

FILED Jan 11 A.D. 2024
LIVE OAK COUNTY, TEXAS
DONNA M. VANWAY CLERK, COUNTY COURT
BY Rebecca Munn DEPUTY
AT 8:01 O'CLOCK am

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: 4.98 ACRES, BEING OUT OF LOT 10, BLOCK 3, OF THE MATHIS ACRES UNIT II SUBDIVISION, AS RECORDED IN FILE 71-A, OF THE PLAT RECORDS OF LIVE OAK COUNTY, TEXAS, SAID 4.98 ACRES, BEING THE SAME LAND DESCRIBED IN A WARRANTY DEED OF SURFACE ESTATE FROM ALBERT R. RIVERA AND WIFE, MARIA SOUTH RIVERA TO CRUZ M. MENDEZ AND WIFE, EVANGELINA G. MENDEZ, DATED AUGUST 24, 1980, AND RECORDED IN VOLUME 324, PAGE 11 OF THE DEED RECORDS OF LIVE OAK COUNTY, TEXAS, AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH RE BAR FOUND IN THE NORTHEAST RIGHT-OF-WAY OF COUNTY ROAD 390, FOR THE WEST CORNER OF THE ABOVE DESCRIBED RIVERA TO MENDEZ TRACT AND THE HEREIN DESCRIBED 4.98 ACRES OF LAND;

THENCE NORTH 46 DEGREES 23 MINUTES 59 SECONDS EAST, A DISTANCE OF 875.06 FEET TO A 5/8 INCH REBAR FOUND IN THE NORTHEAST LINE OF SAID LOT 10, FOR THE NORTH CORNER OF THE HEREIN DESCRIBED 4.98 ACRES OF LAND;

THENCE SOUTH 27 DEGREES 03 MINUTES 24 SECONDS EAST WITH THE NORTHEAST LINE OF SAID LOT 10, A DISTANCE OF 86.09 FEET TO A 5/8 INCH REBAR FOUND IN THE NORTHEAST LINE OF SAID LOT 10, FOR AN ANGLE POINT OF THE HEREIN DESCRIBED 4.98 ACRES OF LAND;

THENCE SOUTH 43 DEGREES 10 MINUTES 18 SECONDS EAST WITH THE NORTHEAST LINE OF SAID LOT 10, A DISTANCE OF 157.49 FEET TO A 5/8 INCH RE BAR FOUND IN THE NORTHEAST LINE OF SAID LOT 10, FOR THE EAST CORNER OF THE HEREIN DESCRIBED 4.98 ACRES OF LAND;

THENCE SOUTH 46 DEGREES 24 MINUTES 07 SECONDS WEST, A DISTANCE OF 949.70 FEET TO A 5/8 INCH REBAR WITH CAP SET IN THE NORTHEAST RIGHT-OF-WAY OF COUNTY ROAD 390, FOR THE SOUTH CORNER OF THE HEREIN DESCRIBED 4.98 ACRES OF LAND;

THENCE NORTH 20 DEGREES 54 MINUTES 42 SECONDS WEST WITH THE NORTHEAST RIGHT-OF-WAY OF COUNTY ROAD 390, A NORTH DISTANCE OF 260.11 FEET TO THE POINT OF BEGINING AND CONTAINING 4.98 ACRES OF LAND.

2. Instrument to be Foreclosed. The instrument to be foreclosed is the Deed of Trust dated 04/14/2022 and recorded in Book 460 Page 491 Document 237709 real property records of Live Oak County, Texas.

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

Date: 03/05/2024

Time: 01:00 PM

Place: Live Oak County, Texas at the following location: THE FRONT PORCH OF THE LIVE OAK COUNTY COURTHOUSE 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 JOSEPH DANIEL RARD AND VALINDA M. RARD, provides that it secures the payment of the indebtedness in the original principal amount of \$44,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. Rally Credit Union formerly known as in Navy Army Community Credit Union is the current mortgagee of the note and deed of trust and RALLY CREDIT UNION is mortgage servicer. A servicing agreement between the mortgagee, whose address is Rally Credit Union formerly known as in Navy Army Community Credit Union c/o RALLY CREDIT UNION, 1 Corporate Dr., Ste 360, Lake Zurich, IL 60047 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
Karia Balli, Attorney at Law
Parkway Office Center, Suite 900
14160 Dallas Parkway
Dallas, TX 75254

For additional sale information visit: www.mwzmlaw.com/tx-investors

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 Live Oak County Clerk and caused it to be posted at the location directed by the Live Oak County Commissioners Court.