

Notice of Foreclosure Sale

January 10, 2020

Filed this 13th day of Jan. 2020
10:17 A. M

TERESA RODRIGUEZ
COUNTY CLERK, CALDWELL COUNTY, TEXAS
By Katrina Reyna Deputy

Deed of Trust ("Deed of Trust"):

Dated: August 16, 2000

Grantor: Levern McElveen and Donna D. McElveen

Trustee: Jim Vancini

Original Lender: Oakwood Acceptance Corporation

Current Holder: The Bank of New York Mellon

Recorded in: Document No. 004009 of the real property records of Caldwell County, Texas

Legal Description: See Exhibit A

Together with all improvements now or hereafter erected on the property.

Secures: Promissory Note ("Note") in the original principal amount of \$63,979.00, executed by Levern McElveen and Donna D. McElveen ("Borrower") and payable to the order of Lender

Substitute Trustees: Craig C. Lesok, Sharlet Watts, Angela Zavala, Michelle Jones, Elizabeth Anderson

Substitute Trustees'

Address: 226 Bailey Ave, Ste 101, Fort Worth, TX, 76107

Foreclosure Sale:

Date: Tuesday, February 4, 2020

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: The Main Entrance of the new Caldwell County Judicial Center, located at 1703 S Colorado St, Lockhart, TX 78644, or if the



proceeding 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 The Bank of New York Mellon'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, The Bank of New York Mellon, 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 The Bank of New York Mellon's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with The Bank of New York Mellon'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 The Bank of New York Mellon 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 The Bank of New York Mellon. 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.

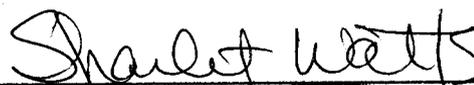
Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

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



Craig C. Lesok, Sharlet Watts, Angela Zavala,
Michelle Jones, Elizabeth Anderson
226 Bailey Ave, Ste 101
Fort Worth, TX 76107
Telephone (817) 882-9991
Telecopier (817) 882-9993

EXHIBIT A

All of a certain tract or parcel of land situated in the City of Lockhart, Caldwell County, Texas and being a part of the Byrd Lockhart Survey A-17 and being also all of a tract of land conveyed to Lavern McElveen Jr. by deed recorded in Volume 129 Page 208 of the Official Records of Caldwell County, Texas and being more particularly described as follows:

BEGINNING at a ½" iron pin found used for basis of bearing in the NW corner of the above mentioned McElveen tract and in the South line of Persimmon Street and in the apparent NE corner of a tract of land conveyed to Rudy Condalarfo et ux by deed recorded in Volume 141 Page 139 of the said Official Records for the NW corner this tract.

THENCE N 80 degrees 00 minutes 00 seconds E with the North line of the said McElveen tract and the South line of Persimmon Street 40.00 feet to a ½" iron pin set in the NE corner of the said McElveen tract and in the apparent NW corner of a tract of land conveyed to Willie Allen Bell by deed recorded in Volume 202 Page 58 of the Deed Records of Caldwell County, Texas, for the NE corner this tract.

THENCE S 10 degrees 00 minutes 00 seconds E with the East line of the said McElveen tract and the apparent West line of the above mentioned Bell tract 147.50 feet to a ½" iron pin set in the SE corner of the said McElveen tract and in the apparent SW corner of the said Bell tract and in the apparent North line of a tract of land conveyed to Jim Shannon by deed recorded in Volume 429 Page 735 of the said Deed Records for the SE corner this tract.

THENCE S 80 degrees 00 minutes 00 seconds W with the South line of the said McElveen tract and the apparent North line of the above mentioned Shannon tract 40.00 feet to a ½" iron pin found used for basis of bearing in the SW corner of the said McElveen tract and in the apparent SE corner of the above mentioned Condalarfo tract for the SW corner this tract.

THENCE N 10 degrees 00 minutes 00 seconds W with the West line of the said McElveen tract and the apparent East line of the said Condalarfo tract 147.50 feet to the place of beginning containing 0.135 acres of land more or less.
