

FILED

DEC 02 2019

10:30 A.M.  
Brenda Fietsam KS  
BRENDA FIETSAM  
CO. CLERK, FAYETTE CO., TEXAS

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

You, Tracy D. Harris and Christina M. Harris, are hereby notified that on Tuesday, January 7, 2020, between the hours of 10:00 a.m. and 1:00 p.m., at the Fayette County Courthouse located at 151 North Washington Street, in the city of La Grange, County of Fayette, State of Texas 78945 or wherever else designated by the Commissioner's Court to conduct foreclosure sales, the undersigned will sell at public auction to the highest bidder for cash the following real property:

**Tract 1**

**FIELD NOTE DESCRIPTION OF 0.406 ACRES OF LAND OUT OF THE JOHN H. MOORE ½ LEAGUE, ABSTRACT NO. 71, IN FAYETTE COUNTY, TEXAS, AND BEING A PORTION OF THAT TRACT OF LAND CONVEYED TO GERALD D. HIGHSMITH IN A DEED AS RECORDED IN VOLUME 743 PAGE 98 OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE ATTACHED EXHIBIT "A", to which reference is hereby made for any and all purposes together with all improvements constructed upon, affixed to or located upon the above described real property, including without limitation any residential dwelling located upon the real property, which dwelling is a 2009 MHDMAN00000378 DBA CLAYTON HOMES-SULPHUR SPRINGS Manufactured Home; Model: 38PNH28564BH09; Serial No. CSS010090TXA/B; Label/Seal No. HWC0400086/7 which manufactured home has been placed on and affixed to the real property.**

The earliest time that the sale will begin is 10:00 a.m.

The address or other common designation of this real property is 1162 N, Jefferson Street, La Grange, Texas 78945.

The sale will be made to satisfy the debt evidenced by the Promissory Note dated April 16, 2010, in the original principal sum of \$104,329.67, executed by you as Makers to Vanderbilt Mortgage and Finance, Inc., as payee, and secured by and pursuant to the power of sale conferred in the Deed of Trust dated April 16, 2010. The Deed of Trust was executed by both of you as Grantors to Michael Gary Orlando as Trustee for the benefit of Vanderbilt Mortgage and Finance, Inc. and was recorded in the real property records of Fayette County, Texas. Vanderbilt Mortgage and Finance, Inc., the current holder of the Note and Deed of Trust has requested me, the Successor Trustee, to enforce this trust by selling the real property because you are in default of the Deed of Trust, which requires you to make monthly payments constituting principal and interest. You have failed to make monthly payments to Vanderbilt Mortgage and Finance, Inc. as agreed.

Your debt has been accelerated, and the entire unpaid balance of your note is now due and payable. Your payoff good thru November 18, 2019 is \$99,257.00. Said balance continues to accrue interest per day after that date at \$22.62 per diem. The debt has been accelerated because you failed to cure the default as was requested in the Notice of Default and Right to Cure Default previously sent to you.



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**HEARITIGE SURVEYING, CO.**

THOMAS D. HEARITIGE  
727 West Point Loop  
West Point, Texas 75285

Registered Professional Land Surveyor No. 5036  
Licensed State Land Surveyor  
Phone (979)242-3485

May 19, 2003

Tract 1

**FIELD NOTE DESCRIPTION OF 0.406 ACRES OF LAND OUT OF THE JOHN H. MOORE 1/4 LEAGUE, ABSTRACT NO. 71, IN FAYETTE COUNTY, TEXAS, AND BEING A PORTION OF THAT TRACT OF LAND CONVEYED TO GERALD D. HIGSMITH IN A DEED AS RECORDED IN VOLUME 743 PAGE 98 OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** as a 1/2" iron rod found in concrete in the easterly right-of-way line of Highway 77 (Jefferson Street), being at the most northwesterly corner of that certain tract of land conveyed to Gerald D. Highsmith in a deed as recorded in Volume 743 page 98 of the Deed Records of Fayette County, Texas, and also being at the most southwesterly corner of that certain (0.61 acre) tract of land conveyed to John E. Peebles and Karen R. Peebles in a deed as recorded in Volume 1019 Page 509 of the Official Records of Fayette County, Texas, and being for the most northwesterly corner of the tract herein described.

**THENCE**, leaving said right-of-way line and with the common line between the Highsmith tract and the Peebles tract, S 67 deg. 23' 16" E 142.38 feet to a 1/2" iron rod found at the base of a fence post, being at the most southwesterly corner of that certain (1.07 acre) tract of land conveyed to Baptist Church Lessa Corporation in a deed as recorded in Volume 1022 Page 41 of the Official Records of Fayette County, Texas, being for an angle in the northerly line of this tract.

**THENCE**, with the common line between the Highsmith tract and the Clinch tract, S 68 deg. 00' 37" E 112.87 feet to a 1/2" iron rod found at the base of a fence corner post, being at the most northwesterly corner of that certain (0.47 acre) tract of land conveyed to John Scoble in a deed as recorded in Volume 713 Page 271 of the Deed Records of Fayette County, Texas, and being for the most northeasterly corner of this tract.

**THENCE**, with the common line between the Highsmith tract and the Scoble tract, S 22 deg. 15' 56" W 69.94 feet to a 1/2" iron rod set for the most southeasterly corner of this tract.

**THENCE**, over and across the Highsmith tract, N 67 deg. 32' 06" W 243.31 feet to a 1/2" iron rod set in the easterly right-of-way line of Highway 77, being for the most southwesterly corner of this tract.

**THENCE**, with the right-of-way line of Highway 77, N 07 deg. 10' 41" E 34.39 feet to a chain link fence corner post, and N 05 deg. 17' 43" W 40.93 feet to the PLACE OF BEGINNING, in all containing 0.406 acres of land.

SURVEYED: September 24, 2002

BY:

*[Signature]*

Timothy D. Hearitige

Registered Professional Land Surveyor No. 5036



\$48.00 Pd.

Filed by & Hand To:  
Botts Title Company

STATE OF TEXAS COUNTY OF FAYETTE  
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED in the Volume and Page of the Named RECORDS of Fayette County, Texas as stamped hereon by me on.

**EXHIBIT "A"**

**FILED**  
3:15 p.m.  
APR 28 2010

APR 28 2010



*[Signature]*

CAROLYN KUBOS ROBERTS  
COUNTY CLERK, FAYETTE COUNTY, TEXAS

*[Signature]*  
CAROLYN KUBOS ROBERTS SC  
CO. CLERK FAYETTE CO. TEXAS