

POSTED

A.M. 3:06 P.M.

NOV 22 2022

GWINDA JONES, COUNTY CLERK
ERATH COUNTY, TEXAS
By CU Deputy

NOTICE OF FORECLOSURE 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 OR 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. Property to Be Sold. The property to be sold is described as follows: ALL THAT CERTAIN TRACT LOT OR PARCEL OF LAND, A PART OF THE T AND N. O. SURVEY A-1764, ERATH COUNTY, TEXAS, AND ALSO BEING A PART OF THAT CERTAIN CALLED 38.066 ACRE TRACT OF LAND THAT IS DESCRIBED IN A RELEASE OF LIEN DATED NOVEMBER 17, 1992 FROM RICHARD A. SOUTHERN TO C. BRUCE SOUTHERN, THAT IS RECORDED IN VOLUME 833 PAGE 126 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS, AND BEING MORE COMPLETELY DESCRIBED AS FOLLOWS TO WIT;

BEGINNING AT A 1/2 INCH IRON ROD SET FOR CORNER AT THE S.W.C. OF A CALLED 1.00 ACRES (VOLUME 833 PAGE 126) IN THE N.B.L. OF C.R. NO. 524;

THENCE SOUTH 89 DEGREES 32 MINUTES 49 SECONDS WEST, ALONG THE S.B.L. OF SAID CALLED 38.066 ACRES AND THE N.B.L. OF SAID ROAD FOR A DISTANCE OF 424.00 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER, FROM WHICH THE OCCUPIED S.W.C. OF SAID CALLED 38.066 ACRES, BEARS SOUTH 89 DEGREES 32 MINUTES 49 SECONDS WEST, 71.31 FEET;

THENCE NORTH 13 DEGREES 48 MINUTES 00 SECONDS EAST, ACROSS SAID TRACT FOR A DISTANCE OF 212.00 FEET TO A 1/12 INCH IRON ROD SET FOR CORNER;

THENCE NORTH 89 DEGREES 32 MINUTES 49 SECONDS EAST, ACROSS SAID TRACT FOR A DISTANCE OF 424.00 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 13 DEGREES 48 MINUTES 00 SECONDS WEST, ACROSS SAID TRACT AND INTO AND ALONG THE W.B.L. OF SAID CALLED 1.00 ACRES FOR A DISTANCE OF 212.00 FEET TO THE PLACE OF BEGINNING CONTAINING 2.0000 ACRES.

ANY REFERENCE IN THE LEGAL DESCRIPTION OF THE LAND TO THE QUANTITY OF ACREAGE OR SQUARE FOOTAGE IS NOT A REPRESENTATION OF FACT, AND IS INCLUDED SOLELY FOR GENERAL IDENTIFICATION PURPOSES, AND SHALL NOT BE CONSTRUED TO WAIVE, MODIFY OR LIMIT THE PROMULGATED SCHEDULE B EXCEPTION FOR "SHORTAGES IN AREA".

2. Instrument to be Foreclosed. The instrument to be foreclosed is the Deed of Trust dated 08/11/2015 and recorded in Document 2015-04805 real property records of Erath County, Texas.

3. Date, Time, and Place of Sale. The sale is scheduled to be held at the following date, time, and place:

Date: 02/07/2023

Time: 10:00 AM

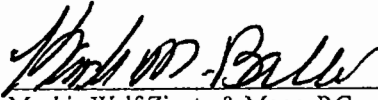
Place: Erath County, Texas at the following location: SOUTH ENTRANCE OF THE COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.

4. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in AS IS, WHERE IS condition, without any express or implied warranties, except as to the warranties of title, if any, provided for under the deed of trust.

5. Obligations Secured. The Deed of Trust executed by ~~RANDY B. SHANK JR AND SONJA D. SHANK~~, provides that it secures the payment of the indebtedness in the original principal amount of \$147,571.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. Rushmore Loan Management Services LLC is the current mortgagee of the note and deed of trust and RUSHMORE LOAN MANAGEMENT SERVICES, LLC is mortgage servicer. A servicing agreement between the mortgagee, whose address is Rushmore Loan Management Services LLC c/o RUSHMORE LOAN MANAGEMENT SERVICES, LLC, 15480 Laguna Cyn Road, Suite 100, IRVINE, CA 92618 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. Substitute Trustee(s) Appointed to Conduct Sale. In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.

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.



Mackie Wolf Zientz & Mann, P.C.
Brandon Wolf, Attorney at Law
L. Keller Mackie, Attorney at Law
Michael Zientz, Attorney at Law
Lori Liane Long, Attorney at Law
Chelsea Schneider, Attorney at Law
Ester Gonzales, Attorney at Law
✓ Karla Balli, Attorney at Law
Parkway Office Center, Suite 900
14160 Dallas Parkway
Dallas, TX 75254

Certificate of Posting

I am _____ whose address is c/o AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230,
Houston, TX 77056. I declare under penalty of perjury that on _____ I filed this Notice of Foreclosure Sale at the office
of the Erath County Clerk and caused it to be posted at the location directed by the Erath County Commissioners Court.