

FILED Oct 11 A.D. 21
LIVE OAK COUNTY, TEXAS
IDA VASQUEZ, CLERK COUNTY C
BY Rebecca J DE
AT 10:30 O'CLOCK pm

NOTICE OF SUBSTITUTE TRUSTEE'S FORECLOSURE 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.

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

FIELDNOTE DESCRIPTION of a portion of the W.J. Cannon Survey, Abstract No. 141; Live Oak County, Texas, designated as Tract or Site No. 25, in an unrecorded subdivision out of Tract No. 1 of the Partition of the Ezza McWhorter Estate described in Partition Deed recorded in Volume 255, Page 244, Deed Records:

COMMENCING at the south corner of that 20 acre tract described in Warranty Deed recorded in Volume 300, Page 168, Deed Records;

THENCE, SOUTH 35 degrees-07 minutes WEST, 679.82 feet to 5/8 inch iron rod found on the westerly line of Sandywood Lane (private road) for the POINT OF BEGINNING;

THENCE, SOUTH 60 degrees-13 minutes WEST, 39.53 feet to a 4 inch iron pipe found;

THENCE, SOUTH 61 degrees-03 minutes-08 seconds WEST, 132.80 feet to a 5/8 inch iron rod set;

THENCE, NORTH 81 degrees-20 minutes EAST, 172.50 feet to a 1 inch iron pipe found on said west line of Sandywood Lane;

THENCE, along said west line, NORTH 15 degrees-39 minutes WEST, (basis of bearings) 130.07 feet to a 1 inch iron pipe found;

THENCE, continuing along said west line, NORTH 35 degrees-23 minutes-59 seconds WEST, 58.64 feet to the POINT OF BEGINNING;

CONTAINING 0.634 acre, more or less.

Commonly known as: HCR #2 Box 7132 Shadywood Drive, Sandia, TX 78383

2. Instrument to be Foreclosed. The instrument to be foreclosed is the deed of trust to S. Texas Mortgage Corp. d/b/a Independent Mortgage, recorded on 12/28/1998 as Volume 366 Page 75, re-recorded 03/17/1999 at Book 366, Page 75 in the real property records of Live Oak County, Texas. Assignment of Deed of Trust to Old Kent Mortgage Company recorded on 12/28/1998 as BOOK: 363 PAGE: 143 of the real property records of Live Oak County, Texas. The holder or servicer of the instrument is: Fifth Third Bank, National Association, successor by merger to Old Kent Mortgage Company.



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

Date: 12/07/2022

Time: The sale will begin no earlier than 1:00 PM or no later than three hours thereafter. The sale will be completed by no later than 4:00 P.M.

Place: On the front porch of the Live Oak 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, or any other area designated by the County Commissioners Court pursuant to Section 51.002 of the Texas Property Code as the place where foreclosure sales are to take place, or if no place is designated by the Commissioners Court, the sale will be conducted at the place where the Notice of Trustee's Sale was posted.

The deed of trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the deed of trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. 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 refiled 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.

If the sale is set aside for any reason, the purchaser at the sale shall be entitled only to a return of the deposit paid. The purchaser shall have no further recourse against the mortgagor, the mortgagee, or the mortgagee's attorney.

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)

THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

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 Milton Lee Estenson and Edell M. Estenson, husband and wife.
6. **Obligations Secured.** The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to (a) the promissory note in the original principal amount of \$84,816.00, executed by Milton Lee Estenson and Edell M. Estenson, and payable to the order of S. Texas Mortgage Corp. d/b/a Independent Mortgage; (b) all renewals and extensions of the note; (c) any and all present and future indebtednesses of Milton Lee Estenson and Edell M. Estenson, husband and wife to S. Texas Mortgage Corp. d/b/a Independent Mortgage. Fifth Third Bank, National Association, successor by merger to Old Kent Mortgage Company is the current holder of the Obligations and is the beneficiary under the deed of trust.
7. **Default and Request to Act.** Default has occurred under the deed of trust, and the beneficiary has requested Names: Texas Foreclosure Management Corporation d/b/a Foreclosure Network of Texas Sandra Mendoza, Arnold Mendoza, Alexis Mendoza, Jennifer Sakiewicz, 10406 Rockley Rd., Houston, TX 77099, Brian Sayer, C. Morgan Lasley, Tamara King and Tonya Fordyce, 925 E. 4th St., Waterloo, IA 50703 as Substitute Trustees, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person as Substitute Trustee to conduct the sale.
8. **Acceleration.** Default has occurred in the payment of the Indebtedness secured by the deed of trust. Therefore, the beneficiary accelerates the maturity of the Indebtedness and declares the entire Indebtedness immediately due and payable.

 10 OCT 2022
Substitute Trustee, C. Morgan Lasley

Sent to obligors via certified mail by The Sayer Law Group, P.C., 925 E. 4th St., Waterloo, IA 50703, 319-234-2530.

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

THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.