

## 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: TRACT I:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN RED RIVER COUNTY, TEXAS, ABOUT 17 1/2 MILES SOUTH 71 DEGREES EAST FROM THE TOWN OF CLARKSVILLE; PART OF DENNIS HARTY SURVEY, ABSTRACT NO. 403, AND BEING PART OF A CALLED 130 2/3 ACRE TRACT OF LAND FIRST TRACT DESCRIBED IN DEED FROM DALLAS C. BIGGERS, ET AL., TO VAL T. RYTHER, DATED THE 22ND DAY OF AUGUST 1944, AND RECORDED IN VOLUME 164, PAGES 612-614, DEED RECORDS OF RED RIVER COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A 5/8 INCH DIAMETER R.S. ROD, AT THE FENCE CORNER POST, AT THE SOUTHEAST CORNER OF SAID CALLED 130 2/3 ACRE TRACT OF LAND;

THENCE SOUTH 89 DEGREES 37 MINUTES 26 SECONDS WEST, ALONG THE SOUTH LINE OF SAID 130 2/3 ACRE TRACT, A DISTANCE OF 338.000 FEET TO A 5/8 INCH DIAMETER R.S. ROD, SET FOR A CORNER;

THENCE NORTH 00 DEGREES 36 MINUTES 00 SECONDS EAST, A DISTANCE OF 1184.530 FEET TO A 5/8 INCH DIAMETER R.S. ROD, SET FOR A CORNER;

THENCE NORTH 26 DEGREES 17 MINUTES 40 SECONDS EAST, A DISTANCE OF 562.060 FEET TO A 5/8 INCH DIAMETER R.S. ROD, SET FOR A CORNER, IN THE SOUTH LINE OF F.M. HIGHWAY NO. 1701;

THENCE SOUTHEASTERLY, ALONG THE SOUTH LINE OF SAID HIGHWAY, BEING A CURVE TO THE LEFT DELTA EQUAL 1 DEGREE 44 MINUTES 55 SECONDS, RADIUS-3324.170 FEET, CHORD BEARING AND DISTANCE- SOUTH 67 DEGREES 42 MINUTES 07 SECONDS EAST, 101.446 FEET, AN ARC DISTANCE OF 101.449 FEET TO A 5/8 INCH R.S. ROD, SET FOR A CORNER, IN THE EAST LINE OF SAID 130 2/3 ACRE TRACT OF LAND;

THENCE SOUTH 00 DEGREES 36 MINUTES 00 SECONDS WEST, ALONG THE FENCE LINE AND EAST LINE OF SAID 130 2/3 ACRE TRACT OF LAND, A DISTANCE OF 1647.749 FEET TO THE PLACE OF BEGINNING AND CONTAINING 11.639 ACRES OF LAND, MORE OR LESS.

TRACT II:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN RED RIVER COUNTY, TEXAS, ABOUT 17 1/2 MILES SOUTH 71 DEGREES EAST FROM THE TOWN OF CLARKSVILLE; PART OF DENNIS HARTY SURVEY, ABSTRACT NO. 403, AND

BEING PART OF A CALLED 33.9 ACRE TRACT OF LAND DESCRIBED IN DEED FROM BROSE MEDFORD TO W.L. BISHOP AND WIFE, EUPHEMIA BISHOP, DATED THE 14TH DAY OF MAY 1951, AND RECORDED IN VOLUME 188, PAGE 591, DEED RECORDS OF RED RIVER COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A METAL STAKE AT THE FENCE CORNER POST AND BEING THE MOST SOUTHERN SOUTHEAST CORNER OF SAID 33.9 ACRE TRACT OF LAND;

THENCE NORTH 89 DEGREES 56 FEET WEST ALONG THE FENCE LINE 99.12 VARAS TO THE FENCE CORNER POST AND BEING THE MOST SOUTHERN SOUTHWEST CORNER OF SAID 33 9 ACRE TRACT OF LAND;

THENCE NORTH 00 DEGREES 36 FEET EAST ALONG THE FENCE LINE 596.54 VARAS TO THE SOUTH LINE OF F.M. HIGHWAY NO. 1701;

THENCE SOUTHEASTERLY ALONG THE SOUTH LINE OF SAID HIGHWAY, BEING A CURVE TO THE LEFT CENTRAL ANGLE EQUAL 5 DEGREES 26 FEET 06.90 SECONDS, RADIUS EQUAL 1196.70 VARAS, CHORD BEARING AND DISTANCE EQUAL SOUTH 71 DEGREES 40 FEET 01.88 SECONDS EAST, 113.48 VARAS AN ARC DISTANCE OF 113.52 VARAS TO THE FENCE CORNER POST IN THE EAST LINE OF SAID 33.9 ACRE TRACT OF LAND;

THENCE SOUTH 01 DEGREES 31 FEET WEST ALONG THE FENCE LINE 561.13 VARAS TO THE PLACE OF BEGINNING AND CONTAINING 10.61 ACRES OF LAND, MORE OR LESS.

SAVE AND EXCEPT:

2.00 ACRES AS DESCRIBED IN WARRANTY DEED CONVEYED FROM RICHARD E. POTTER AND WIFE, IVA PAULINE POTTER TO TERESA L. TIPPS AND HUSBAND, MARK W. TIPPS, RECORDED ON 06/25/2001, IN BOOK 509, AT PAGE 150.

APN:10403-00000-0171





2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 03/04/2008 and recorded in Book 0612 Page 559 Document 38487 real property records of Red River County, Texas.

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

Date: 01/04/2022

Time: 01:00 PM

Place: Red River County, Texas at the following location: THE HALLWAY INSIDE THE EAST DOOR OF THE RED RIVER COUNTY COURTHOUSE SHALL BE DESIGNATED AS THE PROPER PLACE FOR SUCH FORECLOSURE SALES TO THE HELD 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 RICHARD E. POTTER AND IVA PAULINE POTTER, provides that it secures the payment of the indebtedness in the original principal amount of \$112,500.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. NATIONSTAR MORTGAGE LLC DBA CHAMPION MORTGAGE COMPANY is the current mortgagee of the note and deed of trust and CHAMPION MORTGAGE COMPANY is mortgage servicer. A servicing agreement between the mortgagee, whose address is NATIONSTAR MORTGAGE LLC DBA CHAMPION MORTGAGE COMPANY c/o CHAMPION MORTGAGE COMPANY, 8950 Cypress Waters Blvd, Coppell, TX 75019 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. **Order to Foreclose.** NATIONSTAR MORTGAGE LLC DBA CHAMPION MORTGAGE COMPANY obtained a Order from the 102nd District Court of Red River County on 10/12/2021 under Cause No. CV05128. 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

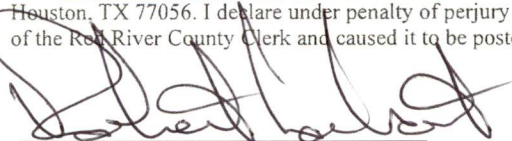
Parkway Office Center, Suite 900

14160 Dallas Parkway

Dallas, TX 75254

Certificate of Posting

I am Robert La Mont 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 November 15, 2021 I filed this Notice of Foreclosure Sale at the office of the Red River County Clerk and caused it to be posted at the location directed by the Red River County Commissioners Court.



Robert La Mont

FILED FOR RECORD  
1:10 o'clock P M. on  
NOV 15 2021  
Shawn Weemes  
SHAWN WEEMES, COUNTY CLERK  
RED RIVER CO., TX