

2024-077

FILED FOR RECORD
AT 3:16 O'CLOCK P.M.

AUG 22 2024

SHERRY DOWD, County Clerk
NAVARRO COUNTY, TEXAS
BY Sherry Dowd 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 LOT, TRACT, OR PARCEL OF LAND, BEING 1.193 ACRES SITUATED IN THE JOHN WILLIAMS SURVEY, ABSTRACT NO. 877, IN NAVARRO COUNTY, TEXAS, AND BEING PART OF A CALLED 2.12 ACRES TRACT DESCRIBED IN DEED FROM FRAN J. MCGILL TO JAMES R. DOWD, DATED MAY 9, 2006, AND RECORDED IN VOLUME 1824 PAGE 610, IN THE OFFICIAL PUBLIC RECORDS OF NAVARRO COUNTY, TEXAS. SAID 1.193 ACRES ARE MORE FULLY DESCRIBED AS FOLLOWS;

BEGINNING AT A 2 INCH IRON FENCE POST FOUND FOR THE SOUTHWEST CORNER OF THIS TRACT AND THE CALLED 2.12 ACRES TRACT, AND IN THE SOUTHEAST CORNER OF A CALLED 1.018 ACRES TRACT CONVEYED TO GARY MAYO IN VOLUME 1279 PAGE 275, AND IN THE NORTH LINE OF THE ST. LOUIS AND SOUTHWESTERN RAILROAD PROPERTY;

THENCE NORTH 25 DEGREES 35 DEGREES 36 MINUTES WEST GENERALLY ALONG A FENCE AND THE SOUTHWEST LINE OF THIS TRACT AND THE CALLED 2.12 ACRES TRACT, AND THE NORTHWEST LINE OF THE MAYO TRACT, A DISTANCE OF 402.87 FEET TO A 1/2 INCH ROD SET FOR THE NORTHWEST CORNER OF THIS TRACT AND THE NORTHEAST CORNER OF THE MAYO TRACT, AND SAID ROD IS IN THE SOUTH LINE OF TEXAS STATE HIGHWAY 31;

THENCE ALONG THE RIGHT-OF-WAY OF HIGHWAY 31, AND ALONG A CURVE TO THE RIGHT WHICH HAS A RADIUS OF 11,409.16 FEET, A CENTRAL ANGLE OF 00 DEGREES 42 MINUTES 06 SECONDS, A TANGENT OF 69.86 FEET, A CHORD OF NORTH 74 DEGREES 46 MINUTES 02 SECONDS EAST 139.72 FEET, AND AN ARC LENGTH OF 139.72 FEET TO A 1/2 INCH ROD PREVIOUSLY SET FOR THE NORTHWEST CORNER OF A 0.939 ACRE TRACT CONVEYED OUT OF THE CALLED 2.12 ACRES TRACT TO MORRIS D. DOWD AND WIFE, KATHY DOWD, IN DOCUMENT NUMBER 12125;

THENCE SOUTH 22 DEGREES 38 MINUTES 56 SECONDS EAST ALONG THE NORTHEAST LINE OF THIS TRACT AND THE SOUTHWEST LINE OF THE 0.939 ACRE TRACT, A DISTANCE OF 411.83 FEET TO A 1/2 INCH ROD PREVIOUSLY SET FOR THE SOUTHWEST CORNER OF THE 0.939 ACRE TRACT, AND IN THE SOUTH LINE OF THE CALLED 2.12 ACRES TRACT, AND IN THE NORTH LINE OF THE RAILROAD PROPERTY;

THENCE SOUTH 80 DEGREES 30 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF THIS TRACT AND THE CALLED 2.12 ACRES TRACT, AND ALONG THE NORTH LINE OF THE RAILROAD PROPERTY, A DISTANCE OF 121.04 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.193 ACRES OF LAND.

2. Instrument to be Foreclosed. The instrument to be foreclosed is the Deed of Trust dated 08/07/2009 and recorded in Document 00006256 real property records of Navarro County, Texas.

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

Date: 10/01/2024
Time: 01:00 PM
Place: Navarro County, Texas at the following location: THE FRONT STEPS OF THE NAVARRO COUNTY COURTHOUSE, LOCATED AT 300 WEST 3RD AVENUE, CORSICANA, TEXAS, 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 JAMES R. DOWD AND ELIZABETH DOWD, provides that it secures the payment of the indebtedness in the original principal amount of \$99,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. Cascade Funding Mortgage Trust HB4 is the current mortgagee of the note and deed of trust and PHH MORTGAGE CORPORATION is mortgage servicer. A servicing agreement between the mortgagee, whose address is Cascade Funding Mortgage Trust HB4 c/o PHH MORTGAGE CORPORATION, 14405 Walters Road, Suite 200, Houston, TX 77014 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. Order to Foreclose. Cascade Funding Mortgage Trust HB4 obtained a Order from the 13th Judicial District District Court of Navarro County on 05/22/2024 under Cause No. D24-32041-CV. The mortgagee has requested a Substitute Trustee conduct this sale pursuant to the Court's Order.

7. 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

For additional sale information visit: www.mwzmlaw.com/tx-investors

Certificate of Posting

I am Mollie McCoskie 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 8/22/24 I filed this Notice of Foreclosure Sale at the office of the Navarro County Clerk and caused it to be posted at the location directed by the Navarro County Commissioners Court.