

FILED FOR RECORD
At 10:33 O'Clock A M

NOTICE OF FORECLOSURE SALE

AUG 12 2022

Date: August 11, 2022

Deed of Trust ("Deed of Trust"):

SONYA SCOTT County & District Clerk
Mills County, Texas
By  Deputy

Dated: December 12, 2019
Grantor: Gary Howard Myers and Cheryl Darlene McCracken
Trustee: Johnnie Mikeska
Lender: Round Top State Bank
Recorded in: Deed of Trust – Clerk’s File No. 1911374, Official Public Records of Mills County, Texas; and Deed of Trust Correction Instrument – Clerk’s File No. 2214910, Official Public Records of Mills County, Texas
Secures: Real Estate Lien Note (“Note”) in the original principal amount of \$102,000.00 executed by Gary Howard Myers and Cheryl Darlene McCracken (“Borrower”) and payable to the order of Lender and all other indebtedness of Borrower to Lender
Property: All that certain 15.44 acre tract of land, more or less, situated in Mills County, Texas, being 14.513 acres out of the George W. Thatcher Survey, Abstract No. 638, and 0.927 acres out of the John M. Bryson Survey, Abstract No. 42, and being described as all of a 20 acre tract save and except 4.500 acre tract; said 15.44 acre tract of land being more particularly described by Exhibit “A” attached hereto and made a part hereof for all pertinent purposes

Substitute Trustees: Johnnie Mikeska, Regina Wharton and/or Kevin W. Mutscher, who may act singularly and without the joinder of any other Substitute Trustee

Substitute Trustees’ Addresses: Johnnie Mikeska Regina Wharton 2250 North A.W. Grimes Boulevard Round Rock, Texas 78665 Kevin W. Mutscher P. O. Box 1118 Brenham, Texas 77834

Foreclosure Sale:

Date: September 6, 2022
Time: The sale of the Property will be held between the hours of 10:00 a.m. and 4:00 p.m. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 a.m.
Place: Mills County Courthouse 1101 Fourth Street Goldthwaite, Texas

THE FRONT DOOR ON THE NORTH SIDE OF THE MILLS COUNTY COURTHOUSE as designated by the Commissioner’s Court of Mills County, Texas, Clerk’s File No. 1302979, Official Public Records of Mills County, Texas

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that Lender’s bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Lender, the owner and holder of the Note, has requested Substitute Trustees to sell the Property.

Therefore, notice is given that on and at the Date, Time and Place for the Foreclosure Sale described above, Substitute Trustees will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Lender passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure 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 Foreclosure 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. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Lender. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to Section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except to the warranties (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(a) of the Texas Property Code, Substitute Trustees reserve the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustees.

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.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEES 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.

In accordance with Texas Property Code Section 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint those individual(s) named herein as Substitute Trustees to act under and by virtue of said Deed of Trust.



KEVIN W. MUTSCHER, Attorney for Lender

EXHIBIT 'A'

File No.: 2445716AU12 (JM)

Property: 850 US Highway 183 South, Goldthwaite, TX 76844

ALL THAT CERTAIN 15.44 ACRE TRACT OF LAND, MORE OR LESS, SITUATED IN MILLS COUNTY, TEXAS, BEING 14.513 ACRES OUT OF THE GEORGE W. THATCHER SURVEY, ABSTRACT NO. 638, AND 0.927 ACRES OUT OF THE JOHN M. BRYSON SURVEY, ABSTRACT NO. 42, AND BEING DESCRIBED AS ALL OF A 20 ACRE TRACT SAVE AND EXCEPT A 4.560 ACRE TRACT, ALL MORE FULLY DESCRIBED AS FOLLOWS:

BEING 20.00 ACRES OF LAND, SITUATED IN MILLS COUNTY, TEXAS, OUT OF THE GEORGE W. THATCHER SURVEY, ABSTRACT NO 638, AND THE JOHN M. BRYSON SURVEY, ABSTRACT NO 42, AND BEING PART OF A 427.861 ACRE TRACT OF LAND THAT IS DESCRIBED IN A DEED FROM JOE N. WEATHERBY, ET AL, TO DON MCELWREATH AND RECORDED IN VOLUME 178, PAGE 760, MILLS COUNTY DEED RECORDS, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING, AT A STONE FOUND IN PLACE IN A FENCE CORNER AT THE NORTHWEST CORNER OF SAID THATCHER SURVEY, FOR THE MOST NORTHERLY NORTHWEST CORNER OF SAID 427.861 ACRE TRACT, AND FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE, S 89 DEGREES 56' 26" E 270.90 FEET, WITH FENCE, TO AN IRON ROD FOUND IN PLACE IN THE WESTERLY RIGHT OF WAY OF US HIGHWAY 183, FOR THE NORTHEAST CORNER OF SAID 427.861 ACRE TRACT, AND FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE, S 27 DEGREES 15' E 1013.82 FEET WITH HIGHWAY, TO A CONCRETE RIGHT OF WAY MARKER AT THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE, IN A SOUTHEASTERLY DIRECTION WITH PART OF SAID CURVE THAT HAS A RADIUS OF 11,399.562 FEET, AN ARC DISTANCE OF 489.07 FEET, LONG CHORD BEARS S 26 DEGREES 01' 51" E 489.03 FEET, TO AN IRON ROD SET, FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE, S 89 DEGREES 54' 43" W 1018.35 FEET CROSSING SAID 427.861 ACRE MCELWREATH TRACT, TO AN IRON ROD SET IN THE FENCE LINE, FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE, N 2 DEGREES 55' 36" E WITH FENCE, 1344.32 FEET, TO THE POINT OF BEGINNING AND CONTAINING 20.00 ACRES OF LAND, OF WHICH 19.073 ACRES IS OUT OF THE SAID GEORGE THATCHER SURVEY AND THE REMAINING 0.927 ACRES IS OUT OF THE JOHN M BRYSON SURVEY, ABSTRACT NO 42.

BEING 4.560 ACRES OF LAND, MORE OR LESS, OUT OF AND PART OF A 20 ACRE TRACT OF LAND OUT OF THE GEORGE W. THATCHER SURVEY, ABSTRACT NO. 638, AND THE JOHN M. BRYSON SURVEY, ABSTRACT 42, AS CONVEYED BY DON MCELWREATH TO THE VETERANS LAND BOARD OF TEXAS BY DEED DATED FEBRUARY 19, 1988, RECORDED IN VOLUME 191, PAGE 12 OF THE MILLS COUNTY, TEXAS DEED RECORDS; AND CONTRACTED TO DANNY R. ALLEN BY INSTRUMENT RECORDED IN VOLUME 191, PAGE 16 OF SAID DEED RECORDS; SAID 4.560 ACRES OF LAND, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN IRON ROD SET IN THE NORTHERN BOUNDARY LINE OF SAID 20 ACRE TRACT OF LAND, IN THE NORTHERN BOUNDARY LINE OF SAID GEORGE W. THATCHER

SURVEY, BEING 185.00 FEET SOUTHWESTERLY FROM AND PERPENDICULAR TO PROPOSED U.S. HIGHWAY 183 CENTERLINE AT STATION 444+43.53; SAID IRON ROD BEING NORTH 87°40'29" EAST A DISTANCE OF 129.37 FEET FROM A 1/4 INCH IRON PIPE FOUND AT THE NORTHWESTERN CORNER OF SAID 20 ACRE TRACT OF LAND;

(1) THENCE NORTH 87°40'29" EAST, (CALLED SOUTH 89°56'26" EAST) ALONG AND WITH THE NORTHERN BOUNDARY LINE FENCE OF SAID 20 ACRE TRACT OF LAND, A DISTANCE OF 141.34 FEET TO A 1/4" IRON PIPE FOUND IN THE EXISTING SOUTHWESTERN RIGHT-OF-WAY LINE OF U.S. HIGHWAY 183;

(2) THENCE SOUTH 29°31'59" EAST (CALLED SOUTH 27°15' EAST) ALONG AND WITH SAID EXISTING SOUTHWESTERN HIGHWAY RIGHT-OF-WAY LINE, A DISTANCE OF 1015.38 FEET (CALLED 1013.82 FEET) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND AT THE BEGINNING OF A CURVE TO THE RIGHT;

(3) THENCE SOUTHEASTERLY, CONTINUING ALONG AND WITH SAID EXISTING SOUTHWESTERN HIGHWAY RIGHT-OF-WAY LINE AND AROUND A CIRCULAR CURVE TO THE RIGHT WITH A RADIUS OF 11,399.16 FEET (CALLED 11,399.562 FEET) AN ARC DISTANCE OF 488.56 FEET (CALLED 489.07 FEET), LONG CHORD BEARS SOUTH 28°22'38" EAST, 488.52 FEET (CALLED SOUTH 26°01'51" EAST, 489.03 FEET), TO A 1/4" IRON PIPE FOUND AT THE SOUTHEASTERN CORNER OF SAID 20 ACRE TRACT OF LAND;

(4) THENCE SOUTH 87°31'56" WEST, (CALLED SOUTH 89°54'43" WEST), ALONG AND WITH THE SOUTHERN BOUNDARY LINE OF SAID 20 ACRE TRACT OF LAND, A DISTANCE OF 155.02 FEET TO AN IRON ROD SET, BEING 200.70 FEET SOUTHWESTERLY FROM AND RADIAL TO SAID HIGHWAY CENTERLINE AT CURVE STATION 459+48.96;

THENCE ALONG AND WITH THE PROPOSED SOUTHWESTERN U.S. HIGHWAY 183 RIGHT-OF-WAY LINE AS FOLLOWS:

(5) NORTH 21°33'57" WEST, A DISTANCE OF 345.86 FEET TO AN IRON ROD SET;

(6) NORTH 42°15'39" WEST, A DISTANCE OF 408.89 FEET TO AN IRON ROD SET;

(7) NORTH 16°54'07" WEST, A DISTANCE OF 410.00 FEET TO AN IRON ROD SET;

(8) NORTH 33°25'39" WEST, A DISTANCE OF 357.34 FEET TO THE PLACE OF BEGINNING, AND CONTAINING 4.560 ACRES OF LAND, MORE OR LESS.

A.P.N. R000005525