY EASEMENT OUT OF THE JAMES CHESHIRE SURVEY, ABSTRACT NO. 181, VAN ZANDT COUNTY, TEXAS, AND BEING PART OF THAT CERTAIN 8.23 ACRE TRACT DEEDED TO JAMES MERIMON RECORDED IN VOLUME 1304, PAGE 754, VAN ZANDT COUNTY DEED RECORDS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT LYING SOUTH 85 DEGREES 52' 21" WEST 290.14 FEET AND NORTH 150.63 FEET FROM THE MOST EASTERLY SOUTHEAST CORNER OF SAID MERIMON TRACT FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 301.97 FEET TO A POINT IN THE NORTH RIGHT-OF-WAY LINE OF U. S. HIGHWAY NO. 80 FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE WEST 30.00 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID U. S. NO. 80 TO A POINT FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE LEAVING THE NORTH RIGHT-OF-WAY LINE OF SAID U. S. HIGHWAY NO. 80, NORTH 301.97 FEET TO A POINT FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE EAST 30.00 FEET TO THE PLACE OF BEGINNING AND CAPTAINING 9059.10 SQUARE FEET, MORE OR LESS.

CERTIFICATE OF POSTING

I declare under penalty of perjury that I filed this Notice of Foreclosure Sale at the office of the County Clerk and caused it to be posted at the location directed by the County Commissioners Court.

POSTED _____

NAME _____ TRUSTEE