

2021-71

2021-61
FILED FOR RECORD
AT 1:39 O'CLOCK P.M.

NOTICE OF SALE BY SUBSTITUTE TRUSTEE OCT 07 2021

STATE OF TEXAS *
*
COUNTY OF NAVARRO *

SHERRY DOWD, County Clerk
NAVARRO COUNTY, TEXAS
BY _____ DEPUTY

RECITALS

1. WHEREAS, PAUL MERTZ and TERESA CLOWER, ("Borrower"), executed and delivered, that certain **Real Estate Lien Note (the "Note")**, dated effective as of February 27, 2019; and, that certain **Deed of Trust** dated February 27, 2019, and recorded under **Document Number 00001506**, and incorporated herein by referenced for all purposes, for the benefit of David Bryant Slone, "Lender", certain land located in Navarro County, Texas, and described as follows:

General Description:

All that certain lot, tract or parcel of land, a part of the Robert R. Goodloe Survey A-299, Navarro County, Texas, and also being all of the Residue of that certain called 7.08 acre tract of land that is described in a Affidavit of Heirship for Johnnie Bryan Sloan that is recorded in 00002937 of the Deed Records of Navarro County, Texas, and being more completely described as follows to wit:

Metes and Bounds Description:

Beginning at a ½ Pipe found for corner at the West Corner of said tract in the S.E.B.L. of West Park Row Blvd;

Thence North 58 Degrees, 32 Minutes 51 Seconds East, along the N.W.B.L. of said tract and the S.E.B.L. of said Road for a distance of 200.26 feet to a ½ inch iron Pipe found for corner at the North Corner of said tract;

Thence South 30 Degrees 57 Minutes 53 Seconds East, along the N.E.B.L. of said tract and the S.W.B.L. of that certain tract (Vol 2007 Pg 6295) for a distance of 724.19 feet to a 1 Inch Iron Rod found for corner at the North corner of that certain tract (Vol 2015 Pg 3809);

Thence South 58 Degrees 53 Minutes 55 Seconds West, along the N.W.B.L. of said tract (Vol 2015 Pg 3809) for a distance of 199.72 feet to a 1 Inch Iron Rod found for corner at the West Corner of said tract (Vol 2015 Pg 3809);

Thence North 31 Degrees 00 Minutes 26 Seconds West, along the S.W.B.L. of said tract and the N.E.B.L. of that certain tract (Vol 1160 Pg 123) for a distance of 722.97 feet to the place of beginning containing 3.3220 Acres.

(the "Mortgaged Property"), the Deed of Trust, and, the Real Estate Lien Note are the "Loan Documents".

2. WHEREAS, LENDER is the owner and holder of the **Promissory Note** secured by the **Deed of Trust** recorded in the Navarro County, Texas Real Property Records as set out hereinabove.

3. WHEREAS, the Deed of Trust was given to secure the payment of all indebtedness described in such documents, including the indebtedness evidenced by that certain Real Estate Lien Note (the "Promissory Note") dated February 27, 2019 executed by Borrower, as Maker, payable to Lender in the stated principal amount of ONE HUNDRED SIXTY THOUSAND AND 00/100THS (\$160,000.00) DOLLARS, and, described in the Real Estate Lien Note (herein the "Promissory Note") (all such indebtedness being hereinafter collectively referred to as the "Indebtedness"); and

4. WHEREAS, by instrument dated October 7, 2021, styled **Removal of Trustee, Appointment of Substitute Trustee and Request to Substitute Trustee**, Lender removed Charles H. Newman, and, any successor or Substitute Trustee appointed by any unrecorded or recorded document or otherwise (collectively, the "Original Trustee"), as Trustee under the Deed of Trust, and appointed TOM E. SMALLEY, an individual, as the Substitute Trustee thereunder, to succeed to and become vested with all of the estate and title of the Original Trustee, as Substitute Trustee, in the Mortgaged Property, and with all the rights, powers, privileges and authority vested in the Original Trustee, as Substitute Trustee, by the terms and conditions of the Deed of Trust; and,

5. WHEREAS, default has occurred in the payment of the Indebtedness and LENDER, the present owner and holder of the Indebtedness secured by the Deed of Trust, and the beneficiary under the Deed of Trust, by reason of such default, has accelerated the maturity of the Indebtedness so that it is now wholly due and payable, but has not been paid, and LENDER has, therefore, requested that TOM E. SMALLEY, as Substitute Trustee, sell the Mortgaged Property as provided in the Deed of Trust to satisfy the Indebtedness to the extent that the proceeds from such sale are sufficient to do so.

NOTICE OF SALE

NOW, THEREFORE, NOTICE IS HEREBY GIVEN, that on **Tuesday, the 2nd day of November, 2021, beginning no earlier than 10:00 a.m. and commencing within three (3) hours of such time**, on the FRONT STEPS OF THE NAVARRO COUNTY COURTHOUSE, CORSICANA, NAVARRO COUNTY, TEXAS OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court. (said area having been designated for conducting foreclosure sales in Navarro County, Texas, by the Commissioners court of Navarro County, Texas), I, the undersigned, as Substitute Trustee under the Deed of Trust, will sell the Mortgaged Property to the highest bidder for cash.

EXECUTED and EFFECTIVE as of the 7th day of October, 2021.



Tom E. Smalley, Substitute Trustee

STATE OF TEXAS

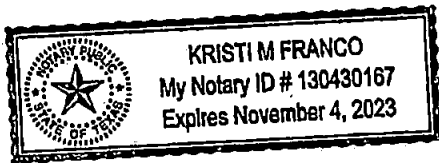
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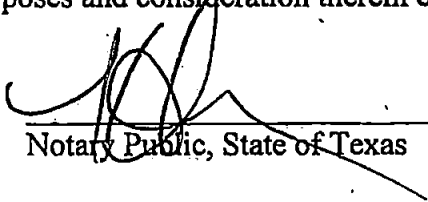
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COUNTY OF NAVARRO

*

Before me, the undersigned, a Notary Public in and for said County and State on this day personally appeared TOM E. SMALLEY, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said SUBSTITUTE TRUSTEE, for the purposes and consideration therein expressed, and, in the capacity therein stated.





Notary Public, State of Texas

**REMOVAL OF TRUSTEE
APPOINTMENT OF SUBSTITUTE TRUSTEE
AND
REQUEST TO SUBSTITUTE TRUSTEE**

Date: October 7, 2021

Deed of Trust

Grantor: PAUL MERTZ and TERESA CLOWER

Trustee: CHARLES H. NEWMAN

Beneficiary: DAVID BRYANT SLONE

County Where Property Is Located: NAVARRO

Recording Information:

Deed of Trust recorded in the Navarro County, Texas Real Property Records, Instrument Number 00001506

Property:

General Description:

All that certain lot, tract or parcel of land, a part of the Robert R. Goodloe Survey A-299, Navarro County, Texas, and also being all of the Residue of that certain called 7.08 acre tract of land that is described in a Affidavit of Heirship for Johnnie Bryan Sloan that is recorded in 00002937 of the Deed Records of Navarro County, Texas, and being more completely described as follows to wit:

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Beginning at a ½ Pipe found for corner at the West Corner of said tract in the S.E.B.L of West Park Row Blvd;

Thence North 58 Degrees, 32 Minutes 51 Seconds East, along the N.W.B.L. of said tract and the S.E.B.L. of said Road for a distance of 200.26 feet to a ½ ince iron pipe found for corner at the North Corner of said tract;

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The Deed of Trust, and, the Real Estate Lien Note are the "Loan Documents".

Real Estate Lien Note "Promissory Note": February 27, 2019

Amount: \$ 160,000.00

Debtors: PAUL MERTZ and TERESA CLOWER

Holder: DAVID BRYANT SLONE


Substitute Trustee: Tom E. Smalley

Substitute Trustee's Mailing Address (including county):

115 North College Street
Waxahachie, Ellis County, Texas 75165

Grantor has failed to perform obligations set out in the Deed of Trust and, in accordance with provisions of that instrument, Beneficiary has declared the debt that it secures immediately due and requests that the property it conveys be sold in a Substitute Trustee's sale.

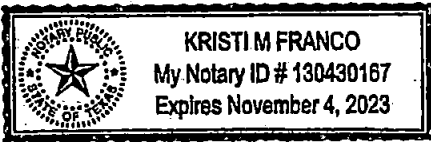
Beneficiary hereby removes CHARLES H. NEWMAN, or any successor Substitute Trustee appointed by any unrecorded or recorded document and appoints TOM E. SMALLEY as Substitute Trustee to act in accordance with the Deed of Trust, and, to sell the Property. Beneficiary requests copies of the Notice of Sale By Substitute Trustee, be sent by Substitute Trustee so that notice of the sale can be filed and furnished to Grantor in accordance with Section 51.002 of the Texas Property Code.

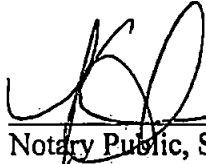

DAVID BRYANT SLONE

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Sworn and subscribed herein before me on the 7th day of October, 2021,
by **DAVID BRYAN SLONE**.





Notary Public, State of Texas

AFTER RECORDING, RETURN TO:
TOM E. SMALLEY, Attorney at Law
115 North College Street
Waxahachie, Texas 75165