

FILED FOR RECORD

2024 APR 11 AM 10:43

### Notice of Substitute Trustee Sale

T.S. #: 23-9882

AMY L. VARNELL  
CASS COUNTY CLERK

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

Date: 5/7/2024

Time: The sale will begin no earlier than **10:00 AM** or no later than three hours thereafter.  
The sale will be completed by no later than **1:00 PM**

Place: Cass County Courthouse in **LINDEN**, Texas, at the following location: **100 East Houston Street, Linden, Tx 75563 - or in the area designated by the commissioners court. OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE**

**Property To Be Sold** - The property to be sold is described as follows:

**SEE ATTACHED EXHIBIT "A"**

**Instrument to be Foreclosed** – The instrument to be foreclosed is the Deed of Trust is dated 1/24/2007 and is recorded in the office of the County Clerk of Cass County, Texas, under County Clerk’s File No 2007000590, recorded on 2/1/2007, of the Real Property Records of Cass County, Texas.  
Property Address: 1401 CR 2619 MARIETTA TX 75566

Trustor(s):	<b>PERCY L GREGORY and VIVIAN D POWELL</b>	Original Beneficiary:	<b>CITIFINANCIAL, INC</b>
Current Beneficiary:	<b>U.S. Bank Trust National Association, as Trustee for LB-Ranch Series V Trust</b>	Loan Servicer:	<b>SN Servicing Corporation</b>
Current Substituted Trustees:	<b>Auction.com, Robert LaMont, Harriett Fletcher, Ronnie Hubbard, Sheryl LaMont, David Sims, Sharon St. Pierre, Rick Snoke, Prestige Default Services, LLC</b>		

The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code §51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the property securing the above referenced loan.

**Terms of Sale** - The sale will be conducted as a public auction to the highest bidder for cash with funds being made payable to Prestige Default Services, LLC, 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. 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

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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.

**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 the sale granted by the deed of trust executed by PERCY L GREGORY and VIVIAN D POWELL HUSBAND AND WIFE. The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

**Obligations Secured** - The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including by not limited to (1) the promissory note in the original principal amount of \$59,118.38, executed by PERCY L GREGORY and VIVIAN D POWELL HUSBAND AND WIFE, and payable to the order of CITIFINANCIAL, INC ; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of PERCY L GREGORY and VIVIAN D POWELL HUSBAND AND WIFE to PERCY L GREGORY and VIVIAN D POWELL. U.S. Bank Trust National Association, as Trustee for LB-Ranch Series V Trust is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

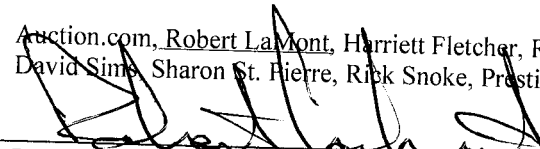
The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the Note and all other amounts lawfully owing under the Note, the Deed of Trust, and all of the other associated loan documents, including, without limitation, all interest, default interest, late charges, advances, attorneys' fees and other costs and expenses. **All checks must be made payable to Prestige Default Services, LLC**

Questions concerning the sale may be directed to the undersigned or to the beneficiary:  
**U.S. Bank Trust National Association, as Trustee for LB-Ranch Series V Trust**  
**c/o SN Servicing Corporation**

**323 5th Street**  
**Eureka, CA 95501**  
**800-603-0836**

Dated: April 11, 2024

Auction.com, Robert LaMont, Harriett Fletcher, Ronnie Hubbard, Sheryl LaMont,  
David Sims, Sharon St. Pierre, Rick Snoke, Prestige Default Services, LLC ,

  
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Prestige Default Services, LLC  
16801 Addison Road, Suite 350  
Addison, Texas 75001  
Phone: (972) 893-3096 ext. 1035  
Fax: (949) 427-2732

**AFTER RECORDING, PLEASE RETURN TO:**  
**Prestige Default Services, LLC**  
**16801 Addison Road, Suite 350**  
**Addison, Texas 75001**  
**Attn: Trustee Department**

BEING A 2.00 ACRES OF LAND SITUATED IN THE ANDREW S. BEARD SURVEY, ABSTRACT 65 AND THE JOHN H. NALL SURVEY, ABSTRACT 797, CASS COUNTY, TEXAS AND BEING A PART OF THAT CERTAIN CALLED 58.448 ACRE TRACT AS DESCRIBED IN A DEED FROM J.D. WEBSTER TO SUSPORIA POWELL DATED JULY 12, 1989 AND RECORDED IN VOLUME 859, PAGE 127 OF THE DEED RECORDS OF CASS COUNTY, TEXAS; SAID 2.00 ACRES OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A RAILROAD SPIKE SET FOR AN ELL CORNER OF THE ABOVE REFERENCED 58.448 ACRE TRACT AND THE SOUTHEAST CORNER OF A CALLED 8.350 ACRE TRACT AS RECORDED IN VOLUME 859, PAGE 129 OF SAID DEED RECORDS AND BEING IN COUNTY ROAD 2619, FROM WHICH AN ELL CORNER OF A CALLED 75.148 ACRE TRACT AS RECORDED IN VOLUME 859, PAGE 133 AND THE SOUTHWEST CORNER OF A CALLED 8.350 ACRE TRACT DESCRIBED AS A LESS AND EXCEPT IN SAID VOLUME 859, PAGE 133 OF SAID DEED RECORDS BEARS NORTH 29 DEG 49 MIN 48 SEC WEST, A DISTANCE OF 296.92 FEET; THENCE SOUTH 02 DEG 52 MIN 35 SEC EAST, A DISTANCE OF 220.95 FEET TO A RAILROAD SPIKE SET IN THE CENTER OF COUNTY ROAD 2619 FOR CORNER; THENCE SOUTH 88 DEG 04 MIN 13 SEC WEST AT A DISTANCE OF 16.2 FEET PASS A 2 1-2 INCH IRON PIPE FOUND AND CONTINUING A TOTAL DISTANCE OF 396.17 FEET TO A 1-2 INCH IRON ROD SET FOR CORNER; THENCE NORTH 01 DEG 55 MIN 47 SEC EAST, A DISTANCE OF 220.92 FEET TO A 1-2 INCH IRON ROD SET FOR CORNER IN THE MOST WESTERLY NORTH BOUNDARY LINE OF SAID 58.448 ACRE TRACT AND THE SOUTH BOUNDARY LINE OF SAID 8.350 ACRE TRACT (VOL. 859, PG. 129); THENCE NORTH 88 DEG 04 MIN 13 SEC EAST, A DISTANCE OF 392.52 FEET WITH THE MOST WESTERLY NORTH BOUNDARY LINE OF SAID 58.448 ACRE TRACT AND THE SOUTH BOUNDARY LINE OF SAID 8.350 ACRE TRACT BACK TO THE PLACE OF BEGINNING AND CONTAINING 2.00 ACRES OF LAND.



THE FOLLOWING DESCRIBED REAL PROPERTY SITUATE  
IN THE COUNTY OF CASS, STATE OF TEXAS:

BEING A 2.00 ACRES OF LAND SITUATED IN THE ANDREW  
S. BEARD SURVEY, ABSTRACT 65 AND THE JOHN II. NALL  
SURVEY, ABSTRACT 797, CASS COUNTY, TEXAS AND  
BEING A PART OF THAT CERTAIN CALLED 58.448 ACRE  
TRACT AS DESCRIBED IN A DEED FROM J.D. WEBSTER TO  
SUSPORIA POWELL DATED JULY 12, 1989 AND RECORDED  
IN VOLUME 859, PAGE 127 OF THE DEED RECORDS OF  
CASS COUNTY, TEXAS; SAID 2.00 ACRES OF LAND TO BE  
MORE PARTICULARLY DESCRIBED BY METES AND  
BOUNDS AS FOLLOWS:

BEGINNING AT A RAILROAD SPIKE SET FOR AN ELL  
CORNER OF THE ABOVE REFERENCED 5 8.448 ACRE  
TRACT AND THE SOUTHEAST CORNER OF A CALLED 8  
350 ACRE TRACT AS RECORDED IN VOLUME 859, PAGE  
129 OF SAID DEED RECORDS AND BEING IN COUNTY  
ROAD 2619, FROM WHICH AN ELL CORNER OF A CALLED  
75.148 ACRE TRACT AS RECORDED IN VOLUME 859, PAGE  
133 AND THE SOUTHWEST CORNER OF A CALLED 8.350  
ACRE TRACT DESCRIBED AS A LESS AND EXCEPT IN  
SAID VOLUME 859, PAGE 133 OF SAID DEED RECORDS  
BEARS NORTH 29 DEG 49 MIN 48 SEC WEST, A DISTANCE  
OF 296.92 FEET;

THENCE SOUTH 02 DEG 52 MIN 35 SEC EAST, A DISTANCE  
OF 220.95 FEET TO A RAILROAD SPIKE  
SET IN THE CENTER OF COUNTY ROAD 2619 FOR  
CORNER;

THENCE SOUTH 88 DEG 04 MIN 13 SEC WEST AT A

DISTANCE OF 162 FEET PASS A 21.2 INCH IRON  
PIPE FOUND AND CONTINUING A TOTAL DISTANCE OF  
396.17 FEET TO A 1-2 INCH IRON ROD SET  
FOR CORNER;  
THENCE NORTH 01 DEG 55 MIN 47 SEC EAST, A DISTANCE  
OF 220.92 FEET TO A 1-2 INCH IRON ROD SET FOR CORNER  
IN THE MOST WESTERLY NORTH BOUNDARY LINE OF  
SAID 58.448 ACRE TRACT AND THE SOUTH BOUNDARY  
LINE OF SAID 8350 ACRE TRACT (VOL. 859, PG. 129);  
THENCE NORTH 88 DEG 04 MIN 13 SEC EAST, A DISTANCE  
OF 392.52 FEET WITH THE MOST WESTERLY NORTH  
BOUNDARY LINE OF SAID 58.448 ACRE TRACT AND THE  
SOUTH BOUNDARY LINE OF SAID 8.350 ACRE TRACT  
BACK TO THE PLACE OF BEGINNING AND CONTAINING  
2.00 ACRES OF LAND.

4. The lien to be foreclosed is indexed or recorded as Instrument No. 2007000590 and recorded in the real property records of Cass County, Texas.
5. The material facts establishing Respondent's default are alleged in the Petitioner's Application and the supporting affidavit. Those facts are adopted by the court and incorporated by reference in this order.
6. Based on the affidavit of Petitioner, no Respondent subject to this order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. App § 501 et seq.
7. Therefore, the Court grants Petitioner's motion for default order under Texas Rules of Civil Procedure 736.7 and 736.8 on its Application. Petitioner may proceed with foreclosure of the property described above in accordance with applicable law and the loan agreement, contract, or lien sought to be foreclosed.
8. This order is not subject to a motion for rehearing, a new trial, a bill of review, or an appeal. Any challenge to this order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

3/28/2024 4:30:17 pm

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



\_\_\_\_\_  
Judge Presiding

**APPROVED AND ENTRY REQUESTED:**

**Ghidotti | Berger LLP**

/s/ George Scherer

George Scherer, Esq.

State Bar No. 00784916

Ghidotti | Berger LLP

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**ATTORNEY FOR PETITIONER**

### **Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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Filing Description:

Status as of 3/28/2024 4:33 PM CST

Associated Case Party: US BANK TRUST NATIONAL ASSOCIATION AS TRUSTEE  
FOR LB-RANCH SERIES V TRUST

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
Delilah Perez		dperez@ghidottiberger.com	3/18/2024 9:10:30 AM	NOT SENT