

RECEIVED 12:08 p.m.
D. D. Carter

NOV 18 2021

NOTICE OF ACCELERATION AND NOTICE OF 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.

J.A. "ANDY" HARWELL, COUNTY CLERK
MCLENNAN COUNTY, TEXAS

DEED OF TRUST INFORMATION:

Date: 10/27/1999
Grantor(s): DUSTIN GARRETT, HUSBAND AND WIFE LIZA GARRETT
Original Mortgagee: NEATHERLIN HOMES, INC
Original Principal: \$77,500.00
Recording Information: Book 560 Page 768 Instrument 9939866
Property County: McLennan
Property: (See Attached Exhibit "A")
Reported Address: 4605 MEYERS LN, WACO, TX 76705

MORTGAGE SERVICING INFORMATION:

The Mortgage Servicer, if not the Current Mortgagee, is representing the Current Mortgagee pursuant to a Mortgage Servicing Agreement.

Current Mortgagee: U.S. Bank, N.A., as Trustee, successor in interest to Wachovia Bank, National Association, as Trustee, successor by merger to First Union National Bank as Trustee, for Mid-State Trust X

Mortgage Servicer: Shellpoint Mortgage Servicing

Current Beneficiary: U.S. Bank, N.A., as Trustee, successor in interest to Wachovia Bank, National Association, as Trustee, successor by merger to First Union National Bank as Trustee, for Mid-State Trust X

Mortgage Servicer Address: 55 Beattie Place, Suite 110, Greenville, SC 29601

SALE INFORMATION:

Date of Sale: Tuesday, the 4th day of January, 2022

Time of Sale: 10:00 AM or within three hours thereafter.

Place of Sale: AT THE TOP OF THE OUTSIDE STEPS TO THE SECOND FLOOR IN FRONT OF THE COURTHOUSE in McLennan County, Texas, Or, if the preceding area(s) is/are no longer the area(s) designated by the McLennan County Commissioner's Court, at the area most recently designated by the McLennan County Commissioner's Court.

WHEREAS, the above-named Grantor previously conveyed the above described property in trust to secure payment of the Note set forth in the above-described Deed of Trust; and

WHEREAS, a default under the Note and Deed of Trust was declared; such default was reported to not have been cured; and all sums secured by such Deed of Trust were declared to be immediately due and payable; and

WHEREAS, the original Trustee and any previously appointed Substitute Trustee has been removed and Donna Stockman, David Stockman, Brenda Wiggs, Guy Wiggs, Michelle Schwartz, Janet Pinder or Kathy Arrington, Braden Barnes or Tori Jones, any to act, have been appointed as Substitute Trustees and requested to sell the Property to satisfy the indebtedness; and

WHEREAS, the undersigned law firm has been requested to provide these notices on behalf of the Current Mortgagee, Mortgage Servicer and Substitute Trustees;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN of the foregoing matters and that:

1. The maturity of the Note has been accelerated and all sums secured by the Deed of Trust have been declared to be immediately due and payable.
2. Donna Stockman, David Stockman, Brenda Wiggs, Guy Wiggs, Michelle Schwartz, Janet Pinder or Kathy Arrington, Braden Barnes or Tori Jones, any to act, as Substitute Trustee will sell the Property to the highest bidder for cash on the date, at the place, and no earlier than the time set forth above in the Sale Information section of this notice. The sale will begin within three hours after that time.
3. This sale shall be subject to any legal impediments to the sale of the Property and to any exceptions referenced in the Deed of Trust or appearing of record to the extent the same are still in effect and shall not cover any property that has been released from the lien of the Deed of Trust.

4. No warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose shall be conveyed at the sale, save and except the Grantor's warranties specifically authorized by the Grantor in the Deed of Trust. The property shall be offered "AS-IS", purchasers will buy the property "at the purchaser's own risk" and "at his peril", and no representation is made concerning the quality or nature of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property, subject to any liens or interests of any kind that may survive the sale. Interested persons are encouraged to consult counsel of their choice prior to participating in the sale of the property.

Substitute Trustee(s): Donna Stockman, David Stockman, Brenda Wiggs, Guy Wiggs, Michelle Schwartz, Janet Pinder or Kathy Arrington, Braden Barnes or Tori Jones, any to act.

Substitute Trustee Address: 14841 Dallas Parkway, Suite 425, Dallas, TX 75254

Document Prepared by:
Bonial & Associates, P.C.
14841 Dallas Parkway, Suite 425, Dallas, TX 75254
AS ATTORNEY FOR THE HEREIN
IDENTIFIED MORTGAGEE AND/OR
MORTGAGE SERVICER

Certificate of Posting

I am _____ whose address is 14841 Dallas Parkway, Suite 425, Dallas, TX 75254. I declare under penalty of perjury that on _____ I filed and / or recorded this Notice of Foreclosure Sale at the office of the McLennan County Clerk and caused it to be posted at the location directed by the McLennan County Commissioners Court.

By: _____

Exhibit "A"

METES AND BOUNDS DESCRIPTION 0.7183 ACRE TRACT - DUSTIN DALE GARRETT
A TRACT OR PARCEL OF LAND CONTAINING 0.7183 ACRE OUT OF AND A PART OF A SO CALLED 0.95 ACRE TRACT CALLED RESURVEYED TO BE 0.9429 ACRE TRACT CONVEYED TO DOUGLAS DALE AND STEPHANIE GARRETT IN INSTRUMENT RECORDED IN CLERK'S FILE NO. 19986 DATED MAY 17, 1983 BEING OUT OF AND A PART OF THE EASTERLY PORTION OF A CERTAIN 1.98 ACRE TRACT CONVEYED TO A. E. TINDELL AND M. S. MAI RECORDED IN INSTRUMENT IN VOLUME 850, PAGE 293 OF THE MCLENNAN COUNTY DEED RECORDS BEING OUT OF THE WILLIAM DILLARD SURVEY IN MCLENNAN COUNTY, SAID 0.7183 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO-WIT:
COMMENCING AT A 1/2 INCH IRON ROD FOUND AT THE NORTH CORNER OR NORTHEAST CORNER OF SAID 1.98 ACRE TRACT DESCRIBED IN INSTRUMENT RECORDED IN VOLUME 850, PAGE 293 OF THE DEED RECORDS OF MCLENNAN COUNTY, ALSO MARKING THE NORTHEAST CORNER OF 0.95 ACRE TRACT SO-CALLED;
THENCE SOUTH 59 DEGREES 06 MINUTES 00 SECONDS WEST WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF MEYERS LANE (60 FEET IN WIDTH) AND WITH THE NORTHWEST LINE OF SAID 0.95 SO-CALLED A DISTANCE OF 95.00 FEET TO A 5/8 INCH IRON ROD SET MARKING THE NORTH CORNER AND PLACE OF BEGINNING OF THE HEREIN DESCRIBED 0.7183 ACRE TRACT AND MARKING THE WEST CORNER OF A 0.2246 ACRE RESIDUAL TRACT;
THENCE SOUTH 30 DEGREES 52 MINUTES 45 SECONDS EAST WITH THE SOUTHWEST LINE OF SAID RESIDUAL TRACT A DISTANCE OF 103.00 FEET TO A 5/8 INCH IRON ROD SET AT THE SOUTH CORNER OF SAID RESIDUAL TRACT AND MARKING A RE-ENTRANT CORNER OF THE HEREIN DESCRIBED 0.7183 ACRE TRACT IN A FENCE LINE;
THENCE NORTH 59 DEGREES 06 MINUTES 00 SECONDS EAST WITH SAID FENCE LINE BEING A FIELD FENCE CROSSING OVER SAID PARENT TRACT A DISTANCE OF 95.01 FEET TO A 5/8 INCH IRON ROD SET AT THE MOST EASTERLY NORTH CORNER OF THE HEREIN DESCRIBED 0.7183 ACRE TRACT AND MARKING THE EAST CORNER OF SAID RESIDUAL TRACT BEING IN THE NORTHEAST LINE OF SAID ORIGINAL 1.98 ACRE TRACT AND THE ORIGINAL NORTHEAST LINE OF SAID 0.95 ACRE TRACT SO-CALLED;
THENCE WITH AN OLD FENCE LINE AND THE MEANDERS OF THE NORTHEAST LINE OF SAID ORIGINAL 0.95 ACRE TRACT AS FOLLOWS:
SOUTH 30 DEGREES 53 MINUTES 11 SECONDS EAST-86.91 FEET (CALLED SOUTH 30 DEGREES 54 MINUTES EAST) TO A 1/2 INCH IRON ROD AT AN ANGLE POINT AND SOUTH 30 DEGREES 04 MINUTES 39 SECONDS EAST-83.72 FEET (CALLED SOUTH 31 DEGREES 20 MINUTES EAST-82.75 FEET) TO A 1/2 INCH IRON ROD FOUND AT THE EAST CORNER OF SAID 0.95 ACRE TRACT SO-CALLED AND MARKING THE EAST CORNER OF THE HEREIN DESCRIBED 0.7183 ACRE TRACT AT A VERY OLD FENCE CORNER;
THENCE SOUTH 58 DEGREES 20 MINUTES 31 SECONDS WEST WITH AN OLD FENCE LINE (CALLED 58 DEGREES 05 MINUTES WEST-150.75 FEET) A DISTANCE OF 148.87 FEET TO A 1/2 INCH IRON ROD FOUND AT AN OLD FENCE CORNER AT THE SOUTH CORNER OF SAID 0.95 ACRE TRACT SO-CALLED AND MARKING THE EAST CORNER OF THE RESIDUAL PORTION OF SAID ORIGINAL 1.98 ACRE TRACT;
THENCE NORTH 30 DEGREES 52 MINUTES 45 SECONDS WEST WITH AN OLD FENCE LINE AND WITH THE NORTHEAST LINE OF SAID RESIDUAL TRACT AND THE SOUTHWEST LINE OF SAID 0.95 ACRE TRACT SO-CALLED A DISTANCE OF 278.54 FEET (CALLED NORTH 30 DEGREES 54 MINUTES WEST-277.00 FEET) TO A 1/2 INCH IRON ROD FOUND AT THE WEST CORNER OF SO-CALLED 0.95 ACRE TRACT AND MARKING THE NORTH CORNER OF SAID RESIDUAL TRACT IN THE SOUTHEAST RIGHT-OF-WAY LINE OF MEYERS LANE (60 FEET IN WIDTH);
THENCE NORTH 59 DEGREES 06 MINUTES 00 SECONDS EAST WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID LANE A DISTANCE OF 55.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.7183 ACRES