

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

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

**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 on 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 military service to the sender of this notice immediately.**

STATE OF TEXAS                    §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Deed of Trust dated July 23, 2005, Clifford L. Gipson, Jr. a/k/a Clifford Gipson and Alice Gipson conveyed to Tim Williams, as Trustee, the property situated in Van Zandt County, Texas, to wit:

Property:

See attached hereto Exhibit "A", together with a manufactured home more particularly described as a 1998 American Homestar "Chalet" manufactured home, 28' x 46', Serial Numbers AH02983314A and AH02983314B; together with all furnishings, equipment, appliances, and accessories included at the time of purchase.

To secure that certain Note executed by Clifford L. Gipson, Jr. a/k/a Clifford Gipson and made payable to 21<sup>st</sup> Mortgage Corporation (hereinafter the "Note"), which such Deed of Trust filed and recorded on August 3, 2005 under Document Number: 00021992 in the Official Records of Van Zandt County, Texas (hereinafter "Deed of Trust"); and

FILED FOR RECORD  
2019 MAR 12 AM 10:16  
SUSAN STRICKLAND  
COUNTY CLERK, VAN ZANDT CO., TX  
BY \_\_\_\_\_ DEP.

**WHEREAS**, the undersigned is the Substitute Trustee as appointed in the aforesaid Deed of Trust by a substitution, said appointment being in the manner authorized by the Deed of Trust;

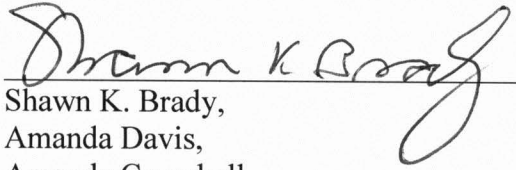
**WHEREAS**, default has occurred under the terms of the Note secured by the Deed of Trust, and the indebtedness evidenced therein is now wholly due, the owner and holder of said indebtedness has requested the undersigned Substitute Trustee to sell the Property to satisfy same; and

**WHEREAS**, 21<sup>st</sup> Mortgage Corporation obtained entry of Order Granting 21<sup>st</sup> Mortgage Corporation's Application to Foreclose Lien in probate suit styled *Estate of Clifford L. Gipson, Jr., Deceased*, under Cause No. 15000 in the County Court of Van Zandt County, Texas granting this non-judicial foreclosure sale to occur. A true and correct conformed copy of the Order Granting 21<sup>st</sup> Mortgage Corporation's Application to Foreclose Lien is attached hereto as Exhibit "B".

**WHEREAS**, 21<sup>st</sup> Mortgage Corporation brought suit styled *21<sup>st</sup> Mortgage Corporation v. Brenda Ann McCarver, and The Unknown Heirs at Law of Alice Gipson, Deceased*, under Cause No. 18-00178 in the 294<sup>th</sup> Judicial District Court of Van Zandt County, Texas and obtained a Final Judgment granting this non-judicial foreclosure sale to occur. A true and correct conformed copy of the Final Judgment is attached hereto as Exhibit "C".

**NOW, THEREFORE**, notice is hereby given that on Tuesday, the 2<sup>nd</sup> day of April, 2019, the Property will be sold at auction at the earliest of 10:00 a.m. or no later than three (3) hours after that time at the steps of the north entrance to the Van Zandt County Courthouse, 121 E. Dallas St., Canton, Van Zandt County, Texas, or as designated by the County Commissioners, to the highest bidder for cash. The Trustee's sale will occur between the earliest time to begin the sale as specified above, and 1:00 p.m.

Witness my hand this the 11<sup>th</sup> day of March, 2019.



Shawn K. Brady,  
Amanda Davis,  
Amanda Campbell,  
Diana Moreland,  
Sonya Wade,  
Rick Petersen, and/or  
Karen Petersen, any to act,  
Substitute Trustee

c/o BRADY LAW FIRM, PLLC  
6351 Preston Road, Suite 160  
Frisco, Texas 75034  
(972) 424-7200 Telephone  
(972) 424-7244 Facsimile

**GRANTEE'S MAILING ADDRESS:**

21<sup>st</sup> Mortgage Corporation  
620 Market Street  
One Center Square  
Knoxville, Tennessee 37902

**EXHIBIT "A"**

All that certain tract or parcel of land, being 1.0 acre of land, more or less, situated in the M.C. Chirino Survey, A-128, Van Zandt County, Texas, more particularly described as follows:

All that certain lot, tract or parcel of land, a part of the M.C. Chirino Survey, Abstract 128, Van Zandt County, Texas and being a part of that certain 55 acre tract out of said survey described in deed dated August 22, 1970 from Troy Kennedy, et al to Lofton Kennedy as found in Volume 745, Page 230 of the Deed Records of Van Zandt County, Texas, and this portion thereof described as follows:

Beginning at a 3/8" iron rod set at the Southeast corner of said 55.485 acre tract, and being in the outer curve of an oil road;

Thence North along the East line of said 55.485 acre tract 208.71 feet to a 3/8" iron rod set for corner in same;

Thence West 208.71 feet to a 3/8" iron rod set for corner;

Thence South 208.71 feet to a 3/8" iron rod set in the South line of said 55.485 acre tract and in the North side of said oil road;

Thence East along the South line of said 55.485 acre tract 208.71 feet to the Point of Beginning, containing 1.0 acre of land.

Note: The company does not represent that the acreage or square footage calculations are correct.

**EXHIBIT "A"**

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NO. 15000

ESTATE OF § IN THE COUNTY COURT  
CLIFFORD L. GIPSON, JR., §  
DECEASED § OF VAN ZANDT COUNTY, TEXAS

**ORDER GRANTING 21<sup>ST</sup> MORTGAGE CORPORATION'S APPLICATION TO FORECLOSE LIEN**

CAME ON for consideration the Application to Foreclose Lien of 21<sup>st</sup> Mortgage Corporation in the above entitled and numbered cause. The Court, having heard the application, and having considered the evidence and statements from counsel, finds that the application has merit and should be granted. The Court further finds that those who may have an interest in the subject real property/manufactured home described herein are the following:  
Calvin Smith

\_\_\_\_\_ . The Court further finds that the above people are vested with all rights, title, and interest of Decedent in the real property and improvements further described as:

See attached hereto Exhibit "A", together with a manufactured home more particularly described as a 1998 American Homestar "Chalet" manufactured home, 28' x 46', Serial Numbers AH02983314A and AH02983314B; together with all furnishings, equipment, appliances, and accessories included at the time of purchase.

The Court further finds that 21st Mortgage Corporation shall be allowed to proceed with a foreclosure sale in accordance with the terms and conditions of the Deed of Trust executed by Clifford L. Gipson, Jr., Decedent, and Alice Gipson (also believed to be deceased) on or about July 23, 2005 and in accordance with Section 51.002 of the Texas Property Code. The Court therefore finds that 21<sup>st</sup> Mortgage Corporation shall be allowed to proceed with a foreclosure sale based upon the default under the terms of the Note and Deed of Trust. The Court additionally



finds that one of the effects of the foreclosure sale shall be that the above identified people shall be divested of all rights, title, and interest to the subject property and the purchaser of the subject property at the sale shall be vested with all rights, title, and interest to the property. The Court finally finds that after the foreclosure sale is held, if the property remains occupied after this Judgment becomes final, and 21<sup>st</sup> Mortgage Corporation is the purchaser of the property at the foreclosure sale, a writ of possession shall issue against any occupants of the property in accordance with Texas Rules of Civil Procedures 310. It is therefore,

**ORDERED, ADJUDGED AND DECREED** that a foreclosure sale shall be allowed to proceed in accordance with the terms and conditions of the Deed of Trust executed by Clifford L. Gipson, Jr., Decedent, and Alice Gipson dated July 23, 2005, and in accordance with Texas Property Code Section 51.002. It is further,

**ORDERED, ADJUDGED AND DECREED** that, following the foreclosure sale, the above identified people shall be divested of all rights, title, and interest to the subject property, and the purchaser of the property at the foreclosure sale shall be vested with all rights, title, and interest to the property. It is finally,

**ORDERED, ADJUDGED AND DECREED** that, after the foreclosure sale is held, if the property remains occupied after this Judgment becomes final, and 21<sup>st</sup> Mortgage Corporation is the purchaser of the property at the foreclosure sale, then a writ of possession shall issue against any occupants in accordance with Texas Rules of Civil Procedure 310.

SIGNED this the 17 day of May, 2018.

  
JUDGE PRESIDING

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Beginning at a 3/8" iron rod set at the Southeast corner of said 55.485 acre tract, and being in the outer curve of an oil road;

Thence North along the East line of said 55.485 acre tract 208.71 feet to a 3/8" iron rod set for corner in same;

Thence West 208.71 feet to a 3/8" iron rod set for corner;

Thence South 208.71 feet to a 3/8" iron rod set in the South line of said 55.485 acre tract and in the North side of said oil road;

Thence East along the South line of said 55.485 acre tract 208.71 feet to the Point of Beginning, containing 1.0 acre of land.

Note: The company does not represent that the acreage or square footage calculations are correct.

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IT IS THEREFORE ORDERED that:

All of Alice Gipson's ("Decedent's") heirs-at-law, including, but not limited to, Brenda Ann McCarver, have been made Defendants to this suit and are vested with all of their rights, title and interests in the real property and improvements legally described as follows:

See attached hereto Exhibit "A", together with a manufactured home more particularly described as a 1998 American Homestar "Chalet" manufactured home, 28' x 46', Serial Numbers AH02983314A and AH02983314B; together with all furnishings, equipment, appliances, and accessories included at the time of purchase.

Alice Gipson granted a Deed of Trust lien which is currently held by 21<sup>st</sup> Mortgage Corporation but defaulted under the terms of the Note and Deed of Trust, and therefore it is ordered that a non-judicial foreclosure sale occur in accordance with the terms and conditions of Deed of Trust and Tex. Prop. Code §51.002.

One of the effects of the non-judicial foreclosure shall be that Defendants, including any unknown heirs at law of Alice Gipson, are divested of all rights, title, and interest to the property, and the purchaser of the property at the non-judicial foreclosure sale is vested with all rights, title and interests to the property.

After the non-judicial foreclosure is held, if the property remains occupied after this judgment becomes final, and the Plaintiff is the purchaser of the property at the non-judicial foreclosure sale, a writ of possession shall issue against any occupant of the property in accordance with Tex. R. Civ. P. 310.

As part of costs of court, and payable by Plaintiff, R. Paul Elliott, the Attorney Ad Litem, is hereby granted reasonable attorney's fees and costs in the amount of \$950.00. All other costs of court are taxed against the party by whom incurred.

All relief not expressly granted is denied.

SIGNED this the 13 day of February, 2019.  
Original Signed by:  
CHRIS MARTIN  
Judge, 294th Judicial  
District Court

\_\_\_\_\_  
PRESIDING JUDGE

APPROVED AS TO FORM:

/s/Shawn K. Brady  
SHAWN K. BRADY  
Texas Bar No. 00787126  
BRADY LAW FIRM, PLLC  
6351 Preston Road, Suite 160  
Frisco, Texas 75034  
(972) 424-7200 Telephone  
(972) 424-7244 Facsimile  
E-Mail: [sbrady@brady-law-firm.com](mailto:sbrady@brady-law-firm.com)

Attorney for Plaintiff 21<sup>st</sup> Mortgage Corporation

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Thence South 208.71 feet to a 3/8" iron rod set in the South line of said 55.485 acre tract and in the North side of said oil road;

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Note: The company does not represent that the acreage or square footage calculations are correct.

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