

MAY 05 2022

APPOINTMENT OF SUBSTITUTE TRUSTEE AND
NOTICE OF SUBSTITUTE TRUSTEE SALE
Clerk, County Court, Sabine County
By Jamie Clark
Bobby Childers DEPUTY

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 AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

**APPOINTMENT OF
SUBSTITUTE TRUSTEE:**

WHEREAS, in my capacity as the attorney for the Mortgagee and/or its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I hereby name, appoint and designate Jack O'Boyle, Chris Ferguson, Travis Gray, Sheryl LaMont, Robert LaMont, Harriett Fletcher, Allan Johnston, Sharon St. Pierre, Travis Gray, Chris Ferguson, or Jack O'Boyle, each as Substitute Trustee, to act under and by virtue of said Deed of Trust, including posting and filing the public notice required under Section 51.002 Texas Property Code as amended, and to proceed with a foreclosure of the Deed of Trust lien securing the payment of the Note.

**SUBSTITUTE TRUSTEE'S
ADDRESS:**

c/o JACK O'BOYLE & ASSOCIATES, PLLC, Mailing Address: P.O. Box 815369, Dallas, TX 75381;
Physical Address: 12300 Ford Road, Suite 212, Dallas, TX 75234.

**NOTICE OF SUBSTITUTE
TRUSTEE SALE:**

WHEREAS, default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on June 07, 2022 between the hours of 1pm-4pm the Substitute Trustee will sell said real property at the place hereinafter set out and pursuant to the terms herein described. The sale will begin at the earliest time stated above or within three (3) hours after that time.

LOCATION OF SALE:

The place of the sale shall be: On the front steps on the north side of the Sabine 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 in SABINE County, Texas or as designated by the County Commissioners.

**INSTRUMENT TO BE
FORECLOSED:**

Deed of Trust or Contract Lien dated 05/12/2021 and recorded under Volume, Page or Clerk's File No. DOC# 211095 BOOK: 476 PAGE: 788 in the real property records of Sabine County Texas, with KIMBERLY WANETTE LOCKLEAR AND DANIEL GARFIELD LOVELL, A MARRIED COUPLE as Grantor(s) and VETERANS LAND BOARD OF THE STATE OF TEXAS as Original Mortgagee.

OBLIGATIONS SECURED:

Deed of Trust or Contract Lien executed by KIMBERLY WANETTE LOCKLEAR AND DANIEL GARFIELD LOVELL, A MARRIED COUPLE securing the payment of the indebtedness in the original principal amount of \$34,105.00 and obligations therein described including but not limited to the promissory note and all the modifications, renewals and extensions of the promissory note (the "Note") executed by KIMBERLY WANETTE LOCKLEAR. VETERANS LAND BOARD OF THE STATE OF TEXAS is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

**MORTGAGE SERVICING
INFORMATION:**

The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the property securing the above referenced loan. VETERANS LAND BOARD OF THE STATE OF TEXAS is acting as the Mortgage Servicer for VETERANS LAND BOARD OF THE STATE OF TEXAS who is the Mortgagee of the Note and Deed of Trust associated with the above referenced loan. VETERANS LAND BOARD OF THE STATE OF TEXAS, as Mortgage Servicer, is representing the Mortgagee, whose address is:

DT: zNOS AND APPT (SVC)

AL: 1895 STATE HIGHWAY 21 EAST



4747962

ServiceLink

VETERANS LAND BOARD OF THE STATE OF TEXAS
c/o VETERANS LAND BOARD OF THE STATE OF TEXAS
1 CORPORATE DRIVE, SUITE 360
LAKE ZURICH, IL 60047

**LEGAL DESCRIPTION OF
PROPERTY TO BE SOLD:**

LEGAL DESCRIPTION TO A 8.420 ACRE TRACT IN THE PICKNEY OLIPHANT SURVEY, A-243 AND THE S.H. OLIPHANT SURVEY, A-173 OF SABINE COUNTY, TEXAS BEING ALL OF THE SECOND CALLED 8.62 ACRE TRACT DESCRIBED IN A (CORRECTION) SPECIAL WARRANTY DEED CONVEYED TO HOLLY ECKERT AND MARK SPEIGHTS FROM JEWELL JEANETTE SPEIGHTS DATED OCTOBER 8, 1990 AND RECORDED IN VOLUME 283 PAGE 883 OF THE DEED RECORDS OF SAID COUNTY. SAID 8.420 ACRE TRACT IS ALSO BEING KNOWN AS "BLK. NO.1" AS SHOWN ON SUBDIVISION PLAT RECORDED IN VOLUME 1 PAGE 56 OF THE PLAT RECORDS OF SAID COUNTY, IS LOCATED APPROXIMATELY 6.4 MILE NORTHEAST OF THE COURT HOUSE OF SABINE COUNTY, TEXAS ADJOINS THE NORTH RIGHT-OF-WAY OF AND LIES NORTH OF STATE HIGHWAY #21, AND IS FURTHER DESCRIBED BY A METES AND BOUNDS DESCRIPTION AS TO-WIT:

BEGINNING: AT A 1/2" IRON ROD WITH CAP STAMPED "CHIEF SURVEYING" SET IN THE NORTH RIGHT-OF-WAY LINE OF STATE HIGHWAY #21 FOR THE SOUTHWEST CORNER OF THIS TRACT, THE SOUTHEAST CORNER OF A CALLED 8.62 ACRE TRACT, KNOWN AS "BLK. NO. 2" OF SAID SUBDIVISION, OWNED BY HOLLY ECKERT AND MARK SPEIGHTS RECORDED IN VOLUME 2&3 PAGE 883 OF THE DEED RECORDS OF SAID COUNTY, AND IN THE BOUNDARY LINE OF A CALLED 0.495 ACRE TRACT OWNED BY THE STATE OF TEXAS RECORDED IN VOLUME 118 PAGE 244 OF THE DEED RECORDS OF SAID COUNTY; FROM WHICH A 1" IRON PIPE FOUND BEARS N 03°40'42" W 4.73' AND A CONCRETE RIGHT-OF-WAY MARKER FOUND FOR AN ANGLE CORNER OF SAID "BLK. NO.2", SAID RIGHT-OF-WAY, AND SAID 0.495 ACRE TRACT BEARS N 67°09'53" W 150.57';

THENCE: N 03°40'42" W 1572.28' SEVERING SAID S.H. OLIPHANT AND SAID PICKNEY OLIPHANT SURVEY TO A 3/8" IRON ROD FOUND IN THE NORTH BOUNDARY LINE OF SAID PICKNEY OLIPHANT SURVEY FOR THE NORTHWEST CORNER OF THIS TRACT AND THE NORTHEAST CORNER OF SAID "BLK. NO. 2"; FROM WHICH A PINE KNOT FOUND FOR THE NORTHWEST CORNER OF SAID "BLK. NO. 2" BEARS S 86°38'51" W 238.87' (238.89') SAID PINE KNOT IS WITNESSED BY A 20" POST OAK BEARING S 30°56'51" W 4.27' FOUND MARKED "X"; THENCE: N 86°41'04" E 231.31' (230.56.) TO A 3/8" IRON ROD FOUND IN A DETERIORATED PINE KNOT FOR THE NORTHWEST CORNER OF THIS TRACT, THE NORTHEAST CORNER OF SAID PICKNEY OLIPHANT SURVEY, AND FOR THE NORTHWEST CORNER OF A CALLED 5 ACRE TRACT NOW OR FORMERLY OWNED BY C.C. NETHERY RECORDED IN VOLUME 63 PAGE 552 OF THE DEED RECORDS OF SAID COUNTY;

THENCE: S 03°24'25" E 1646.81' WITH THE EAST BOUNDARY LINE OF PICKNEY OLIPHANT SURVEY AND SAID S.H. OLIPHANT SURVEY TO A 1/2" IRON ROD WITH CAP STAMPED "CHIEF SURVEYING" SET FOR THE SOUTHEAST CORNER OF THIS TRACT, THE SOUTHWEST CORNER OF SAID 5 ACRE TRACT, IN THE NORTH RIGHT-OF-WAY OF SAID HIGHWAY, THE NORTHEAST CORNER OF SAID 0.495 ACRE TRACT, AND THE NORTHWEST CORNER OF A CALLED 0.182 ACRE TRACT OWNED BY THE STATE OF TEXAS RECORDED IN VOLUME 120 PAGE 486 OF THE DEED RECORDS OF SAID COUNTY; FROM WHICH A 1/2" IRON ROD FOUND IN THE NORTH RIGHT-OF-WAY OF SAID HIGHWAY FOR THE SOUTHWEST CORNER OF A CALLED 151.166 ACRE TRACT RECORDED IN VOLUME 254 PAGE 65 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY BEARS S 76°21'45" E 395.08' AND A CONCRETE RIGHT-OF-WAY MARKER FOUND FOR AN ANGLE CORNER OF SAID RIGHT-OF-WAY AND FOR THE SOUTHEAST CORNER OF SAID 51.166 ACRE TRACT BEARS S 76°10'47" E 875.60';

THENCE: N 76°21'45" W 198.92' (S 71°38'0" E 198.92, VOL. 118 PG 244 DR) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND FOR AN ANGLE CORNER OF THIS TRACT, SAID RIGHT-OF-WAY, AND SAID 0.495 ACRE TRACT;

THENCE: N 67°09'53" W 37.56' CONTINUING WITH SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING OF THIS TRACT CONTAINING 8.420 ACRES OF LAND. (the "Property")

REPORTED PROPERTY

ADDRESS: 1895 STATE HIGHWAY 21 EAST, HEMPHILL, TX 75948

TERMS OF SALE: The Substitute Trustee will sell the Property by public auction at the place and date specified herein.

DT: zNOS AND APPT (SVC)



AL: 1895 STATE HIGHWAY 21 EAST

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 and the priority of the lien being foreclosed.

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 and/or Mortgage Servicer 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 priority, nature and extent of such matters, if any.

In the event of a defect or other problem with the foreclosure process is discovered that may invalidate the sale, the consideration paid will be returned to the purchaser as the sole and absolute remedy. In the event of any claim or action brought by any person including the purchaser requiring or resulting in the invalidation of the sale and rescission of the Trustee's Deed or Substitute Trustee's Deed, purchaser's damages resulting therefrom are limited to the consideration paid to the Trustee or Substitute Trustee and the sole and absolute remedy shall be the return to purchaser of the consideration paid. The purchaser shall have no further recourse against the Trustee, Substitute Trustee, Mortgagee and/or Mortgage Servicer, or its attorney(s).

The Deed of Trust permits the Mortgagee and/or Mortgage Servicer to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deed of Trust or Substitute Trustee appointed herein 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 refiling may be after the date originally scheduled for this 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 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.

DT: zNOS AND APPT (SVC)




AL: 1895 STATE HIGHWAY 21 EAST

Signed on the 3 day of May, 20 22

Respectfully,

JACK O'BOYLE & ASSOCIATES, PLLC



Jack O'Boyle | SBN: 15165300

jack@jackoboyle.com

Travis H. Gray | SBN: 24044965

travis@jackoboyle.com

Chris Ferguson | SBN: 24069714

chris@jackoboyle.com

P.O. Box 815369

Dallas, Texas 75381

P: 972.247.0653 | F: 972.247.0642

ATTORNEYS FOR MORTGAGEE AND/OR ITS MORTGAGE
SERVICER

CERTIFICATE OF POSTING

My name is Sheryl La Mont, and my address is c/o 12300 Ford Rd, Ste. 212, Dallas, TX 75234. I declare under the penalty of perjury that on May 05, 2022 I filed at the office of the Sabine County Clerk and caused to be posted at the Sabine County courthouse (or other designated place) this notice of sale.

Signed: 

Declarant's Name: Sheryl La Mont

Date: May 05, 2022

DT: zNOS AND APPT (SVC)

AL: 1895 STATE HIGHWAY 21 EAST

