

FILED FOR RECORD  
SHELBY COUNTY, TEXAS

2019 JUN 10 PM 2:13

**NOTICE OF FORECLOSURE SALE**

Notice is hereby given of a public non-judicial foreclosure sale.

JENNIFER L. FOUNTAIN  
COUNTY CLERK

BY *[Signature]*  
DEPUTY

1. Property To Be Sold. The property to be sold is described as follows: All property (real, personal or otherwise) described in the deed of trust (as hereinafter defined as the "Deed of Trust"), together with the rights, appurtenances and improvements thereto, including, but not limited to, the real property described on **Exhibit A** attached hereto and made a part hereof. In the event any property encumbered by the Deed of Trust has been released by Lender (or its predecessor in interest, as applicable), then said released property shall be excluded from the property sold at foreclosure.

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

Date: **Tuesday, July 2, 2019.**

Time: The sale shall begin no earlier than **1:00 p.m.** or no later than three hours thereafter. The sale shall be completed by no later than **4:00 p.m.**

Place: **The sale will take place at the Shelby County Courthouse at the place designated by the Shelby County Commissioner's Court.**

The Deed of Trust permits the Lender (as hereinafter defined) 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 and/or Texas Business and Commerce Code. Such reposting or refileing may be after the date originally scheduled for this sale.

3. 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 Lender to have the bid credited 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 cash on the day the property is sold.

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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

4. Type of Sale. The sale is a non-judicial foreclosure sale being conducted pursuant to the power of sale granted by that certain Deed of Trust (the "Deed of Trust") recorded under Instrument No. 2011010052 in the Real Property Records of Shelby County, Texas, and executed by Tony Ard and Tonja Ard (whether one or more, the "Grantor"), for the benefit of 21<sup>st</sup> Mortgage Corporation ("Lender"), covering the property described above.

5. Obligations Secured. The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Indebtedness") including but not limited to the unpaid principal and interest owing on: that certain Consumer Loan Note, Security Agreement and Disclosure Statement (the "Note") dated on or about December 8, 2011, executed by the Grantor and payable to the order of Lender, and all renewals, modifications and extensions of the Note. Lender is the current owner and/or holder of the Note and the Indebtedness and is the beneficiary under the Deed of Trust.


Questions concerning the sale may be directed to the undersigned or to the Lender:


21st Mortgage Corporation  
620 Market Street One Center Square  
Knoxville, TN 37902  
Phone: 800-955-0021  
Fax: 866-231-4851

6. Default and Request To Act. Default has occurred under the Deed of Trust, and Lender has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale Lender may appoint another person as substitute trustee to conduct the sale.

7. Armed Forces Notice. 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.

DATED: June 7, 2019.

  
Richard A. McKinney, Substitute Trustee  
Higier Allen & Lautin, P.C.  
The Tower at Cityplace  
2711 N. Haskell Ave., Suite 2400  
Dallas, Texas 75204  
Telephone: (972) 716-1888  
Fax: (972) 716-1899

  
sheryl LaMont + 6-10-19

**\*\*\*PLEASE FAX ALL COMMUNICATIONS REGARDING THIS MATTER TO THE  
SUBSTITUTE TRUSTEE AT 972-716-1899 (FAX), NOTE THE SUBSTITUTE  
TRUSTEE'S NAME ON YOUR COVER SHEET AND CONTACT THE SUBSTITUTE  
TRUSTEE AT 972-716-1888 (PHONE) TO CONFIRM RECEIPT. PLEASE ASSUME  
YOUR FAX HAS NOT BEEN RECEIVED UNTIL YOU VERBALLY CONFIRM  
RECEIPT THEREOF WITH OUR OFFICE. THANKS IN ADVANCE FOR YOUR  
COOPERATION.\*\*\***

**EXHIBIT A**

PROPERTY DESCRIPTION

[FOLLOWS THIS COVER PAGE]

Exhibit "A"

TRACT ONE:

BEING 0.1232 acre of land, more or less, a part of the E. Ritter Survey, Abst. No. 584, Shelby County, Texas, and being the land described in the Deed from W. G. Dowden and wife, Ann J. Dowden, to David L. Oden and wife, Lynn Oden, dated October 26, 1994, recorded in Vol. 781, Page 413, Real Property Records, Shelby County, Texas, and being described by metes and bounds as follows, to-wit:

BEGINNING at a 3/8 in. iron rod set for the corner being first S. 26 deg. 17 min. 06 sec. E. a distance of 776.63 ft. and second S. 22 deg. 09 min. W. a distance of 75 ft. from the N. W. C. of the said Duncan tract, the same being the S. W. C. of a lot heretofore conveyed to Victor Cooper et ux, dated August 9, 1990, from W. G. Dowden et ux;

THENCE S. 67 deg. 51 min. E. a distance of 75 ft. to a stake for corner;

THENCE N. 22 deg. 09 min. E. a distance of 59 ft. to a stake for corner;

THENCE N. 28 deg. 51 min. W. a distance of 24 ft. to a stake for corner;

THENCE N . 67 deg. 51 min. W. a distance of 51 ft. to a stake for corner, the same being the S. E. C. of the aforementioned Cooper lot;

THENCE S. 22 deg. 09 min. W. a distance of 75 ft. to the place of beginning, containing 0.1232 acre of land, more or less.

TRACT TWO:

BEING 0.2582 acre of land, more or less, a part of the E. Ritter Survey, Abst. No. 584, Shelby County, Texas, and being the land described in the Deed from W. G. Dowden and wife, Ann J. Dowden, to David L. Oden and wife, Lynn Oden, dated October 26, 1994, recorded in Vol. 781, Page 417, Deed Records, Shelby County, Texas, and being described by metes and bounds as follows, to-wit:

BEGINNING at a 3/8 in. iron rod set for the corner being first S. 26 deg. 17 min. 06 sec. E. a distance of 776.63 ft., and second S. 22 deg. 09 min. W. a distance of 75 ft. from the N. W. C. of the said Duncan tract, the same being S. W. C. of a lot heretofore conveyed to Victor Cooper et ux, dated August 9, 1990, from W. G. Dowden et ux;

THENCE N. 67 deg. 51 min. W. a distance of 75 ft. to stake for corner;

THENCE S. 22 deg. 09 min. W. a distance of 75 ft. to stake for corner;

THENCE S. 67 deg. 51 min. E. a distance of 150 ft. to stake for corner;

THENCE N. 22 deg. 09 min. E. a distance of 75 ft. to stake for corner;

THENCE N. 67 deg. 51 min. W. a distance of 75 ft. to the place of beginning, containing 0.2582 acre of land, more or less.

TRACT THREE:

BEING all that certain tract or parcel of land, a part of the Everitt Ritter Survey, Abst. No. 584, Shelby County, Texas, and being the land described in the Deed from W. G. Dowden and wife, Ann J. Dowden, to David L. Oden and wife, Lynna Oden, dated October 26, 1994, recorded in Vol. 781, Page 421, Real Property Records, Shelby County, Texas, and being described by metes and bounds as follows, to-wit:

BEGINNING at a 3/8 in. iron rod set for the corner on the S. side of a 30 ft. street, S. 26 deg. 17 min. 06 sec. E. 776.63 ft. from the N. W. C. of the said Duncan tract;

THENCE N. 67 deg. 51 min. W. along the said street margin a distance of 75 ft. to a 3/8 in. iron set for the corner;

THENCE S. 22 deg. 09 min. W. a distance of 75 ft. to a 3/8 in. iron rod;

THENCE S. 67 deg. 51 min. E. a distance of 75 ft. to a 3/8 in. iron rod;

THENCE N. 22 deg. 09 min. E. a distance of 75 ft. to the place of beginning.