

NO. \_\_\_\_\_ TIME 1200pm

MAR 12 2024

DONNER REGISTRY, COUNTY CLERK

TYLER COUNTY, TEXAS

By [Signature]

**NOTICE OF FORECLOSURE SALE**

Notice is hereby given of a public non-judicial foreclosure sale.

1. **Property To Be Sold.** The property to be sold is described as follows:

All property (real, personal or otherwise) described in the deed of trust (as hereinafter defined as the "Deed of Trust"), together with the rights, appurtenances and improvements thereto, including, but not limited to, the real property described on **Exhibit A** attached hereto and made a part hereof. In the event any property encumbered by the Deed of Trust has been released by Lender (or its predecessor in interest, as applicable), then said released property shall be excluded from the property sold at foreclosure.

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

**Date: Tuesday, April 2, 2024.**

**Time:** The sale shall begin no earlier than **10:00 a.m.** or no later than three hours thereafter. The sale shall be completed by no later than **1:00 p.m.**

**Place:** **The sale will take place at the Tyler County Courthouse at the place designated by the Tyler County Commissioner's Court.**

The Deed of Trust permits the Lender (as hereinafter defined) to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the Deed of Trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code and/or Texas Business and Commerce Code. Such reposting or refiling may be after the date originally scheduled for this sale.

3. **Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the Lender to have the bid credited up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold.

The 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 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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

4. Type of Sale. The sale is a non-judicial foreclosure sale being conducted pursuant to the power of sale granted by that certain Deed of Trust (the "Deed of Trust") recorded under Instrument No. 19-2501, Volume 1223, Page 410 in the Real Property Records of Tyler County, Texas, and executed by Gary Adam Tousha and Amanda Rae Tousha (whether one or more, the "Grantor"), for the benefit of 21<sup>st</sup> Mortgage Corporation ("Lender"), covering the property described above.

5. Obligations Secured. The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Indebtedness") including but not limited to the unpaid principal and interest owing on: that certain Consumer Loan Note, Security Agreement and Disclosure Statement (the "Note") dated on or about August 26, 2019, executed by the Grantor and payable to the order of Lender, and all renewals, modifications and extensions of the Note. Lender is the current owner and/or holder of the Note and the Indebtedness and is the beneficiary under the Deed of Trust.

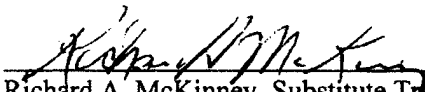
Questions concerning the sale may be directed to the undersigned or to the Lender:

21st Mortgage Corporation  
620 Market Street One Center Square  
Knoxville, TN 37902  
Phone: 800-955-0021  
Fax: 866-231-4851

6. Default and Request To Act. Default has occurred under the Deed of Trust, and Lender has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale Lender may appoint another person as substitute trustee to conduct the sale.

7. Armed Forces Notice. 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.

DATED: March 6, 2024.

  
Richard A. McKinney, Substitute Trustee  
Higier Allen & Lautin, P.C.  
The Tower at Cityplace  
2711 N. Haskell Ave., Suite 2400  
Dallas, Texas 75204  
Telephone: (972) 716-1888  
Fax: (972) 716-1899

**\*\*\*PLEASE FAX ALL COMMUNICATIONS REGARDING THIS MATTER TO THE  
SUBSTITUTE TRUSTEE AT 972-716-1899 (FAX), NOTE THE SUBSTITUTE  
TRUSTEE'S NAME ON YOUR COVER SHEET AND CONTACT THE SUBSTITUTE  
TRUSTEE AT 972-716-1888 (PHONE) TO CONFIRM RECEIPT. PLEASE ASSUME  
YOUR FAX HAS NOT BEEN RECEIVED UNTIL YOU VERBALLY CONFIRM  
RECEIPT THEREOF WITH OUR OFFICE. THANKS IN ADVANCE FOR YOUR  
COOPERATION.\*\*\***

**EXHIBIT A**

PROPERTY DESCRIPTION

[FOLLOWS THIS COVER PAGE]

Exhibit "A"

OGDEN SURVEYING LLC  
683 CR 2050, WOODVILLE TEXAS 75979, (409) 283-2033  
Firm Registration No. 10000400

Skiffern League A-572 Tyler County Texas

a 2.000 acre tract situated in the Nancy Skiffern League, Abstract 572, Tyler County, Texas and being a part and a part of a called 2.18 acre tract; both tracts conveyed to Gary Lynn Tousha and Bertha Dianne Tousha by 680 Page 94 Official Public Records Tyler County (OPRTC). The said 2.000 acre tract being more follows:

a east line of said 2.18 acre tract called S 00 deg 34' E  
and "RPLS 5217".

d found for the southeast corner of said 2.18 acre tract and southwest corner of the Richard Winstor called in Volume 693 Page 545 OPRTC;

W with the south line of said 2.18 acre tract, south line of said 2.00 acre tract and north line of the Hancock 17 OPRTC, at 223.01 feet pass a 1/4" iron rod found for the southwest corner of said 2.18 acre tract and .00 acre tract and a total distance of 230.04 feet to a 1/4" iron rod set in the south line of said 2.00 acre tract;


E, at 68.28 feet pass the east line of said 2.00 acre tract and west line of said 2.18 acre tract and a total a 1/4" iron rod set for corner;

W, at 225.32 feet pass a 1/4" iron rod found on the east line of said 2.00 acre, west line of said 2.18 acre tract County Road 4499 and a total distance of 251.02 feet to a point in the center of County Road 4499, north and south line of the Donnie Pelt called 12.963 acre tract Volume 716 Page 293 OPRTC;

E with the north line of said 2.00 acre tract, north line of said 2.18 acre tract, south line of said 12.963 acre Annie Moore called 3.08 acre tract Volume 612 Page 276 OPRTC and center of County Road 4499, at 5.80 feet of said 2.00 acre tract, southeast corner of said 12.963 acre tract, northwest corner of said 2.18 acre tract and 3.08 acre tract and a total distance of 228.65 feet to a point for the northeast corner of said 2.18 acre tract, .52 acre tract, southeast corner of said 3.08 acre tract and southwest corner of the Krista McGallison called 141 Page 891 OPRTC;

E with the east line of said 2.18 acre tract and west line of said 3.52 acre tract, at 25.00 feet pass a 1/4" iron rod total distance of 425.04 feet to the Place of Beginning containing 2.000 acres of land more or less.

d on a plat and an on the ground survey made by Donald E. Ogden, Registered Professional Land Surveyor



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