

## Notice of Foreclosure Sale

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at 000004

SEP 15 2022

CLERK OF DISTRICT COURT  
LIBERTY COUNTY TEXAS  
Adrian Dwyer

Homestead Lien Contract and Deed of Trust ("Deed of Trust"):

Dated: October 22, 2007

Grantor: Albert Lindsay Delaney and Jerre Lynn McCarty Delaney

Trustee: A.J. Hartel III

Substitute Trustee: Christina Varela Chrisco

Lender: The First Liberty National Bank

Recorded in: 2007014823 of the real property records of Liberty County, Texas, being modified and extended under Agreement recorded in 2017017985 of the real property records of Liberty County, Texas and modified and extended under Agreement recorded in 2020012315 of the real property records of Liberty County, Texas and modified and extended under Agreement recorded in 2021018945 of the real property records of Liberty County, Texas.

Legal Description: Being two tracts in the Julius Gilchrist Survey, Abstract No. 200, Liberty County, Texas as described in Exhibit "A" attached.

Secures: Home Equity Adjustable Rate Note ("Note") in the original principal amount of \$99,999.00, executed by Albert Lindsay Delaney and Jerre Lynn McCarty Delaney ("Borrower") and payable to the order of Lender

Modifications and Renewals: Modification and Extension Agreements dated September 19, 2017, April 24, 2020, and April 2, 2021 (as used herein, the terms "Note" and "Deed of Trust" mean the Note and Deed of Trust as so modified, renewed, and/or extended)

Foreclosure Sale:

**Date:** November 1, 2022

**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 10:00 a.m. and not later than three hours thereafter.

**Place:** 1923 Sam Houston St., Liberty, Texas 77575, Southside steps of the courthouse.

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 First Liberty National Bank'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 First Liberty National Bank, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The First Liberty National Bank filed an application requesting the foreclosure of the Note. On April 6, 2022, the County Court at Law No. 2 of Liberty County, Texas entered an Order Granting Rule 736 Application for Foreclosure of Home Equity Lien.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of The First Liberty National Bank'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 First Liberty National Bank'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 First Liberty National Bank 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 First Liberty National Bank. 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.**

STRATTON & CHRISCO  
P.O. Box 230  
609 Travis Street  
Liberty, TX 77575  
Tel: (936) 336-5766  
Fax: (936) 336-5768

By: *Christina Varela Chrisco*  
CHRISTINA VARELA CHRISCO  
State Bar No. 24091390  
cvc@slfliberty.com

Attorney for The First Liberty National Bank

EXHIBIT "A"

TRACT 1:

BEING 1.16 ACRES OF LAND IN AND OUT OF THAT CERTAIN 320 ACRE TRACT "NO. ONE" IN THE JULIAN GILCHRIST SURVEY, ABSTRACT 200, LIBERTY COUNTY, TEXAS, SAID TRACT "NO. ONE" BEING A PART OF THAT SAID LAND CONVEYED TO H. C. MCCARTY, JR. AND WIFE GERALDINE BY DEED DATED THE 24th DAY OF NOVEMBER, 1961 AND RECORDED IN VOLUME 533, PAGE 612 OF THE DEED RECORDS OF LIBERTY COUNTY, TEXAS, SAID 1.16 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS, AS FOLLOWS, TO-WIT:

COMMENCING at a 1-1/4" iron pipe in the North line of said Julian Gilchrist Survey as set by R. G. Partlow and described in Deed of Record in Volume 348, Page 460 of the Deed Records of Liberty County, Texas. THENCE: S89°22'45"E along the South line of the S. Calman and the North line of J. Gilchrist; at 458.81 Feet found a 3/4" iron rod in the West right of way line of F.M. Highway 1011 and at 802.02 Feet set a 1/2" iron rod in the East right of way line of said F. M. Highway and at a total distance of 1658.84 Feet set a 1/2" iron rod for the Northwest corner and POINT OF BEGINNING of said 1.16 acre tract herein described.

THENCE: S 89°22'45" E along the North line of said Gilchrist Survey (same being the North line of 1.16 acre tract herein described) for a distance of 203.43 Feet to a 1/2" iron rod set for the Northeast corner of said 1.16 acre tract herein described.

THENCE: S 00°45'20" W along the East line of said 1.16 acre tract herein described for a distance of 201.15 Feet to a 1/2" iron rod set for the Southeast corner of said 1.16 acre tract herein described.

THENCE: N 89°22'45" W along the South line of said 1.16 acre tract of land herein described for a distance of 241.88 Feet to a 1/2" iron rod set for the Southwest corner of said 1.16 acre tract herein described.

THENCE: N 00°37'15" E along the West line of said 1.16 acre tract herein described for a distance of 200.00 Feet to the POINT OF BEGINNING and containing 1.16 acres of land.

TRACT 2:

A 1.0 acre tract of land situated in the Julius Gilchrist Survey, Abstract No. 200, Liberty County, Texas, and being out of and a part of the residue of Tract One, called 320 acres, conveyed to H. C. McCarty, Jr., et ux, by Hubert Taylor, Jr., et ux, by deed dated November 24, 1961, and recorded in Volume 533, Page 412 of the Deed Records of Liberty County, Texas. This 1.0 acre tract of land is more particularly described by metes and bounds as follows, to-wit:

NOTE: BEARINGS ARE BASED ON DEED BEARINGS AND FOUND MONUMENTS IN THE NORTH LINE OF A 1.16 ACRE TRACT OF LAND DESCRIBED IN VOLUME 1647, PAGE 455, AND NORTH LINE OF ANOTHER 1.16 ACRE TRACT OF LAND DESCRIBED IN VOLUME 1712, PAGE 92, BOTH OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS.

BEGINNING at a 3/8ths inch iron rod found for the Northwest corner of this tract of land, the Northeast corner of a 1.16 acre tract of land

EXHIBIT "A"

conveyed to Jerry Lynn Peterson by R. C. McCarty, Jr., et ux, by deed dated December 8, 1978, recorded in Volume 1847, Page 455 of the Official Public Records of Liberty County, Texas, in the South line of the 8.47 acres called First Tract conveyed to Jerry Wayne Thompson, et ux, by Roger A. Smith, et ux, by deed dated January 11, 1978, in Volume 816, Page 273 of the Deed Records of Liberty County, Texas, in the North line of the Julius Gilchrist Survey and in the South line of the Rebecca Coleman Survey, Abstract No. 155, Liberty County, Texas;

THENCE South 89° 22' 48" East with the North line of this tract of land, the South line of said 8.47 acre tract of land, the North line of said Julius Gilchrist Survey and the South line of said Coleman survey, a distance of 206.80 feet to a 1/2 inch iron rod with cap set for the Northeast corner of this tract of land;

THENCE South 00° 17' 15" West with the East line of this tract of land a distance of 280.18 feet to a 1/2 inch iron rod with cap set for the Southeast corner of this tract of land;

THENCE North 89° 22' 45" West with the South line of this tract of land a distance of 228.40 feet to a 5/8ths inch iron rod found for the Southwest corner of this tract of land and the Southeast corner of said Peterson 1.16 acre tract of land;

THENCE North 06° 45' 46" East with the West line of this tract of land and the East line of said Peterson 1.16 acre tract of land a distance of 201.34 feet to the PLACE OF BEGINNING, containing within said boundaries 1.0 acre of land.

NOTICE OF [SUBSTITUTE] TRUSTEE'S 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.

1. **Date, Time, and Place of Sale.**

Date: November 01, 2022

Time: The sale will begin at 10:00 AM or not later than three hours after that time.

Place: THE SOUTH SIDE DOOR OF THE LIBERTY COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

2. **Terms of Sale.** Cash.

3. **Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated August 18, 2017 and recorded in Document INSTRUMENT NO. 2017015989 real property records of LIBERTY County, Texas, with RHONDA CAMERON AND MARVIN CAMERON, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS") AS NOMINEE, mortgagee.

4. **Obligations Secured.** Deed of Trust or Contract Lien executed by RHONDA CAMERON AND MARVIN CAMERON, securing the payment of the indebtednesses in the original principal amount of \$260,988.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. MIDFIRST BANK is the current mortgagee of the note and Deed of Trust or Contract Lien.

5. **Property to Be Sold.** The property to be sold is described in the attached Exhibit A.

6. **Mortgage Servicer 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 lien securing the Property referenced above. MIDLAND MORTGAGE, A DIVISION OF MIDFIRST BANK, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o MIDLAND MORTGAGE, A DIVISION OF MIDFIRST BANK  
999 N.W. GRAND BLVD  
STE 110  
OKLAHOMA CITY, OK 73118-6077

235  
SEP 12 2022  
[Signature]



**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.**

The undersigned as attorney for the mortgagee or mortgage servicer does hereby remove the original trustee and all successor substitute trustees and appoints in their stead REID RUPLE, KATHLEEN ADKINS, EVAN PRESS, CARY CORENBLUM, KRISTOPHER HOLUB, JOSHUA SANDERS, JULIAN PERRINE, AMY OIAN, MATTHEW HANSEN, JAMI HUTTON, ALEXIS BANKS, ALEENA LITTON, AARTI PATEL, AUCTION.COM, DANA DENNEN, CINDY DENNEN, AARON CRAWFORD, TOMMY JACKSON, KEATA SMITH AND STEPHANIE HERNANDEZ, KEVIN MCCARTHY OR BEATRICE CARRILLO whose address is c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320 as Substitute Trustee, who shall hereafter exercise all powers and duties set aside to the said original trustee under the said Deed of Trust; and, further does hereby request, authorize, and instruct said Substitute Trustee to conduct and direct the execution of remedies set aside to the beneficiary therein.



Israel Saucedo



**Certificate of Posting**

My name is Kevin McCarthy, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320. I declare under penalty of perjury that on 09/12/2022 I filed at the office of the LIBERTY County Clerk and caused to be posted at the LIBERTY County courthouse this notice of sale.



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Declarants Name: Kevin McCarthy

Date: 09/12/2022

00000009587858

LIBERTY

**EXHIBIT "A"**

BEING A TRACT OF LAND CONTAINING 1.0250 ACRES (44,651 SQUARE FEET), SITUATED IN THE JOHN DORSETT SURVEY, ABSTRACT 172, LIBERTY COUNTY, TEXAS, BEING LOT 5, OF REPLAT OF LEANING OAKS, SECTION 1, A SUBDIVISION IN LIBERTY COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 8, PAGE 200 OF THE MAP RECORDS OF LIBERTY COUNTY, TEXAS, BEING ALL OF A TRACT LAND CONVEYED UNTO MICHAEL W. SHIRCLIFFE AND MARGARET A. SHIRCLIFFE BY DEED RECORDED IN VOLUME 1755, PAGE 319 OF THE DEED RECORDS OF LIBERTY COUNTY, TEXAS, SAID 1.0250-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A SET 1/2-INCH IRON ROD WITH CAP MARKED "SURVEY 1" IN THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 401 (PLATTED AS COUNTY LINE ROAD) (VARIABLE WIDTH) FOR THE NORTHEAST CORNER OF LOT 6 OF SAID REPLAT OF LEANING OAKS, SECTION 1, AND FOR THE NORTHWEST CORNER OF THE SAID TRACT HEREIN DESCRIBED;

THENCE SOUTH 64° 47'27" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID COUNTY LINE ROAD, A DISTANCE OF 150.00 FEET TO A FOUND 1/2-INCH IRON ROD FOR THE NORTHWEST CORNER OF LOT 4 OF SAID REPLAT OF LEANING OAKS, SECTION 1, AND FOR THE NORTHEAST CORNER OF THE SAID TRACT HEREIN DESCRIBED;

THENCE SOUTH 25° 12'33" WEST, ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 149.97 FEET TO A SET 1/2-INCH IRON ROD WITH CAP MARKED "SURVEY 1" FOR ANGLE POINT IN THE EAST LINE OF THE SAID TRACT HEREIN DESCRIBED;

THENCE SOUTH 20° 28'15" WEST, ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 142.61 FEET TO A SET 1/2-INCH IRON ROD WITH CAP MARKED "SURVEY 1" FOR NORTHEAST CORNER OF LOT 7 OF SAID REPLAT OF LEANING OAKS, SECTION 1, AND FOR THE SOUTHEAST CORNER OF THE SAID TRACT HEREIN DESCRIBED;

THENCE NORTH 64° 47'27" WEST, ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 161.78 FEET TO A SET 1/2-INCH IRON ROD WITH CAP MARKED "SURVEY 1" FOR THE SOUTHEAST CORNER OF SAID LOT 6 AND FOR THE SOUTHWEST CORNER OF THE SAID TRACT HEREIN DESCRIBED;

THENCE NORTH 25° 12'33" EAST, ALONG THE EAST LINE OF SAID LOT 6, A DISTANCE OF 292.09 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.0250 ACRES (44,651 SQUARE FEET), MORE OR LESS