

1150 Prairie Valley Rd. West Point, TX. 78963
10565.0234

FILED
NOV 07 2019 3:10 PM
Brenda Fietsam
BRENDA FIETSAM
CO. CLERK, FAYETTE CO., TEXAS

APPOINTMENT OF SUBSTITUTE TRUSTEE AND
NOTICE OF SUBSTITUTE TRUSTEE SALE

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 AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

**APPOINTMENT OF
SUBSTITUTE TRUSTEE:**

WHEREAS, in my capacity as the attorney for the Mortgagee and/or its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I hereby name, appoint and designate Megan L. Randle, Debby Jurasek, Randy Jennings, Pete Florez, Jack Burns II, Kristopher Holub, Patrick Zwiers, Pamela Thomas, Louise Graham, Donald Graham, Jill Nichols, Ebbie Murphy, Megan Randle, Rebecca Bolton, Amy Jurasek, John McCarthy, Elizabeth Anderson, Vanessa McHaney, Dylan Ruiz, Maxwell Atherton, Travis Gray, Chris Ferguson, or Jack O'Boyle, each as Substitute Trustee, to act under and by virtue of said Deed of Trust, including posting and filing the public notice required under Section 51.002 Texas Property Code as amended, and to proceed with a foreclosure of the Deed of Trust lien securing the payment of the Note.

**SUBSTITUTE TRUSTEE'S
ADDRESS:**

c/o JACK O'BOYLE & ASSOCIATES, Mailing Address: P.O. Box 815369, Dallas, Texas 75381;
Physical Address: 12300 Ford Road, Suite 212, Dallas, TX 75234.

**NOTICE OF SUBSTITUTE
TRUSTEE SALE:**

WHEREAS, 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.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on December 03, 2019 between the hours of 1pm - 4pm the Substitute Trustee will sell said real property at the place hereinafter set out and pursuant to the terms herein described. The sale will begin at the earliest time stated above or within three (3) hours after that time.

LOCATION OF SALE:

The place of the sale shall be: On the Fayette County Courthouse lawn on the west side at the posting board located on the stone wall enclosure of the courthouse facing West Colorado Street near its intersection with North Main Street, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court in FAYETTE County, Texas or as designated by the County Commissioners.

**INSTRUMENT TO BE
FORECLOSED:**

Deed of Trust or Contract Lien dated 06/13/2014 and recorded under Volume, Page or Clerk's File No. INSTRUMENT NO. 14-03789 in the real property records of Fayette County Texas, with Cheryl Diane Anstead, An Unmarried Woman as Grantor(s) and VETERANS LAND BOARD OF THE STATE OF TEXAS as Original Mortgagee.

OBLIGATIONS SECURED:

Deed of Trust or Contract Lien executed by Cheryl Diane Anstead, An Unmarried Woman securing the payment of the indebtedness in the original principal amount of \$20,000.00 and obligations therein described including but not limited to the promissory note and all the modifications, renewals and extensions of the promissory note (the "Note") executed by Cheryl Diane Anstead. VETERANS LAND BOARD OF THE STATE OF TEXAS is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

**MORTGAGE SERVICING
INFORMATION:**

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. VETERANS LAND BOARD OF THE STATE OF TEXAS is acting



4709967

as the Mortgage Servicer for VETERANS LAND BOARD OF THE STATE OF TEXAS who is the Mortgagee of the Note and Deed of Trust associated with the above referenced loan. VETERANS LAND BOARD OF THE STATE OF TEXAS, as Mortgage Servicer, is representing the Mortgagee, whose address is:

VETERANS LAND BOARD OF THE STATE OF TEXAS
c/o VETERANS LAND BOARD OF THE STATE OF TEXAS
1 CORPORATE DRIVE, SUITE 360, LAKE ZURICH, IL 60047

**LEGAL DESCRIPTION OF
PROPERTY TO BE SOLD:**

TRACT 2-5.00 ACRES

FIELD NOTE DESCRIPTION OF 5.00 ACRES OF LAND OUT OF THE JOHN COOKE LEAGUE, ABSTRACT NO. 34, IN FAYETTE COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN (18.895 ACRE) TRACT OF LAND CONVEYED TO TONI GILMORE IN A DEED AS RECORDED IN VOLUME 1601 PAGE 819 OF THE OFFICIAL RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

BEGINNING AT A POINT IN THE INTERIOR PRAIRIE VALLEY ROAD, (COUNTY ROAD NO. 108) AND BEING AT THE MOST SOUTHWESTERLY CORNER OF THAT CERTAIN (18.895 ACRE) TRACT OF LAND CONVEYED TO TONI GILMORE IN A DEED AS RECORDED IN VOLUME 1601 PAGE 819 OF THE OFFICIAL RECORDS OF FAYETTE COUNTY, TEXAS, AND ALSO BEING AT THE MOST NORTHWESTERLY CORNER OF THAT CERTAIN (FIRST 31.92 ACRE) TRACT OF LAND CONVEYED TO LOREN BERTSCH AND AMY G. SIVEK AS RECORDED IN VOLUME 1178 PAGE 617 OF THE OFFICIAL RECORDS OF FAYETTE COUNTY, TEXAS, AND ALSO BEING IN THE EASTERLY LINE OF THE CERTAIN (54.83 ACRE) TRACT OF LAND CONVEYED TO V.F. HAVEMANN AND LAURA K. HAVEMANN IN A DEED AS RECORDED IN VOLUME 318 PAGE 567 OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, BEING FOR THE MOST SOUTHWESTERLY CORNER OF THE TRACT HEREIN DESCRIBED, AND FROM THE SAID POINT A 1/2" IRON ROD FOUND AT THE BASE OF A FENCE CORNER POST IN THE EASTERLY RIGHT-OF-WAY LINE OF PRAIRIE VALLE ROAD BEARS, S 89 DEG. 37' 05" E 7.87 FEET.

THENCE, WITH THE WESTERLY LINE OF THE GILMORE TRACT, BEING IN THE INTERIOR OF THE PRAIRIE VALLEY ROAD, N 00 DEG. 18' 04" E 286.80 FEET TO A POINT FOR THE MOST NORTHWESTERLY CORNER OF THIS TRACT, AND FROM WHICH A 1/2" IRON ROD SET AT THE BASE OF A FENCE CORNER POST IN THE EASTERLY RIGHT-OF WAY LINE OF PRARIE VALLEY ROAD BEARS, S 87 DEG. 24' 45" E 7.54 FEET.

THENCE, LEAVE THE EASTERLY RIGHT-OF-WAY LINE OF THE PRAIRIE VALLEY ROAD, AND WITH THE FENCE IN THE INTERIOR OF THE GILMORE TRACT, S 87 DEG. 24' 45" E 206.56 FEET TO A 1/2" IRON ROD SET AT THE BASE OF A FENCE CORNER POST, N 02 DEG. 38' 25" E 22.51 FEET TO 1/2" IRON ROD SET IN A FENCE, AND S 89 DEG. 37' 05" E 527.34 FEET TO A 1/2" IRON ROD SET IN THE INTERIOR OF THE GILMORE TRACT, BEING FOR THE MOST NORTHEASTERLY CORNER OF THIS TRACT.

THENCE, CONTINUING IN THE INTERIOR OF THE GILMORE TRACT, S 00 DEG. 00' 42" E 301.35 FEET TO A 1/2" IRON ROD SET IN THE COMMON LINE BETWEEN THE GILMORE TRACT AND THE BERTSCH TRACT, BEING FOR THE MOST SOUTHEASTERLY CORNER OF THIS TRACT,

THENCE, WITH THE COMMON LINE BETWEEN THE GILMORE TRACT AND THE BERTSCH TRACT, N 89 DEG. 37' 05" W 736.30 FEET TO THE PLACE OF BEGINNING, IN ALL CONTAINING 5.000 ACRES OF LAND. (the "Property")

**REPORTED PROPERTY
ADDRESS:**

1150 Prairie Valley Rd, West Point, TX 78963

TERMS OF SALE:

The Substitute Trustee will sell the Property by public auction at the place and date specified herein.

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 and the priority of the lien being foreclosed.

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 Mortgagee and/or Mortgage Servicer 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 priority, nature and extent of such matters, if any.

In the event of a defect or other problem with the foreclosure process is discovered that may invalidate the sale, the consideration paid will be returned to the purchaser as the sole and absolute remedy. In the event of any claim or action brought by any person including the purchaser requiring or resulting in the invalidation of the sale and rescission of the Trustee's Deed or Substitute Trustee's Deed, purchaser's damages resulting therefrom are limited to the consideration paid to the Trustee or Substitute Trustee and the sole and absolute remedy shall be the return to purchaser of the consideration paid. The purchaser shall have no further recourse against the Trustee, Substitute Trustee, Mortgagee and/or Mortgage Servicer, or its attorney(s).

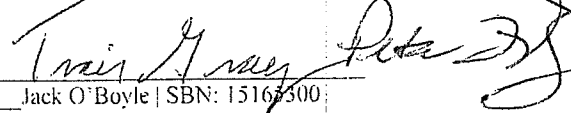
The Deed of Trust permits the Mortgagee and/or Mortgage Servicer to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deed of Trust or Substitute Trustee appointed herein need not appear at the date, time and place of a scheduled sale to announce the postponement, 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.

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.

Signed on the 6 day of November, 2019.

Respectfully,

JACK O'BOYLE & ASSOCIATES



Jack O'Boyle | SBN: 15167300
jack@jackoboylc.com

Travis H. Gray | SBN: 24044965
travis@jackoboylc.com

Chris S. Ferguson | SBN: 24069714
chris@jackoboylc.com

P.O. Box 815369

Dallas, Texas 75381

P: 972.247.0653 | F: 972.247.0642

ATTORNEYS FOR MORTGAGEE AND/OR ITS MORTGAGE
SERVICER