

23045

AUG 24 2023
 AT 9:30 O'CLOCK A.M.
 CARLA KEENE
 County Clerk, Mitchell County, Texas
 By: Deputy

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: 10.13 ACRES OF LAND OUT OF THE SOUTHWEST 1/4 OF SECTION 28 BLOCK 26 T. AND P. RR. CO. LANDS, A-698 MITCHELL COUNTY, TEXAS AND BEING THE SAME LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 673 PAGE 128 DEED RECORDS MITCHELL COUNTY TEXAS.

BEGINNING AT A 1/2 IRON PIN FOUND IN THE EAST LINE OF THE WEST 1/2 OF SECTION 28 FOR THE SOUTHEAST CORNER OF THE TRACT DESCRIBED IN VOLUME 673 PAGE 128 FROM WHICH THE SOUTHEAST CORNER OF THE WEST 1/2 OF SECTION 28 BEARS SOUTH 11 DEGREES 00 MINUTES 02 SECONDS EAST 1859.85 FEET.

THENCE SOUTH 80 DEGREES 06 MINUTES 24 SECONDS WEST A DISTANCE OF 948.92 FEET TO A FENCE CORNER FOUND IN THE EAST LINE OF STATE HIGHWAY 208 FOR THE SOUTHWEST CORNER OF THE TRACT DESCRIBED IN VOLUME 673 PAGE 128 AND BEING THE SOUTHWEST CORNER OF THIS TRACT.

THENCE NORTH 04 DEGREES 58 MINUTES 08 SECONDS EAST WITH THE EAST LINE OF THE HIGHWAY A DISTANCE OF 518.43 FEET TO A FENCE CORNER FOUND FOR THE NORTHWEST CORNER OF THE TRACT DESCRIBED IN VOLUME 673 PAGE 128 AND THE SOUTHWEST CORNER OF THE TRACT DESCRIBED IN VOLUME 124 PAGE 291 AND BEING THE NORTHWEST CORNER OF THIS TRACT.

THENCE NORTH 79 DEGREES 51 MINUTES 21 SECONDS EAST A DISTANCE OF 806.21 FEET TO A FENCE CORNER FOUND IN THE EAST LINE OF THE WEST 1/2 OF SECTION 28 FOR THE NORTHEAST CORNER OF THE TRACT DESCRIBED IN VOLUME 673 PAGE 128 AND THE SOUTHEAST CORNER OF THE TRACT DESCRIBED IN VOLUME 124 PAGE 291 FOR THE NORTHEAST CORNER OF THIS TRACT

THENCE SOUTH 11 DEGREES 00 MINUTES 02 SECONDS EAST WITH THE EAST LINE OF THE WEST 1/2 OF SECTION 28 A DISTANCE OF 504.71 FEET TO THE PLACE OF BEGINNING AND CONTAINING 10.13 ACRES OF LAND

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust dated 12/27/2019 and recorded in Document 20-0003 real property records of Mitchell County, Texas.

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

Date: 10/03/2023

Time: 10:00 AM


Place: Mitchell County, Texas at the following location: THE LOBBY OF THE FIRST FLOOR OF THE MITCHELL COUNTY COURTHOUSE. AT THE EAST DOORS- AREA INCLUDES THE FRONT STEPS OF THE COURTHOUSE. THIS WAS AMENDED BECAUSE OF THE POSSIBILITY OF THE COURTHOUSE BEING CLOSED FOR A HOLIDAY OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE 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 AARON JAMES RUSH AND ASHLEY RENEE ELLIOTT RUSH, provides that it secures the payment of the indebtedness in the original principal amount of \$187,979.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. MIDFIRST BANK is the current mortgagee of the note and deed of trust and MIDFIRST BANK is mortgage servicer. A servicing agreement between the mortgagee, whose address is MIDFIRST BANK c/o MIDFIRST BANK, 999 N.W. Grand Blvd, Oklahoma City, OK 73118 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

For additional sale information visit: www.xome.com or (844) 400-9663

Certificate of Posting

I am _____ 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 _____ I filed this Notice of Foreclosure Sale at the office of the Mitchell County Clerk and caused it to be posted at the location directed by the Mitchell County Commissioners Court.