

## NOTICE OF SUBSTITUTE TRUSTEE'S SALE

WHEREAS, on August 5, 2013, James Carrol Henderson, a single person, signed a Retail Installment Contract – Builder's and Mechanic's Lien Contract (With Power of Sale) (hereinafter called the "Deed of Trust") conveying to the original Trustee certain real property described in the Deed of Trust, for the purpose of securing the payment of the Retail Installment Contract – Sales and Credit Agreement (hereinafter called the "Promissory Note" or "Note") in the original amount of \$95,710.00 and payable to the order of United-Bilt Homes, L.L.C., the Deed of Trust having been recorded under Instrument Number 2013-00309228, of the Official Public Records of Real Property of Angelina County, Texas;

WHEREAS, the undersigned has been appointed Substitute Trustee in the place of the Original Trustee, upon the contingency and in the manner authorized by the Deed of Trust;

WHEREAS, default has occurred in the payment of the Note, which is now wholly due, and United-Bilt Homes, L.L.C., as the owner and holder of the Note has requested the undersigned to sell the Real Property to satisfy the indebtedness evidenced by the Note;

The County Court at Law Number Two (2) of Angelina County, TX authorized this foreclosure proceeding in Cause No. 193-20-PR; In re: James Carrol Henderson; on June 9, 2021.

NOW, THEREFORE, **NOTICE IS HEREBY GIVEN** that on **Tuesday, August 3, 2021 at 12:00 Noon**, or within three hours thereafter, the undersigned, or any other successor Substitute Trustee hereafter appointed, will sell the Real Property at public auction to the highest bidder for cash. Such sale shall be held at the Angelina County Courthouse Annex Building, at 606 East Lufkin Avenue, Lufkin, Angelina County, TX, in the hallway outside of the Commissioners' Courtroom adjacent to the atrium, within the area designated by the Commissioners Court of such County for such sales (as such designation is recorded in the Real Property Records of said County)..

If such sale or sales do not result in full satisfaction of all of the Indebtedness now due, the lien and security interest of the Deed of Trust shall remain in full force and effect in respect of any of the Mortgaged Property not so sold and any and all other types of real and personal property covered by the Deed of Trust and not described herein.

The Real Property is as described in Exhibit "A," which is attached hereto, and made a part hereof for all purposes, and includes all rights, titles, estates, reversions, remainders and other interests with respect thereto as are granted in the Deed of Trust.

### NOTICE OF APPOINTMENT OF SUBSTITUTE TRUSTEE

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE 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. Tex. Prop. Code §51.0076(3).

ACTIVE MILITARY SERVICE NOTICE

Assert and protect your rights as a member of the armed forces of the United States. If you 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.

3<sup>rd</sup> of July, 2021. IN WITNESS WHEREOF, the Substitute Trustee has signed this notice as of this the

SUBSTITUTE TRUSTEE:

Stephen D. Fox  
STEPHEN D. FOX  
Substitute Trustee

STATE OF TEXAS §

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COUNTY OF COMAL §

This instrument was ACKNOWLEDGED before me on this the 3<sup>rd</sup> day of July, 2021, by STEPHEN D. FOX, the Substitute Trustee, in the capacity therein stated.

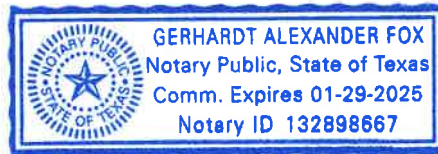
[Signature]  
Notary Public/State of Texas

My Commission Expires:

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Return:

P.O. Box 312104  
1106 Woodall Circle  
New Braunfels, Texas 78131  
(210) 596-0128  
Fox.Stephen2016@gmail.com



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## Exhibit "A"

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas out of the A. VARILLA SURVEY, ABSTRACT NO. 49 and being a part or portion of that certain tract described in a quitclaim deed from Queen Ester Higgins to James C. Henderson dated December 20, 1988 and recorded in Volume 748 on Page 224 of the Deed Records of Angelina County, Texas (and the said tract being a portion of Lot No. 2 of Block No. 5 of the FAIR GROUND ADDITION, a subdivision in the City of Lufkin, Texas, as recorded in Cabinet B of Slide 16-A of the Map and Plat Records of Angelina County, Texas) to which references are hereby made for any and all purposes and the said tract or parcel being described by metes and bounds as follows, to wit:

BEGINNING at the Southeast corner of the aforesaid referred to James Henderson tract and the Northeast corner of that certain tract described in a deed from Rodney E. Pope, *et al.*, to Barbara Henderson, dated December 20, 2010, and recorded in Document No. 2010-00275631 of the Deed Records of Angelina County, Texas, a ½" pipe set for corner in the East boundary line of the aforesaid referred to Block No. 5 and the West right-of-way line of Keltys Street (50 feet wide right-of-way), said pipe witnessed by a 2" pipe found for the Southeast corner of the Said Block No. 5 bearing

South 20° 27' 46" East 203.00 feet, a 1" pipe bearing

South 19° 58' 04" East 95.06 feet, and a 2" concrete monument (not a 5" concrete post) bearing

South 19 ° 20' 07" East 209.42, said 2" pipe witnessed by a 38" Post Oak (appears to be old witness tree) bearing

North 12° 01" East 123.5 feet to center

(called North 10° East 120 feet) (unknown if to center or face);

THENCE South 69° 30' 00" West (called South 69° 30' West) with the South boundary line of the said James Henderson tract and the North boundary line of the said Barbara Henderson tract, at 141.95 feet (called 140 feet) the SouthWest corner of the said James Henderson tract and the Northwest corner of the said Barbara Henderson tract, a 1/2" pipe set for corner in the east boundary line of that certain tract described in a deed from LaVonne McFarland, Administrator of the Estate of Omie Bagley, deceased, to Frederick Bagley, et al., dated September 30, 2009, and recorded in Document No. 2009-00261143 of the Deed Records of Angelina County, Texas, said pipe witnessed by a 1/2" pipe found for the SouthEast corner of the said Bagley tract bearing

South 19° 54' 18" East 19.90 feet

THENCE North 19° 54' 18" West (called North 21° West) with the West boundary line of said James Henderson tract and the East boundary line of the said Bagley tract, at 50.00 feet ( called 50 feet) the NorthWest corner of the said James Henderson tract and the SouthWest corner of that certain tract described in a deed from Leanna LaRue to Grace C. Thomas dated

December 23, 2005 and recorded in Document No. 2005-00207191 of the Deed Records of Angelina County, Texas, a 1/2" pipe set for corner witnessed by a 1/2" pipe found for the NorthEast corner of the said Babley tract bearing

North 19° 54' 18" West 55.10 feet;

THENCE North 69° 30' 00" East (called North 69° 30' East) with the North boundary line of the said James Henderson tract and the South boundary line of the said Thomas tract, at 141.47 feet (called 140 feet) the NorthEast corner of the said James Henderson tract and the SouthEast corner of the said Thomas tract, a 1/2" pipe set for corner in the East boundary line of the aforesaid referred to Block No. 5 and the West right-of-way line of the aforesaid Keltys Street, said pipe witnessed by a 1" pipe found in the West right-of-way line of Keltys Street and the North right-of-way line of Fairy Avenue bearing

North 20° 27' 18" East 102.88 feet;

THENCE South 20° 27' 46" East (called South 21° East) with the East boundary line of the said James Henderson tract, the East boundary line of the aforesaid Block No. 5, and the West right-of-way line of the said Keltys street, at 50.00 feet (called 50 feet) the point and PLACE OF BEGINNING and containing 0.163 acre of land, more or less.

Also being known as:

All that certain tract, parcel, or lot of land, situated in Angelina County, Texas, and being a part of the A. Varilla League in said County, a part of the Old Fair Grounds described by metes and bounds, as follows:

BEGINNING at a point 203 feet North 21° West from the SouthEast corner of said Old Fair Grounds, a stake for corner;

THENCE North 21° West 50' with the East Boundary Line, a stake for corner;

THENCE 140 feet South 20 1/2° West, a stake for corner;

THENCE 50 feet South 69° East a stake for corner;

THENCE 140 feet North, 69 1/2° East, to the PLACE OF BEGINNING, the same being a lot of land 50' in width by 140' in depth.

FILED  
AT 1:39 O'CLOCK P M  
JUL 09 2021  
AMY FINCHER  
County Clerk, County Court at Law  
Angelina County, Texas  
By CC