

POSTED

DATE 3-16-2020
9:15 A.M. _____ P.M.

Michelle Reynolds
BY AB Deputy

FILED
MICHELLE REYNOLDS
COUNTY CLERK
SOMERVELL CO., TEXAS

2020 MAR 16 AM 9:10

NOTICE OF FORECLOSURE SALE

DEPUTY

Notice is hereby given of a public non-judicial foreclosure sale.

1. Property To Be Sold. The property to be sold is described as follows:
SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED ~~HEREIN~~ HEREIN *AB*
2. Date, Time, and Place of Sale. The sale is scheduled to be held at the following date, time, and place:

Date: April 7, 2020

Time: The sale shall begin no earlier than 10:00 A.M. or no later than three hours thereafter. The sale shall be completed by no later than 4:00 P.M.

Place: SOMERVELL County Courthouse in Glen Rose, Texas at the east door of the Somervell County courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court, pursuant to 51.002 of the Texas Property Code as the location and address where the sale is to be held. The sale shall take place in the area designated by the Commissioners Court, pursuant to Section 51.002 of the Texas Property Code, as the place where foreclosure sales are to take place. If no place is designated by the Commissioners Court, sale will be conducted at the place where the Notice of Trustee's Sale was posted.

3. Terms of Sale: The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale. Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold. If a purchaser desires to pay with cashier's checks, they should be made payable to Anderson Vela, L.L.P. or endorsed in accordance with the instructions by the Trustee. The purchase price in a sale held by the undersigned herein is payable immediately on acceptance of the bid by the undersigned trustee or substitute trustee. The 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 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. 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 51.0075(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. If the Foreclosure Sale is passed, 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.

4. The Deed of Trust may encumber both real and personal property. Notice is hereby given of Holder's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with the Holder's rights and remedies under the Deed of Trust and Section 9.604 of the Texas Business and Commerce Code.

5. Pursuant to section 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. Prospective bidders are advised to conduct an independent investigation of the property.

Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

6. Type of Sale. The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust/Security Instrument ("Deed of Trust") executed by Becky Diane Schmidt and Albert O. Shields, Sr. a/k/a Albert Shields (Pro Forma) ("Debtor"). Said Deed of Trust secures a Promissory Note/Loan Agreement, and any renewals, extensions or modifications thereof, dated January 13, 2003 and executed by Debtor in the Original Principal Amount of \$169,750.00. The current beneficiary of the Deed of Trust is U.S. Bank Trust National Association, as Trustee of Cabana Series III Trust, 7505 Irvine Center Drive, Irvine, CA 92618. The Deed of Trust is dated January 13, 2003, designating John Henry Luton as the Original Trustee and is recorded in the office of the County Clerk of SOMERVELL County, Texas, under Instrument No. 033802, Volume 0106, Page 600, of the Real Property Records of SOMERVELL County, Texas. The foreclosure of this mortgage is being administered by a mortgage servicer representing the mortgagee under a servicing agreement. Questions concerning the sale may be directed to the undersigned, Richard E. Anderson, 4920 Westport Drive, The Colony, Texas 75056, who sent this notice, or to the mortgage servicer, BSI Financial Services, 7505 Irvine Center Drive, Irvine, CA 92618.

7. Default and Request To Act. Default has occurred under the deed of trust, and the beneficiary has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

8. **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.**

DATED MAR 16 2020



Kelly Goddard, David Garvin, Michelle Schwartz, Darian Goddard,
Richard E. Anderson, Ray Vela, or Cesar DeLaGarza

4920 Westport Drive
The Colony, Texas 75056
214.276.1545 - telephone
214.276.1546 - facsimile
Substitute Trustees

EXHIBIT "A"

TITLE COMPANY TO ATTACH METES AND BOUNDS DESCRIPTION TO ALL APPLICABLE DOCUMENTS PRIOR TO CLOSING

INITIAL
Bos <i>[Signature]</i>

Field Notes for:

A 23.66 acre tract of land in the Jose A. Hernandez Survey, Abstract No. 42, Somervell County, Texas, as surveyed on the ground in September 2001 by W.L. Vaughn, Registered Professional Land Surveyor No. 1807, being a part of a called 661.38 acre tract described in a deed from Louis P. Merrill, et ux, to Mac G. McConal, et ux, dated May 1, 1950, recorded in Volume 42, Page 370 of the Somervell County Deed Records and being more particularly described, referenced to the Texas State Coordinate System, North Central Zone, 1993 Datum as follows:

Beginning at a found 1/2" iron in the westerly line of State Highway 144, being the northerly corner of said 661.38 acre tract also being the southeasterly corner of a 10.52 acre tract described in a deed to Joseph T. Heppler recorded in Volume 14, Page 71 of the Somervell County Real Property Records and from which a 3" pipe corner post bears South 00deg. 29min. West, 1.34 feet;

Thence South 31deg. 36min. 22sec. East, along said westerly line, for a distance of 1106.44 feet to a set A/C for corner;

Thence South 58deg. 23min. 14sec. West, for a distance of 25.00 feet to a set A/C at the beginning of a curve with center bearing South 58deg. 22min. 25sec. West, 2792.85 feet;

Thence Southeasterly along said westerly line and curve, thru a central angle of 14deg. 37min. 34sec. for a distance of 712.94 feet (chord bears South 24deg. 18min. 48sec. East, 711.01 feet) to a found 5/8" iron at the northeasterly corner of Lot 69 Squaw Creek Addition, plat recorded in Volume 85, Page 223 of the Somervell County Deed Records;

Thence South 82deg. 05min. 59sec. West, along the northerly line of said Lot 69, for a distance of 501.57 feet to a found 1/2" iron at the common northerly corner of said Lot 69 and Lot 67 of said Addition;

Thence South 81deg. 38min. 40sec. West, along the northerly line of said Lot 67, for a distance of 166.91 feet to a point for corner being the common northerly corner of Lot 67 and Lot 64 of said Addition, from which a found concrete monument with a brass cap bears South 81deg. 59min. 10sec. West, 0.30 feet;

Thence North 23deg. 36min. 01 sec. West, along the easterly line of said Lot 64 for a distance of 55.48 feet to a found 1/2" iron at the common easterly corner of Lot 64 and Lot 63 of said Addition;

Thence North 23deg. 29min. 57sec. West, along the easterly line of Lot 63, for a distance of 346.84 feet to a found 1/2" iron at the common easterly corner of Lot 63 and Lot 62;

Thence North 24deg. 16min. 28sec. West, along the easterly line of Lot 62, for a distance of 257.70 feet to found 1/2" iron at the common easterly corner of Lot 62 and Lot 61;

Thence North 23deg. 45min. 41sec. West, along the easterly line of Lot 61, for a distance of 522.88 feet to a found 1/2" iron at the common corner of Lot 61 and Lot 60;

Thence North 23deg. 28min. 22sec. West, along the easterly line of Lot 60, for a distance of 366.33 feet to a point for corner in the southerly line of said Heppler tract, from which a found concrete monument with a brass cap bears South 57deg. 19min. 25sec. West, 0.30 feet;

Thence North 57deg. 19min. 25sec East, along the common line of said Heppler and McConal tracts, for a distance of 515.23 feet to The Place of Beginning and containing 23.66 acres of land.