

#69

2023 NOV 21 PM 1:09

Notice of Substitute Trustee Sale

T.S. #: 22-6739

2023-002377

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.

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

Date: 1/2/2024
Time: The sale will begin no earlier than **11:00 AM** or no later than three hours thereafter. The sale will be completed by no later than **2:00 PM**
Place: Hill County Courthouse in Hillsboro, Texas, at the following location: **THE EAST DOOR OF THE COURTHOUSE OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE**

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

SEE ATTACHED EXHIBIT "A"

Instrument to be Foreclosed - The instrument to be foreclosed is the Deed of Trust is dated 3/3/2008 and is recorded in the office of the County Clerk of Hill County, Texas, under County Clerk's File No 00014355, recorded on 3/12/2008, in Book 1535, Page 263, of the Real Property Records of Hill County, Texas.
Property Address: 4174 FM 67 GRAND VIEW, TX 76050

Trustor(s): **MIDGE L GAUNTT and ESTATE OF STEPHEN B GAUNTT SR** Original Beneficiary: **Beneficial Texas Inc**
Current Beneficiary: **U.S. Bank Trust National Association, as Trustee of the Lodge Series IV Trust** Loan Servicer: **SN Servicing Corporation**
Current Substituted Trustees: **Auction.com, Donna Stockman, Brenda Wiggs, David Stockman, Michelle Schwartz, Guy Wiggs, Kathy Arrington, Janet Pinder, Brandy Bacon, Jamie Dworsky, Angela Cooper, Rick Snoke, Prestige Default Services, LLC**

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.

Terms of Sale - The sale will be conducted as a public auction to the highest bidder for cash with funds being made payable to Prestige Default Services, LLC, subject to the provisions of the deed of trust permitting the beneficiary 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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any. Pursuant to the Deed of Trust, the beneficiary 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. Prospective

T.S. #: 22-6739

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.

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 the sale granted by the deed of trust executed by Stephen B. Gauntt and Midge L. Gauntt, not stated. The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

Obligations Secured - The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including by not limited to (1) the promissory note in the original principal amount of \$58,440.20, executed by Stephen B. Gauntt and Midge L. Gauntt, not stated, and payable to the order of Beneficial Texas Inc; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of Stephen B. Gauntt and Midge L. Gauntt, not stated to MIDGE L GAUNTT and ESTATE OF STEPHEN B GAUNTT SR. U.S. Bank Trust National Association, as Trustee of the Lodge Series IV Trust is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the Note and all other amounts lawfully owing under the Note, the Deed of Trust, and all of the other associated loan documents, including, without limitation, all interest, default interest, late charges, advances, attorneys' fees and other costs and expenses. **All checks must be made payable to Prestige Default Services, LLC**

Questions concerning the sale may be directed to the undersigned or to the beneficiary:
U.S. Bank Trust National Association, as Trustee of the Lodge Series IV Trust
c/o SN Servicing Corporation
323 5th Street
Eureka, CA 95501
800-603-0836

Dated: 11/21/23

Auction.com, Donna Stockman, Brenda Wiggs, David Stockman, Michelle Schwartz, Guy Wiggs, Kathy Arrington, Janet Pinder, Brandy Bacon, Jamie Dworsky, Angela Cooper, Rick Snoke, Prestige Default Services, LLC,

Donna Stockman

Prestige Default Services, LLC
16801 Addison Road, Suite 350
Addison, Texas 75001
Phone: (972) 893-3096 ext. 1035
Fax: (949) 427-2732

AFTER RECORDING, PLEASE RETURN TO:
Prestige Default Services, LLC
16801 Addison Road, Suite 350
Addison, Texas 75001
Attn: Trustee Department

T.S. #: 22-6739

EXHIBIT "A"

Situate, lying and being in the County of Hill, State of Texas, described as follows:

All that certain tract, lot or parcel of land situated in hill county, Texas, being 1.000 acre in the John Hays survey, abstract 361, and being a part of that called 45.609 acre tract described in warranty deed from J.M. BOB wells to Stephen B. and/or Midge L. Gauntt dated the 8th day of November, 2002 and recorded at volume 1330, page 571, deed records of hill county, Texas, (D.R.H.C.T.), said 45.609 acre tract being further described by survey prepared by J.W. Maberry dated the 27th day of July, 1995, recorded at volume 881, page 369, D.R.H.C.T., and being more particularly described by metes and bounds as follows:

Beginning at a 5/8 inch steel pin with red plastic cap stamped 2KC (2KC cap) set a fence corner in the west line of said Gauntt tract for the point of beginning, from which a 3 inch steel pipe fence corner post marking the northwest corner of said Gauntt tract bears north 30 degrees west, 726.79 feet and north 60 degrees east, 22.71 feet;

Thence north 29 degrees 05 minutes 10 seconds west (called N 262951W) with the west line of said Gauntt tract, and generally with a fence line, a distance of 221.27 feet, to a 5/8 inch steel pin with 2KC cap set at a fence corner for a corner;

Thence north 63 degrees, 22 minutes, 19 seconds east, generally with a fence line a distance of 201.34 feet to a 5/8 inch steel pin with 2KC cap set for a corner;

Thence south 27 degrees, 43 minutes 19 seconds east, a distance of 217.37 feet to a 5/8 inch steel pin with 2KC cap set in a fence line for a corner;

Thence south 62 degrees 16 minutes 41 seconds west generally with a fence line a distance of 196.03 feet to the point of beginning; said described tract containing 1.000 acre of land; more or less.

CAUSE NO. DC-C202300250

IN RE: ORDER FOR FORECLOSURE
CONCERNING
4174 FM 67
Grandview, TX 76050
UNDER TEX R. CIV. P. 736

PETITIONER: U.S. BANK TRUST
NATIONAL ASSOCIATION AS
TRUSTEE OF THE LODGE SERIES IV
TRUST

RESPONDENTS: STEPHEN B.
GAUNTT, SR. AND MIDGE L.
GAUNTT

§
§
§
§
§
§
§
§
§
§

FILED A.M. <u>4:18</u> P.M.
AUG 10 2023
IN THE DISTRICT COURT OF DISTRICT CLERK - JOHNSON COUNTY, TEXAS BY <u>C. W. [Signature]</u> DEPUTY

JOHNSON COUNTY, TEXAS

249TH JUDICIAL DISTRICT

DEFAULT ORDER ON RULE 736 APPLICATION FOR EXPEDITED FORECLOSURE

1. On this day, the Court considered Petitioner's motion for a default order granting its application for an expedited order under Rule 736. Petitioner's application complies with the requirements of Texas Rule of Civil Procedure 736.1.
2. The name and last known address of each Respondent subject to this order is Stephen B. Gauntt, Sr. and Midge L. Gauntt, 4174 FM 67, Grandview, TX 76050. Each Respondent was properly served with the citation, but none filed a response within the time required by law. The return of service for each Respondent has been on file with the court for at least ten days.
3. The property that is the subject of this foreclosure proceeding is commonly known as 4174 FM 67, Grandview, TX 76050, with the following legal description:

DEFAULT ORDER ON RULE 736 APPLICATION FOR EXPEDITED FORECLOSURE

Situate, lying and being in the County of Hill, State of Texas, described as follows:

All that certain tract, lot or parcel of land situated in hill county, Texas, being 1.000 acre in the John Hays survey, abstract 361, and being a part of that called 45.609 acre tract described in warranty deed from J.M. BOB wells to Stephen B. and/or Midge L. Gauntt dated the 8th day of November, 2002 and recorded at volume 1330, page 571, deed records of hill county, Texas, (D.R.H.C.T.), sold 45.609 acre tract being further described by survey prepared by J.W. Maberry dated the 27th day of July,

1995, recorded at volume 881, page 369, D.R.H.C.T., and being more particularly described by metes and bounds as follows:

Beginning at a 5/8 inch steel pin with red plastic cap stamped 2KC (2KC cap) set a fence corner in the west line of said Gauntt tract for the point of beginning, from which a 3 inch steel pipe fence corner post marking the northwest corner of said Gauntt tract bears north 30 degrees west, 726.79 feet and north 60 degrees east, 22.71 feet; Thence north 29 degrees 05 minutes 10 seconds west (called N 282951W) with the west line of said Gauntt tract, and generally with a fence line, a distance of 221.27 feet, to a 5/8 inch steel pin with 2KC cap set at a fence corner for a corner; Thence north 63 degrees, 22 minutes, 19 seconds east, generally with a fence line a distance of 201.34 feet to a 5/8 inch steel pin with 2KC cap set for a corner; Thence south 27 degrees, 43 minutes 19 seconds east, a distance of 217.37 feet to a 5/8 inch steel pin with 2KC cap set in a fence line for a corner; Thence south 62 degrees 16 minutes 41 seconds west generally with a fence line a distance of 196.03 feet to the point of beginning; said described tract

4. The lien to be foreclosed is indexed or recorded as Instrument No. 00014355 and recorded in the real property records of Johnson County, Texas.
5. The material facts establishing Respondent's default are alleged in the Petitioner's application and the supporting affidavit. Those facts are adopted by the court and incorporated by reference in this order.
6. Based on the affidavit of Petitioner, no Respondent subject to this order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. App § 501 et seq.
7. Therefore, the Court grants Petitioner's motion for default order under Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner may proceed with foreclosure of the property described above in accordance with applicable law and the loan agreement, contract, or lien sought to be foreclosed and is authorized to proceed with a non-judicial foreclosure upon the herein described property.
8. Petitioner is further authorized to secure the herein described property and take all necessary actions to proceed with the non-judicial foreclosure.
9. This order is not subject to a motion for rehearing, a new trial, a bill of review, or an appeal. Any challenge to this order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

SIGNED this 10 day of August, 2023.


JUDGE PRESIDING

Approved and Entry Requested:

Ghidotti | Berger LLP

/s/ George Scherer

George Scherer, Esq.

State Bar No. 00784916

Ghidotti | Berger LLP

16801 Addison Rd Ste 350

Addison, TX 75001

Tel: (972)893-3096

Fax: (469)713-3900

Email: gscherer@ghidottiberger.com

ATTORNEY FOR PETITIONER

DEFAULT ORDER ON RULE 736 APPLICATION FOR EXPEDITED FORECLOSURE