

FILED FOR RECORD
2024 AUG - 8 AM 11:55
AMY L. VANHEULEN
CASS COUNTY CLERK

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. Sender is: Codilis & Moody, P.C., 20405 State Highway 249, Suite 170, Houston, TX 77070

INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated November 20, 2006 and recorded under Clerk's File No. 2006006672, in the real property records of CASS County Texas, with Sidney William Eason, an unmarried man as Grantor(s) and Equable Investment Corporation as Original Mortgagee.

Deed of Trust executed by Sidney William Eason, an unmarried man securing payment of the indebtedness in the original principal amount of \$211,000.00 and obligation therein described including but not limited to the promissory note and all modifications, renewal and extensions of the promissory note (the "Note") executed by Sidney William Eason. U.S. Bank National Association, as Indenture Trustee, successor in interest to Wachovia Bank, National Association, as Indenture Trustee for Bayview Financial Revolving Asset Trust 2005-E is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

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. M & T Bank is acting as the Mortgage Servicer for the Mortgagee. M & T Bank, is representing the Mortgagee, whose address is: PO Box 840, Buffalo, NY 14240.

Legal Description:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE WILLIAM STEWART HEADRIGHT SURVEY, ABSTRACT NO. 936, CASS COUNTY, TEXAS, AND BEING A PART OF A CERTAIN CALLED 20 ACRE TRACT CONVEYED FROM NORMA W. DRAPER, ET UX TO MARK D. MAYS, ET AL, BY DEED DATED APRIL 2, 1985, AND RECORDED IN VOLUME 742, PAGE 139 OF THE REAL PROPERTY RECORDS OF CASS COUNTY, TEXAS, AND THE HEREIN DESCRIBED TRACT BEING THAT SAME CALLED 2.5104 ACRE TRACT CONVEYED FROM MARK D. MAYS, ET AL, TO E. TIMOTHY O'KELLEY AND WIFE, BY DEED DATED FEBRUARY 23, 1988, AND RECORDED IN VOLUME 819, PAGE 320 OF THE REAL PROPERTY RECORDS OF CASS COUNTY, TEXAS, AND THE HEREIN DESCRIBED TRACT ALSO BEING KNOWN AS ALL OF LOTS NUMBERED THREE (3) AND FOUR (4) OF STONE RIDGE ADDITION, AN UNRECORDED SUBDIVISION IN THE CITY OF ATLANTA, CASS COUNTY, TEXAS, AND THE SUBJECT TRACT BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES:

SALE INFORMATION

Date of Sale: 09/03/2024

Earliest Time Sale Will Begin: 10:00 AM

Location of Sale: The place of the sale shall be: CASS County Courthouse, Texas at the following location: The North Entrance of the Cass County Courthouse located on Houston Street, Linden, TX, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

TERMS OF SALE

A default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the



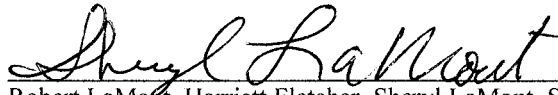
highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

The Sale will be conducted as a public auction to the highest bidder for cash, except that Mortgagee's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust. Pursuant to the Deed of Trust, the mortgagee 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.**

The sale will begin at the earliest time stated above, or within three (3) hours after that time. 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 or the Mortgagee's attorney.

The address for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:

Codilis & Moody, P.C.
20405 State Highway 249, Suite 170
Houston, TX 77070
(281) 925-5200



Robert LaMont, Harriett Fletcher, Sheryl LaMont, Sharon St. Pierre, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or ASAP, as Substitute Trustee
Posted August 8, 2024.

Exhibit A

All that certain tract or parcel of land situated in the WILLIAM STEWART HEADRIGHT SURVEY, Abstract No. 936, Cass County, Texas, and being a part of a certain called 20 acre tract conveyed from Norma W. Draper, et ux to Mark D. Mays, et al, by Deed dated April 2, 1985, and recorded in Volume 742, Page 139 of the Real Property Records of Cass County, Texas, and the herein described tract being that same called 2.5104 acre tract conveyed from Mark D. Mays, et al, to E. Timothy O'Kelley and wife, by Deed dated February 23, 1988, and recorded in Volume 819, Page 320 of the Real Property Records of Cass County, Texas, and the herein described tract also being known as all of Lots Numbered Three (3) and Four (4) of Stone Ridge Addition, an unrecorded subdivision in the City of Atlanta, Cass County, Texas, and the subject tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch reinforcing steel rod set in the South line of said 20 acre tract at the Southeast corner of said O'Kelley tract;

THENCE: S 89 degrees 58 minutes 32 seconds W, 432.26 feet with the South line of said O'Kelley tract and the North line of a certain tract conveyed to Larry and Joyce B. Rhyme by Deed recorded in Volume 1146, Page 97 of the Real Property Records of Cass County, Texas, to a 5/8 inch reinforcing steel rod found for corner at the Southwest corner of said O'Kelley tract;

THENCE: N 12 degrees 43 minutes 38 seconds W, 292.68 feet with the West line of said O'Kelley tract and the East line of a certain tract conveyed to Charles D. and Marilyn Lummus by Deed recorded in Volume 887, Page 728 of the Real Property Records of Cass County, Texas, to a 5/8 inch reinforcing steel rod found for corner in the South right-of-way line of a street designated as Stone Ridge Drive at the Northwest corner of said O'Kelley tract;

THENCE: N 89 degrees 58 minutes 31 seconds E, 273.76 feet along the South right-of-way line of Stone Ridge Drive and with the North line of said O'Kelley tract, to a 1/2 inch reinforcing steel rod set for corner at the beginning of a curve to the right having a radius of 25.00 feet;

THENCE: Southeasterly along the South right-of-way line of Stone Ridge Drive, being the North line of said O'Kelley tract and with said curve to the left having a radius of 25.00 feet, a distance of 23.18 feet through a central angle of 53 degrees 07 minutes 29

seconds (chord being S 63 degrees 27 minutes 45 seconds E, 22.36 feet), to a 1/2 inch reinforcing steel rod set at the beginning of a curve to the right having a radius of 50.00 feet;

THENCE: Southeasterly along the South right-of-way line of Stone Ridge Drive, being the North line of said O'Kelley tract and with said curve to the right having a radius of 50.00 feet, a distance of 70.85 feet through a central angle of 81 degrees 11 minutes 17 seconds (chord being S 77 degrees 29 minutes 39 seconds E, 65.07 feet), to a 1/2 inch reinforcing steel rod set for corner at the Northeast corner of said O'Kelley tract;

THENCE: S 28 degrees 05 minutes 22 seconds E, 296.22 feet with the East line of said O'Kelley tract and the West line of a certain tract conveyed to Alan and Lori Cole by Deed recorded in Volume 1030, Page 813 of the Real Property Records of Cass County, Texas, to the POINT OF BEGINNING and containing 2.510 acres of land, more or less.