

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: FIELD NOTE DESCRIPTION OF A 7.058 ACRE TRACT OF LAND LOCATED IN THE H.T. & B. RR COMPANY SURVEY OF SECTION 55, ABSTRACT NO. 453 IN BROWN COUNTY AND BEING TRACT 10 OF ELKINS ACRES SUBDIVISION OF THAT 150.34 ACRE TRACT OF LAND CONVEYED FROM THE FAMILY TRUST OF LOUIE D. MASK AND LAVERNE MASK TO JIM ELKINS AND WIFE JO ANN ELKINS BY DEED DATED APRIL 24, 1995 AND RECORDED AT VOLUME 1195 PAGE 77 OF THE BROWN COUNTY DEED RECORDS AND BEING THAT TRACT CONVEYED FROM JIM ELKINS AND WIFE JO ANN ELKINS TO ROBERT MILLER AND WIFE EVELYN B. MILLER BY DEED RECORDED AT VOLUME 1347 PAGE 558 OF THE BROWN COUNTY DEED RECORDS; SAID 7.058 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
BEGINNING AT AN IRON ROD FOUND IN THE SOUTH LINE OF FARM-TO-MARKET ROAD NO. 1476 WHICH BEARS NORTH 84 DEGREES 57 MINUTES 17 SECONDS EAST, 417.27 FEET AND SOUTH 89 DEGREES 47 MINUTES 55 SECONDS EAST, 30.83 FEET FROM THE NORTHWEST CORNER OF ELKINS ACRES SUBDIVISION OF THAT 150.34 ACRE TRACT CONVEYED FROM THE FAMILY TRUST OF LOUIE D. MASK AND LAVERNE MASK TO JIM ELKINS AND WIFE JO ANN ELKINS BY DEED DATED APRIL 24, 1995 AND RECORDED AT VOLUME 1195 PAGE 77 OF THE BROWN COUNTY DEED RECORDS AND BEING THE NORTHEAST CORNER OF TRACT 1 OF SAID SUBDIVISION, THE NORTHWEST CORNER OF TRACT 10 OF SAID SUBDIVISION AND CONVEYED FROM JIM ELKINS AND WIFE JO ANN ELKINS TO ROBERT MILLER AND WIFE EVELYN B. MILLER BY DEED RECORDED AT VOLUME 1347 PAGE 558 OF THE BROWN COUNTY DEED RECORDS AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;
THENCE, ALONG THE SOUTH LINE OF SAID FM 1467, SOUTH 89 DEGREES 47 MINUTES 55 SECONDS EAST, 705.06 FEET TO A PIPE POST AND SOUTH 89 DEGREES 32 MINUTE 15 SECONDS EAST, 244.33 FEET TO A PIPE POST IN THE SOUTHWEST LINE OF A 30-FOOT WIDE ACCESS EASEMENT FOR THE NORTHEAST CORNER HEREOF;
THENCE, ALONG SAID ACCESS EASEMENT, SOUTH 17 DEGREES 22 MINUTES 43 SECONDS EAST, 270.70 FEET TO A PIPE POST AS THE SOUTHEAST CORNER OF SAID TRACT 10, THE NORTHEAST CORNER OF TRACT 12 OF SAID SUBDIVISION AND THE SOUTHEAST CORNER HEREOF;
THENCE, ALONG A FENCE AS THE COMMON LINE BETWEEN SAID TRACT 10 AND SAID TRACT 12, SOUTH 77 DEGREES 18 MINUTES 44 SECONDS WEST, 751.23 FEET TO AN IRON ROD FOUND IN THE CENTERLINE OF A SECOND 30-FOOT WIDE ACCESS EASEMENT AND BEING THE NORTHWEST CORNER OF SAID TRACT 12, THE SOUTHWEST CORNER OF SAID TRACT 10 AND THE SOUTHWEST CORNER HEREOF;
THENCE, ALONG SAID CENTERLINE AS NORTHEAST LINE OF SAID TRACT 1 AND SOUTHWEST LINE OF SAID TRACT 10, NORTH 34 DEGREES 25 MINUTES 48 SECONDS WEST, 266.70 FEET TO IRON ROD FOUND, NORTH 43 DEGREES 07 MINUTES 26 SECONDS WEST, 214.39 FEET TO IRON ROD FOUND AND NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 51.34 FEET TO THE POINT OF BEGINNING AND CALCULATED TO CONTAIN 7.058 ACRES THEREIN.
SUBJECT TO: THIS TRACT IS SUBJECT TO A WATER LINE EASEMENT GRANTED TO ZEPHYR WATER SUPPLY CORPORATION BY INSTRUMENT RECORDED AT VOLUME 707 PAGE 436 OF THE BROWN COUNTY DEED RECORDS, THOSE OVERHEAD ELECTRICAL EASEMENTS GRANTED TO COMANCHE COUNTY ELECTRIC COOPERATIVE ASSOCIATION BY INSTRUMENTS RECORDED AT VOLUME 1198 PAGE 140, VOLUME 1327 PAGE 292 AND VOLUME 1327 PAGE 385 ALL OF THE BROWN COUNTY DEED RECORDS AND THE NORTHEAST 15 FEET OF THAT 30-FOOT ACCESS EASEMENT ALONG THE WEST PROPERTY LINE.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust dated 06/23/2006 and recorded in Book 1622 Page 64 Document 20064648 real property records of Brown County, Texas.

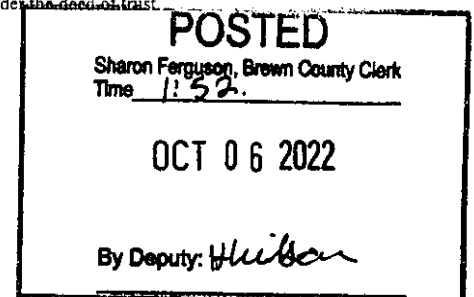
3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: 12/06/2022

Time: 10:00 AM

Place: Brown County, Texas at the following location: ON THE FRONT PORCH OF THE BROWN COUNTY COURTHOUSE, OR IF THE PRECEDING AREA IS NO LONGER THE DESIGNATED AREA, AT THE AREA MOST RECENTLY DESIGNATED BY THE COUNTY COMMISSIONER'S COURT 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 D. COLEY AND SUELENE C. COLEY, provides that it secures the payment of the indebtedness in the original principal amount of \$170,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE OF THE TRUMAN 2021 SC9 TITLE TRUST is the current mortgagee of the note and deed of trust and RUSHMORE LOAN MANAGEMENT SERVICES, LLC is mortgage servicer. A servicing agreement between the mortgagee, whose address is U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE OF THE TRUMAN 2021 SC9 TITLE TRUST c/o RUSHMORE LOAN MANAGEMENT SERVICES, LLC, 15480 Laguna Cyn Road, Suite 100, IRVINE, CA 92618 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. *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

I am Eilaura Ortega Smith ^{Certificate of Posting} 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 October 10th 2022 I filed this Notice of Foreclosure Sale at the office of the Brown County Clerk and caused it to be posted at the location directed by the Brown County Commissioners Court.

