



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 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. *Property to Be Sold.* The property to be sold is described as follows: BEING 5.11 ACRES OF LAND IN THE AUSTIN & WILLIAMS SURVEY & N.D. HAMMIL SURVEY #434, MCLENNAN COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND CONVEYED TO DONALD GLYNN DAVIS AND LINDA L. DAVIS RECORDED IN VOLUME 319, PAGE 795 OF THE MCLENNAN COUNTY OFFICIAL PUBLIC RECORDS, BEING DESCRIBED BY METES AND BOUNDS AND FOLLOWS:

BEGINNING AT A FOUND 2 INCH STEEL POST BEING THE NORTHWEST CORNER OF SAID 5.11 ACRE TRACT (VOL. 319, PAGE 795 O.P.R.);

THENCE N 58 DEGREES 56 MINUTES 35 SECONDS E (CALLED N 60 DEGREES 41 MINUTES E 415.27 FEET) PASSING A FOUND 4 INCH WOOD POST @ 398.27 FEET FOR A TOTAL DISTANCE OF 415.27 FEET TO A POINT BEING THE NORTHEAST CORNER OF THIS TRACT (VOL. 319, PAGE 195 O.P.R.) BEING S 58 DEGREES 56 MINUTES 35 SECONDS W 30.00 FEET FROM THE WEST LINE OF LOT 1, BLOCK 2 OF THE SUNSET VALLEY ESTATES FILE# 2003050172 O.P.R.;

THENCE S 32 DEGREES 17 MINUTES 51 SECONDS E (CALLED S 30 DEGREES E 532.14 FEET) WITH THE CENTER OF RABBIT RUN A DISTANCE OF 532.14 FEET TO A POINT BEING THE SOUTHEAST CORNER OF SAID TRACT (VOL. 319, PAGE 195 O.P.R.);

THENCE S 57 DEGREES 19 MINUTES 25 SECONDS W (CALLED S 59 DEGREES 27 MINUTES W 413.8 FEET) PASSING A SET 3/8 INCH IRON @ 10.89 FEET FOR A TOTAL DISTANCE OF 413.30 FEET TO A FOUND 3/8 INCH IRON BEING THE SOUTHWEST CORNER OF THIS;

THENCE N 32 DEGREES 26 MINUTES 38 SECONDS W (CALLED N 30 DEGREES W 539.82 FEET) A DISTANCE OF 543.02 FEET TO POINT OF BEGINNING CONTAINING 5.11 ACRES OF LAND OF WHICH 0.17 ACRES IS BEING USED AS PUBLIC ROAD.

2. *Instrument to Be Foreclosed.* The instrument to be foreclosed is the *Deed of Trust* recorded under Clerk's File Number 2019028368, Official Public Records of McLennan County, Texas.

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

Date: January 4, 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: McLennan County Courthouse in Waco, Texas, at the following location:
At the top of the outside steps to the second floor in front of the McLennan County Courthouse on Washington Avenue, Waco, McLennan County, Texas.

The deed of trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the deed of trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the *Texas Property Code*. The reposting or refiling may be after the date originally scheduled for this sale.

4. *Terms of Sale.* The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

The 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 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. The sale shall not cover any part of the property that has been released of public record from the lien of the deed of trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to the deed of trust, the beneficiary 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 "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*, the trustee or any substitute trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee. This sale will be conducted subject to the right of rescission contained in section 51.016 of the *Texas Property Code*.

5. *Type of Sale.* The sale is a nonjudicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by Christina Rhodes and Scotty L. Rhodes. The real property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust.

6. *Obligations Secured.* The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to the promissory note in the original principal amount of \$42,500.00, executed by Christina Rhodes and Scotty L. Rhodes, and payable to the order of Waco Owner Finance, LLC, Series 303 Rabbit Run, which is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiary, Waco Owner Finance, LLC, Series 303 Rabbit Run.

7. *Default and Request to Act.* Default has occurred under the deed of trust, and the beneficiary has requested me, as substitute trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE 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.

Dated December 5, 2021.



WALT FAIR, Substitute Trustee
Attorney for Waco Owner Finance, LLC, Series
303 Rabbit Run
State Bar Number 06781800
1508 North Valley Mills Drive
Waco, Texas 76710
Telephone: (254) 772-6400
Telecopier: (254) 772-6432
walt@waltfairpllc.com