

OCT 10 2024

SUSAN STRICKLAND
COUNTY CLERK, VAN ZANDT CO., TX
BY _____ DEP**NOTICE OF DEFAULT AND FORECLOSURE SALE**

WHEREAS on June 25, 2010 a certain Adjustable Rate Home Equity Conversion Deed of Trust ("Deed of Trust") was executed by GLADYS L CALLOWAY, A SINGLE PERSON, as mortgagors to ROBERT K FOWLER, as Trustee, for the benefit of WELLS FARGO BANK, N.A. and was recorded on July 19, 2010 in the Official Public Records of Real Property of VAN ZANDT County Texas under Document No. 2010-005641; and

WHEREAS the Deed of Trust was insured by the United States Secretary of Housing and Urban Development ("the Secretary") pursuant to the National Housing Act for the purpose of providing single family housing; and

WHEREAS the beneficial interest in the Deed of Trust is now owned by the Secretary, pursuant to an assignment dated September 25, 2019, recorded in the Official Public Records of Real Property of VAN ZANDT County Texas under Document No. 2019-008680; and

WHEREAS a default has been made in the covenants and conditions of the Deed of Trust in that both borrowers are deceased with no probate pending and have ceased to occupy the Property (hereinafter defined) for more than twelve (12) consecutive calendar months and no payment has been made sufficient to restore the loan to currency; and

WHEREAS the entire amount delinquent as of June 24, 2024, is \$105,366.97; and

WHEREAS, by virtue of this default, the Secretary has declared the entire amount of the indebtedness secured by the Deed of Trust to be immediately due and payable.

NOW THEREFORE, pursuant to powers vested in me by the Single-Family Mortgage Foreclosure Act of 1994, 12 U.S.C. 3751 et seq., by 24 CFR part 27, subpart B, and by the Secretary's designation of me as Foreclosure Commissioner dated July 22, 2022 and was recorded on August 7, 2024 in the Official Public Records of Real Property of Van Zandt County, Texas, under Document No. 2024-006768, on **November 5, 2024**, between the hours of 10:00 AM and 1:00 PM Central Standard Time, all real and personal property at or used in connection with the following described premises ("Property") will be sold at public auction to the highest bidder:

Being a part of Lot 3 in Block 8 of Wills Addition (unrecorded) to the City of Wills Point, Texas and being more particularly described by metes and bounds on Exhibit "A" attached hereto and incorporated herein by reference

Commonly known as 803 E JAMES ST, WILLS POINT, TX 75169

The sale will be held between the hours of 10:00 AM and 1:00 PM at public venue in the area designated by the VAN ZANDT County Commissioners Court pursuant to Section 51.002 of the Texas Property Code as the place where foreclosure sales are to take place, or if no place is designated by the Commissioners Court, the sale will be conducted at the place where this Notice of Default and Foreclosure Sale was posted.

The earliest time the sale will occur is 10:00 AM Central Standard Time.

The Secretary of Housing and Urban Development will bid \$70,939.37.

There will be no proration of taxes, rents or other income or liabilities, except that the purchaser will pay, at or before closing, his pro-rata share of any real estate taxes that have been paid by the Secretary to the date of the foreclosure sale.

When making their bids, all bidders except the Secretary must submit a deposit totaling \$7,093.93 [10% of the Secretary's bid] in the form of a certified check or cashier's check made out to the Secretary of HUD. A deposit need not accompany each oral bid. If the successful bid is oral, a deposit of \$7,093.93 must be presented before the bidding is closed.

The deposit is nonrefundable. The remainder of the purchase price must be delivered within 30 days of the sale or at such other time as the Secretary may determine for good cause shown, time being of the essence. This amount, like the bid deposits, must be delivered in the form of a certified or cashier's check. If the Secretary is the highest bidder, he need not pay the bid amount in cash. The successful bidder will pay all conveying fees, all real estate and other taxes that are due on or after the delivery date of the remainder of the payment and all other costs associated with the transfer of title. At the conclusion of the sale, the deposits of the unsuccessful bidders will be returned to them.

The Secretary may grant an extension of time within which to deliver the remainder of the payment. All extensions will be for 15-day increments for a fee of \$500.00, paid in advance. The extension fee shall be in the form of a certified or cashier's check made payable to the Secretary of HUD. If the high bidder closes the sale prior to the expiration of any extension period, the unused portion of the extension fee shall be applied toward the amount due.

If the high bidder is unable to close the sale within the required period, or within any extensions of time granted by the Secretary, the high bidder may be required to forfeit the cash deposit or, at the election of the foreclosure commissioner after consultation with the HUD representative, will be liable to HUD for any costs incurred as a result of such failure. The Commissioner may, at the direction of the HUD representative, offer the property to the second highest bidder for an amount equal to the highest price offered by that bidder.

There is no right of redemption, or right of possession based upon a right of redemption, in the mortgagor or others subsequent to a foreclosure completed pursuant to the Act. Therefore, the Foreclosure Commissioner will issue a Deed to the purchaser(s) upon receipt of the entire purchase price in accordance with the terms of the sale as provided herein. HUD does not guarantee that the property will be vacant.

The scheduled foreclosure sale shall be cancelled or adjourned if it is established, by documented written application of the mortgagor to the Foreclosure Commissioner not less than 3 days before the date of sale, or otherwise, that the default or defaults upon which the foreclosure is based did not exist at the time of service of this notice of default and foreclosure sale, or all amounts due under the mortgage agreement are tendered to the Foreclosure Commissioner, in the form of a certified or cashier's check payable to the Secretary of HUD, before public auction of the property is completed.

The amount that must be paid if the mortgage is to be reinstated prior to the scheduled sale is \$105,366.97 as of June 24, 2024 plus per diem interest thereon from and after such date until paid in full, plus all other amounts that would be due under the mortgage agreement if payments under the mortgage had not been accelerated, advertising costs and postage expenses incurred in giving notice, mileage by the most reasonable road distance for posting notices and for the Foreclosure Commissioner's attendance at the sale, reasonable and customary costs incurred for title and lien record searches, the necessary out-of-pocket costs incurred by the Foreclosure Commissioner for recording documents, a commission for the Foreclosure Commissioner, and all other costs incurred in connection with the foreclosure prior to reinstatement.

Tender of payment by certified or cashier's check or application for cancellation of the foreclosure sale shall be submitted to the address of the Foreclosure Commissioner provided below.

Date: October 1, 2024

Foreclosure Commissioner

A handwritten signature in cursive script, appearing to read "Carolyn Taylor", is written over a horizontal line.

Carolyn A. Taylor
Hughes, Watters & Askanase, LLP
1201 Louisiana Street, 28th Floor
Houston, Texas 77002
(713) 590-4204

Exhibit "A"
Metes and Bounds Legal Description

Being part of Lot 3 in Block 8 of the Wills Addition (unrecorded) to the City of Wills Point, Texas and being more particularly described as follows:

Beginning at a ½ inch diameter iron pipe found for corner in the North line of James Street and said point being the Southwest corner of a 0.2368 acre tract of land conveyed to Earl Ray Moore by deed recorded in Volume 1312, Page 581, Deed Records, Van Zandt County, Texas;

Thence North 85°10'0" West, along said North line a distance of 70.35 feet to an axle found at the Southeast corner of a tract of land conveyed to Artie Roland and wife, Ludie Lucile Roland by deed recorded in Volume 967, Page 437, Deed Records, Van Zandt County, Texas;

Thence North 03°22'41" East, along the East line of said Roland tract a distance of 149.82 feet to a fence post for corner at the Southwest corner of an 0.27 acre tract of land conveyed to Alcie Manning and wife, Virginia Manning by deed recorded in Volume 1483, Page 159, Deed Records of Van Zandt County, Texas;

Thence South 85°10'00" East, along the South line of said 0.27 acre tract, a distance of 71.34 feet to a 3/8 inch diameter rod found at the Southwest corner of a 0.268 acre tract of land conveyed to Wesley H. Stockman by deed recorded in Volume 1521, Page 312, Deed Records, of Van Zandt County, Texas;

Thence South 03°45'32" West, along the West line of said Moore tract a distance of 149.79 feet to the Place of Beginning.