

**NOTICE OF ACCELERATION AND NOTICE OF TRUSTEE'S 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.**

**DEED OF TRUST INFORMATION 1:**

Date: **June 4, 1987**  
Grantor(s): **Myrtle Burns**  
Original Mortgagee: **United States of America, acting through the Farmers Home Administration, United States Department of Agriculture**  
Original Principal: **\$35,950.00**  
Recording Information: **Book 801, Page 372**

FILED FOR RECORD  
2023 MAR -9 A 11:07  
AMY VASSELL  
CASS COUNTY CLERK

**DEED OF TRUST INFORMATION 2:**

Date: **February 20, 1996**  
Grantor(s): **Myrtle Burns**  
Original Mortgagee: **United States of America, acting through the Farmers Home Administration, United States Department of Agriculture**  
Original Principal: **\$3,760.00**  
Recording Information: **Book 1003, Page 499**

**PROPERTY INFORMATION:**

Property County: **Cass**  
Property: **See Exhibit A attached hereto and incorporated herein for all purposes.**  
Property Address: **1052 Collins Road  
Atlanta, TX 75551**

**MORTGAGE SERVICING INFORMATION:**

**The Mortgage Servicer, if not the Current Mortgagee, is representing the Current Mortgagee pursuant to a Mortgage Servicing Agreement.**

Current Mortgagee: **United States Department of Agriculture, Rural Housing Service**  
Mortgage Servicer: **USDA Rural Development**  
Mortgage Servicer Address: **4300 Goodfellow Blvd.  
Bldg. 105F, FC 215  
St. Louis, MO 63120**

**SALE INFORMATION:**

Date of Sale: **June 6, 2023**  
Time of Sale: **10:00 AM or within three hours thereafter.**  
Place of Sale: **THE NORTH ENTRANCE OF THE NORTH BUILDING OF THE CASS COUNTY LAW ENFORCEMENT AND JUSTICE CENTER FACILITY LOCATED AT 604 HIGHWAY 8 NORTH, LINDEN, TX OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE.**

Substitute Trustee: **Robert LaMont, Harriett Fletcher, Ronnie Hubbard, Sheryl LaMont or Allan Johnston, or Michael J. Burns, any to act**  
Substitute Trustee Address: **546 Silicon Dr., Suite 103 Southlake, TX 76092**  
**TXAttorney@PadgettLawGroup.com**

**APPOINTMENT OF SUBSTITUTE TRUSTEE:**

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENTS IDENTIFIED IN THIS NOTICE OF SALE THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

The undersigned is the attorney for the mortgagee and/or mortgage servicer, and in such capacity does hereby remove the original trustee and all successor substitute trustees under the above-described Deeds of Trust and appoints in their place Robert LaMont, Harriett Fletcher, Ronnie Hubbard, Sheryl LaMont or Allan Johnston, or Michael J. Burns, any to act, whose address is c/o Padgett Law Group, 546 Silicon Dr., Suite 103, Southlake, TX 76092 as Substitute Trustee, who shall hereafter exercise all powers and duties to set aside the said original trustee under said Deeds of Trust, and further does hereby request, authorize, and instruct said Substitute Trustees to conduct and direct the execution of remedies set aside to the beneficiary therein.

WHEREAS, the above-named Grantor(s) previously conveyed the above described property in trust to secure payment of the Note set forth in the above-described Deeds of Trust; and

WHEREAS, a default under the Notes and Deeds of Trust was declared, such default was reported to not have been cured, and all sums secured by such Deeds of Trust are declared immediately due and payable.

WHEREAS, the original Trustee and any previously appointed Substitute Trustee under said Deeds of Trust has been hereby removed and the herein described Substitute Trustees, have been appointed as Substitute Trustees and authorized by the Mortgage Servicer to enforce the power of sale granted in the Deeds of Trust; and

WHEREAS, the undersigned law firm has been requested to provide these notices on behalf of the Current Mortgagee, Mortgage Servicer and Substitute Trustees;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN of the foregoing matters and that:

1. The maturity of the Note is hereby accelerated, and all sums secured by the Deeds of Trust are declared to be immediately due and payable.
2. The herein appointed Substitute Trustees, any to act, as Substitute Trustee will sell the Property to the highest bidder for cash on the date, at the place, and no earlier than the time set forth above in the Sale Information section of this notice. The sale will begin within three hours after that time.
3. This sale shall be subject to any legal impediments to the sale of the Property to any exceptions referenced in the Deeds of Trust or appearing of record to the extent the same are still in effect and shall not cover any property that has been released from the lien imposed by the Deeds of Trust.
4. No warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for the particular purpose shall be conveyed at the sale, save and except the Grantor's warranties specifically authorized by the Grantor in the Deeds of Trust. The property

shall be sold "AS-IS", purchaser's will buy the property "at the purchaser's own risk" and "at his peril" and no representation is made concerning the quality or nature of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property, subject to any liens or interest of any kind that may survive the sale. Interested persons are encouraged to consult counsel of their choice prior to participating in the sale of the property.

5. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, the Mortgagee's Attorney, or the duly appointed Substitute Trustee.



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Michael J. Burns

Exhibit A

ALL THAT CERTAIN 0.810 ACRE TRACT OF LAND SITUATED IN THE CITY OF ATLANTA, JOSHUA J. HUDSON SURVEY, A-471, IN CASS COUNTY, TEXAS, AND BEING ALL OF THE CALLED ONE ACRE TRACT OF LAND CONVEYED FROM BOBBIE R. OLIVER TO NOTICE BURNS, ET UX, BY WARRANTY DEED DATED SEPTEMBER 1, 1982, AND RECORDED IN VOLUME 685, PAGE 366 OF THE DEED RECORDS OF CASS COUNTY, TEXAS, SAID 0.810 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD SET FOR THE NORTHEAST CORNER OF THE SAID CALLED ONE ACRE TRACT AND OF THIS TRACT, SAME BEING THE SOUTHEAST CORNER OF THE CALLED ONE ACRE "TRACT NO. 1" CONVEYED FROM W. M. KENNEDY AND HOWARD CARNEY TO NOTICE BURNS BY WARRANTY DEED DATED OCTOBER 20, 1965; AND RECORDED IN VOLUME 473, PAGE 297 OF THE DEED RECORDS OF CASS COUNTY, TEXAS, FROM WHICH A 7" SWEET GUM BEARS N 42° E 19.4' AND A 5" SWEET GUM BEARS S 83° E 14.9', BOTH MARKED WITH AN OLD "X";

THENCE S 00° 06' E WITH THE WEST LINE OF A CALLED 13' WIDE LANE AT 42.68' PASS 12.64' WEST OF A 5/8" IRON ROD FOUND FOR NORTHWEST CORNER OF THE DONALD PAYNE 1.000 ACRE TRACT AT 323.97' PASS 13.13' WEST OF A FOUND BUMPER JACK AND CONTINUING FOR A TOTAL DISTANCE OF 330.00' TO A RAILROAD SPIKE SET ON THE NORTH EDGE OF COLLINS ROAD FOR THE SOUTHEAST CORNER OF THIS TRACT, FROM WHICH THE SOUTHWEST CORNER OF THE SAID PAYNE TRACT BEARS S 33° 23' 03" E 24.00';

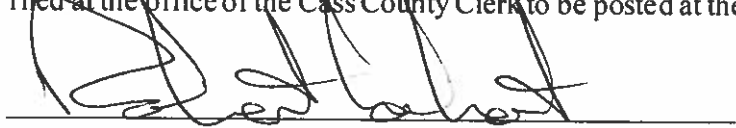
THENCE N 54° 04' 37" W WITH THE NORTH EDGE OF COLLINS ROAD 132.12' TO A RAILROAD SPIKE SET FOR THE SOUTHWEST CORNER OF THIS TRACT AND THE SOUTHEAST CORNER OF THE ORIGINAL BENNIE RICHARDSON CALLED ONE ACRE TRACT;

THENCE N 00° 06' W WITH THE EAST LINE OF THE SAID RICHARDSON TRACT 330.00' TO A 5/8" IRON ROD SET FOR ITS NORTHEAST CORNER AND THE NORTHWEST CORNER OF THIS TRACT, SAME BEING IN THE SOUTH LINE OF THE SAID "TRACT NO. 1", A DISTANCE OF 264.24' S 54° 04' 37" E FROM A 1" IRON ROD FOUND FOR ITS SOUTHWEST CORNER;

THENCE S 54° 04' 37" E WITH SAID SOUTH LINE 132.12' TO THE POINT OF BEGINNING, CONTAINING 0.810 ACRE OF LAND, MORE OR LESS.

**CERTIFICATE OF POSTING**

My name is Robert La Mont, and my address is c/o Padgett Law Group, 546 Silicon Dr., Suite 103, Southlake, TX 76092. I declare under penalty of perjury that on March 9, 2023, I filed at the office of the Cass County Clerk to be posted at the Cass County courthouse this notice of sale.



A handwritten signature in black ink, appearing to read 'Robert La Mont', is written over a horizontal line.

Declarant's Name: Robert La Mont

Date: March 9, 2023

Padgett Law Group  
546 Silicon Dr., Suite 103  
Southlake, TX 76092  
TXAttorney@PadgettLawGroup.com  
(850) 422-2520