

Notice of Foreclosure Sale

FILED FOR RECORD
2021 MAR -3 AM 11:04

1. *Property to Be Sold.* The property to be sold is described as follows:

All that certain 0.651 acre tract of land located in the Jane Richie Survey, Abstract No. 877, in Cass County, Texas, being all of a called 1 acre tract of land conveyed from Danny Wheaton et ux, to Ted Bivens et ux, by Warranty Deed dated October 5, 2001, recorded in Volume 1145, Page 431, of the Real Property Records of Cass County, Texas, said 0.651 acre of land being more particularly described by metes and bounds as follows: (Bearing Basis: Astronomical North)

BEGINNING at a Type I concrete right-of-way marker found at the intersection of the existing North right-of-way line of F.M. Highway No. 251 (FM 251) and the existing East right-of-way line of F.M. Highway No. 785 (FM 785), from which a power pole bears S 70° 54' 03" W, 2.21 feet, and a telephone pedestal bears S 23° 22' 27" W, 1.22 feet;

THENCE N 64° 04' 16" W, 60.13 feet, along the existing East right-of-way line of FM 785, to a Type I concrete right-of-way marker found for an angle point in same;

THENCE N 26° 09' 33" E, 227.40 feet, continuing along said East right-of-way line to a 5/8" iron rod found for a common corner of this tract and a tract of land conveyed to Maudine Treadway, by Warranty Deed recorded in Volume 519, Page 616, of the Deed Records of Cass County, Texas;

THENCE N 74° 34' 36" E, 49.56 feet, along the common line between this tract and said Treadway tract, to a 5/8" iron rod found for a common corner in same;

THENCE S 15° 25' 24" E, 210.00 feet, continuing along said common line, to a 5/8" iron rod found on the existing North right-of-way line of FM 251;

THENCE S 74° 34' 36" W, 72.56 feet, along the existing North right-of-way line of FM 251, to a Type I concrete right-of-way marker found for an angle point in same;

THENCE S 74° 41' 49" W, 82.79 feet, continuing along said North right-of-way line to the Point of Beginning, containing 0.651 acre of land more or less, as surveyed by David R. Collins, R.P.L.S. No. 1954, on July 31, 2003.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust recorded in Volume 1207 Page 742 of the Official Public Records of Cass County, Texas.

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: April 6, 2021

Time: The sale will occur between the hours of 10:00 A.M. and 4:00 P.M. The sale will begin no earlier than 1:00 P.M. or no later than three hours thereafter.

Place: North front door of the Cass County Courthouse in Linden, Texas, or wherever designated by the County Commissioners.

The deed of trust permits the beneficiary to abandon the 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 Texas Property Code. The reposting or refiling may be after the date originally scheduled for this sale.

4. *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 their bid immediately in cash if their bid is accepted.

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. The sale shall not cover any part of the property that has been released of public record from the lien 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 the deed of trust, the beneficiary 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 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 nature and physical condition 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.

5. *Type of Sale.* The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by Ted Bivens and Juan S. Bivens.

The real property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust.

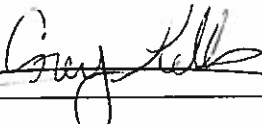
6. *Obligations Secured.* The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively, the "Obligations") including but not limited to (a) the promissory note dated August 27, 2003, in the original principal amount of \$51,000.00, executed by Ted Bivens and Juan S. Bivens, payable to the order of Cass County Bank, a branch of The Morris County National Bank, a national bank; and (b) all renewals and extensions of the note. City National Bank of Sulphur Springs, successor by merger to The Morris County National Bank, is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned.

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.

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.

Date: March 3, 2021.


A handwritten signature in cursive script, appearing to read "Corey Kellam", is written over a horizontal line that extends across the page.

Corey R. Kellam, Substitute Trustee
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