

#17

NOTICE OF FORECLOSURE SALE

State of Texas §
 §
County of Gaines §

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

1. Property To Be Sold. The property to be sold is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES

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

Date: **October 4, 2022**
Time: The sale shall begin no earlier than **01:00 PM** or no later than three hours thereafter.
Place: **Gaines County Courthouse in Seminole, Texas**, at the following location: the area designated by the Commissioners Court of **Seminole, Gaines County, Texas**, pursuant to § 51.002 of the Texas Property Code as the place where foreclosure sales are to take place (if no such place is so designated, the sale will take place in the area where this Notice of Substitute Trustee's Sale is posted).

The deed of trust permits the Mortgagee of Record 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. The reposting or refiled may be after the date originally scheduled for this sale.

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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

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 Mortgagee of Record thereunder to have the bid credited to the note 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 their bid immediately in cash if their bid is accepted.

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. The sale shall not cover any part of the property that has been released of public record from the lien of 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.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

1007398-1

FILED
9/12/22. 1:15 P. m
Terrl Berry, County Clerk
Gaines County, Texas
BY Christina Rodriguez
Deputy

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4. Type of Sale. The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by **Omar P Saravia**.
5. Obligations Secured. The Deed of Trust is dated **October 30, 2014**, and is recorded in the office of the County Clerk of **Gaines County, Texas**, in/under **2014-7064, Official Public Records of Gaines County, Texas**. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to the promissory note in the original principal amount of **\$39,275.00**, executed by **Omar P Saravia**, and payable to the order of **Mortgage Electronic Registration Systems, Inc. as nominee for American Southwest Mortgage Corp.**

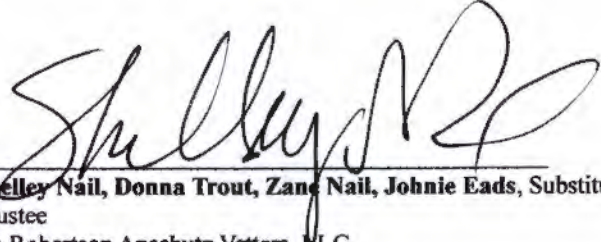
Original Mortgagee: Mortgage Electronic Registration Systems, Inc. as nominee for American Southwest Mortgage Corp.

Current Mortgagee of Record: Origin Bank whose address is 2508 Lakeland Drive, Suite 100, Flowood, MS 39232.

6. Default and Request To Act. Default has occurred under the deed of trust, and the beneficiary has requested me, as Substitute Trustee, to conduct this public sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.
7. **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.**

Sent by: Clare Cougill
Robertson Anschutz Vettors, LLC
10850 Richmond Avenue, Suite 350
Houston, TX 77042

DATED September 12, 2022.


Shelley Nail, Donna Trout, Zane Nail, Johnie Eads, Substitute
Trustee
c/o Robertson Anschutz Vettors, LLC
10850 Richmond Avenue, Suite 350
Houston, TX 77042
Phone: 713-244-1360

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.

EXHIBIT "A"

A 3.315 ACRE TRACT OF LAND OUT OF THE NORTHWEST PART OF SECTION 11, BLOCK C-34, PUBLIC SCHOOL LAND, GAINES COUNTY, TEXAS, AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD WITH CAP MARKED "NEWTON SURVEYING" SET AT THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 83 WITH THE EASTERLY RIGHT-OF-WAY LINE OF STATE FARM ROAD 1429 FOR THE NORTHWEST CORNER OF THIS TRACT, FROM WHICH A 1/2 INCH IRON ROD IN THE CENTERLINE OF SAID HIGHWAY 83 AT THE NORTHWEST CORNER OF SAID SECTION 11 BEARS NORTH 55.0 FEET AND N.89 DEG. 58 MIN. 35 SEC. W. 50.0 FEET;

THENCE SOUTH, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF FARM ROAD 1429, A DISTANCE OF 456.0 FEET TO A 1/2 INCH IRON ROD WITH CAP MARKED "NEWTON SURVEYING" FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE S.89 DEG. 58 MIN. 35 SEC. E. 125.0 FEET TO A 1/2 INCH IRON ROD WITH CAP MARKED "NEWTON SURVEYING" SET FOR THE MOST SOUTHERN SOUTHEAST CORNER OF THIS TRACT;

THENCE NORTH 80.0 FEET TO A 1/2 INCH IRON ROD FOUND FOR AN INTERIOR CORNER OF THIS TRACT;

THENCE S.89 DEG. 58 MIN. 35 SEC. E. 232.0 FEET TO A 1/2 INCH IRON ROD WITH CAP MARKED "NEWTON SURVEYING" FOR THE MOST EASTERN SOUTHEAST CORNER OF THIS TRACT;

THENCE NORTH 381.0 FEET TO A 1/2 INCH IRON ROD WITH CAP MARKED "NEWTON SURVEYING" SET IN THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 83 FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE N.89 DEG. 58 MIN. 35 SEC. W., ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 83 AND BEING 50.0 FEET SOUTHERLY OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 77.0 FEET TO A 1/2 INCH IRON ROD WITH CAP MARKED "NEWTON SURVEYING" FOR THE SOUTHEAST CORNER OF THAT CERTAIN 20 FEET BY 150 FEET TRACT CONVEYED BY WEST TEXAS GAS CO. TO STATE OF TEXAS BY RIGHT-OF-WAY DEED DATED SEPTEMBER 3, 1940 AND RECORDED IN VOL. 64, PAGE 60 OF THE GAINES COUNTY DEED RECORDS AND FOR A CORNER OF THIS TRACT;

THENCE SOUTH 10.0 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF THAT CERTAIN 20 FEET BY 150 FEET TRACT CONVEYED FROM PIONEER NATURAL GAS CO. TO J.L. BROWN BY QUIT CLAIM DEED DATED JANUARY 18, 1962 AND RECORDED IN VOL. 223, PAGE 241 OF THE GAINES COUNTY DEED RECORDS AND FOR A CORNER OF THIS TRACT;

THENCE N.89 DEG. 58 MIN. 35 SEC. W., ALONG THE SOUTH LINE OF SAID TRACT CONVEYED BY PIONEER NATURAL GAS CO. TO J.L. BROWN, 150.0 FEET TO A 1/2 INCH IRON ROD WITH CAP MARKED "NEWTON SURVEYING" SET FOR THE NORTHWEST CORNER OF SAID TRACT AND FOR A CORNER OF THIS TRACT;

THENCE NORTH 10.0 FEET TO A 1/2 INCH IRON ROD WITH CAP MARKED "NEWTON SURVEYING" SET FOR THE SOUTHWEST CORNER OF SAID TRACT CONVEYED BY WEST TEXAS GAS CO. TO STATE OF TEXAS AND FOR A CORNER OF THIS TRACT;

THENCE N.89 DEG. 58 MIN. 35 SEC. W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 83, A DISTANCE OF 80.0 FEET TO A 1/2 INCH IRON ROD WITH CAP MARKED "NEWTON SURVEYING" SET FOR A CORNER OF THIS TRACT;

THENCE S.84 DEG.19 MIN. 10 SEC. W., CONTINUING ALONG SAID RIGHT-OF-WAY LINE, 50.25 FEET TO THE PLACE OF BEGINNING; SAVE AND EXCEPT AL OIL, GAS AND OTHER MINERALS.