

Notice of Foreclosure Sale

FILED FOR RECORD
HOPKINS COUNTY, TEXAS

March 9, 2021

2021 MAR 14 P 1:07

Deed of Trust ("Deed of Trust"):

TRACY SMITH
COUNTY CLERK
BY *J. Harmon* DEPUTY

Dated: October 4, 2006
Grantor: Dave M. Funderburk and Sheila Funderburk
Trustee: Michael Gary Orlando
Lender: Vanderbilt Mortgage and Finance, Inc.
Recorded in: Volume 596, Page 703 of the real property records of Hopkins County, Texas
Legal Description: See Exhibit A

In addition to manufactured home more particularly described by Serial No. CSS007629TXAB

Secures: Promissory Note ("Note") in the original principal amount of \$81,000.91, executed by Dave M. Funderburk and Sheila Funderburk ("Borrower") and payable to the order of Lender

Substitute Trustees: Craig C. Lesok, Harriett Fletcher, Robert LaMont, Sheryl LaMont, Allan Johnston, Sharon St. Pierre, Ronnie Hubbard

Substitute Trustee's Address: 226 Bailey Ave, Ste 101, Fort Worth, TX, 76107

Foreclosure Sale:

Date: Tuesday, April 6, 2021
Time: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 1:00 P.M. and not later than three hours thereafter.
Place: At the southwest entrance door to the first floor of the Hopkins 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



Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that Vanderbilt Mortgage and Finance, Inc.'s bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Vanderbilt Mortgage and Finance, Inc., the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Vanderbilt Mortgage and Finance, Inc.'s election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Vanderbilt Mortgage and Finance, Inc.'s rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Vanderbilt Mortgage and Finance, Inc. passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure 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 Foreclosure 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. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Vanderbilt Mortgage and Finance, Inc. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (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.

Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

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.

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.

/s/ Craig C. Lesok

Craig C. Lesok
Attorney for Mortgagee
SBOT No. 24027446



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March 15, 2021

EXHIBIT "A"

All that certain lot, tract or parcel of land situated in the Helena Nelson Survey, A-701, Hopkins County, Texas; and being a part of that certain 15 acre tract described in a Deed to Dave M. Funderburk, recorded in Volume 449, Page 384, Deed Records said County, being a part of that certain 5.250 acre tract described in Deed to Dave Funderburk and wife, Sheila, recorded in Volume 389, Page 399 of said Deed Records, and being more particularly described as follows:

BEGINNING at a nail set on the Southeast corner of said 15 acre tract and of said 5.250 acre tract;

THENCE S 67 deg. 45 min. 58 sec. W along the centerline of County Road No. 1213 - 93.81 feet to a nail set for corner;

THENCE in a Northerly direction as follows: N 0 deg. 32 min. 46 sec. W, at 18.73 feet passing a found 3/8 inch iron rod, and at a total distance of 281.84 feet to a found 3/8 inch iron rod, N 86 deg. 56 min. 50 sec. W - 12.13 feet to a set capped 1/2 inch iron rod marked "Swanner", and N 2 deg. 00 min. 00 sec. E - 1459.82 feet to a capped 1/2 inch iron rod marked "Swanner" set for corner;

THENCE S 88 deg. 30 min. 18 sec. E generally along the fenced North line of said 15 acre tract - 110.20 feet to a capped 1/2 inch iron rod marked "Swanner" set on the Northeast corner of said 15 acre tract;

THENCE S 2 deg. 00 min. 00 sec. W generally along the fenced East line of said 15 acre tract, at 1682.15 feet passing a capped 1/2 inch iron rod marked "Swanner" set for reference, and at a total distance of 1704.08 feet to the **PLACE OF BEGINNING** containing 4.250 acres, more or less.