

JAN 07 2021

NOTICE OF DEFAULT AND FORECLOSURE SALE

DONECE GREGORY, COUNTY CLERK
TYLER COUNTY, TEXAS
Roxanne Hat

WHEREAS, on December 19, 2011, a certain Adjustable Rate Home Equity Conversion Deed of Trust ("Reverse Mortgage") was executed by RICHARDE. JORDAN AND BEVERLY B. JORDAN, as mortgagor in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS BENEFICIARY, AS NOMINEE FOR AMERICAN ADVISORS GROUP, ITS SUCCESSORS AND ASSIGNS, as mortgagee and CHRISTOPHER MULLINS, as trustee, and was recorded on January 3, 2012 under Book 1037, Page 029 in the real property records of Tyler, Texas.

WHEREAS, the Reverse Mortgage was insured by the United States Secretary of Housing and Urban Development (the "Secretary") pursuant to the National Housing Act for the purpose of providing single family housing; and

WHEREAS, the beneficial interest in the Reverse Mortgage is now owned by the Secretary, pursuant to an assignment dated November 27, 2018, and recorded on March 26, 2019, under Book 1213, Page 440 in the real property records of Tyler County, Texas; and

WHEREAS, a default has been made in the covenants and conditions of the Reverse Mortgage in that the Mortgagors no longer occupies the property; and

WHEREAS, the entire amount delinquent as of February 2, 2021 is \$316,862.97; and

WHEREAS, by virtue of the default, the Secretary has declared the entire amount of the indebtedness secured by the Reverse Mortgage to be immediately due and payable;

NOW THEREFORE, pursuant to powers vested in me by the Single Family Mortgage Foreclosure Act of 1994, 12 U.S.C. 3751 et seq., by 24 CFR part 27, subpart B, and by the Secretary's designation of me as Foreclosure Commissioner, recorded on October 15, 2007 in Dallas County under Clerk's File Number 20070369306, notice is hereby given that on February 2, 2021, at 01:00 PM local time or no later than three hours thereafter, all real and personal property at or used in connection with the following described premises ("Property") will be sold at public auction to the highest bidder:

FIELD NOTES DESCRIBING A 21.45 ACRE TRACT (CALLED 20.58 ACRES) OUT OF AND A PART OF THE I. & G. N. RR. SECTION 5, ABSTRACT 700, TYLER COUNTY, TEXAS. SAID 20.58 ACRE TRACT IS MORE FULLY DESCRIBED AND RECORDED IN VOLUME 270, PAGE 411 OF THE DEED RECORDS OF TYLER COUNTY, TEXAS.

BEGINNING AT A 3 INCH X 3 INCH BROKEN CONCRETE MONUMENT WITH TWO 3/8 INCH IRON RODS IN SAME FOUND AT THE SOUTHEAST CORNER OF SAID 20.58 ACRE TRACT IN THE WEST LINE OF A 29.48 ACRE TRACT, RECORDED IN VOLUME 401, PAGE 25 AND AT THE MOST NORTHERLY NORTHEAST CORNER OF THE PABLO SALINAS SURVEY, ABSTRACT 793, KIRBY LUMBER COMPANY TRACT, RECORDED IN VOLUME 82, PAGE 1 AND THE SOUTHEAST CORNER OF THE SAID ABSTRACT 700 AND IN THE WEST LINE OF THE I. & G. N. RR. SECTION 4, ABSTRACT 712, FROM WHICH WE FOUND A 16 INCH FORKED PIN OAK BEARS SOUTH 06 DEGREES 15 MINUTES WEST A DISTANCE OF 16.10 FEET, 2.10 FEET EAST OF A NORTH-SOUTH FENCE LINE.

THENCE NORTH 89 DEGREES 21 MINUTES 42 SECONDS WEST ALONG AND WITH THE NORTH AND SOUTH LINE OF SAID TRACTS AND SURVEYS AND A RED ORANGE MARKED AND PAINTED LINE A DISTANCE OF 1800.46 FEET PASS A 3 INCH X 3 INCH BROKEN CONCRETE MONUMENT WITH TWO 3/8 INCH IRON RODS IN SAME FOUND AT THE NORTHWEST CORNER OF SAID ABSTRACT 793, NORTHEAST CORNER OF THE G. C. BLACKBURN SURVEY ABSTRACT 730, NORTHEAST CORNER OF A 2.02 ACRE TRACT (TRACT 1-A) IN DOGWOOD HILLS SUBDIVISION, RECORDED IN PLAT FILE NO.169 FROM WHICH WE FOUND A 24 INCH PINE BEARS NORTH 57 DEGREES 55 MINUTES EAST A DISTANCE OF 26.10 FEET, 1.2 INCH POST OAK BEARS SOUTH 59 DEGREES 25 MINUTES EAST A DISTANCE OF 14.49 FEET, 18 INCH PINE BEARS SOUTH 10 DEGREES 15 MINUTES EAST A DISTANCE OF 21.98 FEET AND A 12 INCH FINE BEARS SOUTH 70 DEGREES 50 MINUTES WEST A DISTANCE OF 10.70 FEET AND CONTINUE A TOTAL DISTANCE IN ALL OF 1823.95 FEET TO A 5/8 INCH IRON ROD FOUND AT THE WEST CORNER OF SAID 20.58 ACRE TRACT



AND IN THE NORTH LINE OF SAID ABSTRACT 730 AND SOUTHEAST RIGHT-OF-WAY LINE OF FARM MARKET HIGHWAY NO. 1013 HAVING A RIGHT-OF-WAY 80 FEET IN WIDTH, RECORDED IN PLAT FILE NO. 37.

THENCE NORTH 62 DEGREES 30 MINUTES 06 SECONDS EAST ALONG AND WITH THE SOUTHEAST RIGHT-OF-WAY LINE AND NORTHWEST LINE OF SAID 20.58 ACRE TRACT AT A DISTANCE OF 73.71 FEET PASS A 3 INCH X 3 INCH TAPERED CONCRETE HIGHWAY RIGHT-OF-WAY MONUMENT FOUND AND CONTINUE WITH SAID LINE A TOTAL DISTANCE OF 1210.77 FEET TO A 3 INCH X 3 INCH TAPERED CONCRETE HIGHWAY RIGHT-OF-WAY MONUMENT (BROKEN) WITH A 5/8 INCH IRON ROD IN CENTER LINE FOUND AT THE P. C. OF A CURVE TO THE LEFT.

THENCE IN A NORTHEASTERLY DIRECTION CONTINUING ALONG AND WITH SAID LINE AND WITH SAID CURVE TO THE LEFT HAVING A RADIUS OF 740.00 FEET, TANGENT OF 56.96 FEET, ARC OF 113.692 FEET AND A LONG CHORD THAT BEARS NORTH 58 DEGREES 29 MINUTES 30 SECONDS EAST A DISTANCE OF 113.58 FEET TO A 3 INCH X 3 INCH TAPERED CONCRETE HIGHWAY RIGHT-OF-WAY MONUMENT FOUND AT THE P. T. OF SAID CURVE AND LINE.

THENCE NORTH 53 DEGREES 42 MINUTES 00 SECONDS EAST CONTINUING ALONG AND WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID HIGHWAY, NORTHWEST LINE OF SAID TRACT A DISTANCE OF 806.70 FEET TO A 1/2 INCH IRON ROD SET AT THE NORTH CORNER OF SAID TRACT AND NORTHWEST CORNER OF SAID 29.48 ACRE TRACT FROM WHICH WE FOUND A 1 INCH PIPE AT A SUBDIVISION CORNER IN THE NORTHWEST RIGHT-OF-WAY LINE OF SAID HIGHWAY AND EAST LINE OF SAID ABSTRACT 700 AND WEST LINE OF SAID ABSTRACT 712 BEARS NORTH 0 DEGREES 08 MINUTES 52 SECONDS WEST 98.98 FEET,

THENCE SOUTH 0 DEGREES 08 MINUTES 52 SECONDS EAST ALONG AND WITH EAST AND WEST LINE OF SAID TRACT AND SURVEYS AT A DISTANCE OF 16.61 FEET PASS A DISTANCE OF 3.29 FEET EAST OF A FENCE CORNER POST, AT 885.29 FEET PASS A DISTANCE OF 10.17 FEET EAST OF A FENCE CORNER POST AND AT A TOTAL DISTANCE IN ALL OF 1116.31 FEET TO THE PLACE OF BEGINNING, CONTAINING 21.45 ACRES OF LAND.

BEARINGS ARE IN RELATION TO A SOUTHEAST LINE OF SAID HIGHWAY, SAME BEING THE MOST EASTERN NORTHWEST LINE OF SAID 20.58 ACRE TRACT CALLED NORTH 53 DEGREES 42 MINUTES 00 SECONDS EAST ON SAID HIGHWAY MAP RECORDED IN PLAT FILE NO. 37 OF PLAT RECORDS OF TYLER COUNTY, TEXAS, AND THIS FIELD NOTES DESCRIPTION IS ACCOMPANIED WITH A PLAT. FOR INFORMATIONAL PURPOSES ONLY: THE ABOVE DESCRIBED PROPERTY IS ALSO KNOWN AS 4298 FM 1013 ROAD, HILLISTER, TX 77624

Commonly known as: 4298 FM 1013 ROAD, HILLISTER, TX 77624.

The sale will be held in Tyler County, Texas at the following location: ALL THAT AREA UNDER THE STEPS GIVING ACCESS TO THE NORTH ENTRANCE TO THE SECOND FLOOR OF THE COURTHOUSE, BOUNDED ON THE SOUTH BY THE NORTH WALL OF THE COURTHOUSE BUILDING, MORE PARTICULARLY ALL THAT AREA LYING WITHIN 6 FEET AND 8 INCHES ON EITHER SIDE OF A LINE BEGINNING AT THE MIDDLE OF THE NORTH ENTRANCE OF THE FIRST FLOOR OF THE COURTHOUSE AND RUNNING DUE NORTH 19 FEET AND 6 INCHES, OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.

The Secretary of Housing and Urban Development will bid \$316,862.97.

There will be no proration of taxes, rents or other income or liabilities, except that the purchaser will pay, at or before closing, his prorate share of any real estate taxes that have been paid by the Secretary to the date of the foreclosure sale.

When making their bids, all bidders except the Secretary must submit a deposit totaling \$31,686.30 in the form of a certified check or cashier's check made out to the Secretary of HUD. A deposit need not accompany each oral bid. If the successful bid is oral, a deposit of \$31,686.30 must be presented before the bidding is closed. The deposit is nonrefundable. The remainder of the purchase price must be delivered within 30 days of the sale or at such other time as the Secretary may determine for good cause shown, time being of the essence. This amount, like the bid deposits, must be delivered in the form of a certified or cashier's check. If the Secretary is the highest bidder, he need not pay the bid amount in cash. The successful bidder will pay all conveying fees, all real estate and other taxes that are due on or after the delivery date of the remainder of the payment and all other costs associated with the transfer of title. At the conclusion of the sale, the deposits of the unsuccessful bidders will be returned to them.

The Secretary may grant an extension of time within which to deliver the remainder of the payment. All extensions will be for 15-day increments for a fee of \$500.00, paid in advance. The extension fee shall be in the form of a certified or cashier's check made payable to the Secretary of HUD. If the high bidder closes the sale prior to the expiration of any extension period, the unused portion of the extension fee shall be applied toward the amount due.

If the high bidder is unable to close the sale within the required period, or within any extension of time granted by the Secretary, the high bidder may be required to forfeit the cash deposit or, at the election of the foreclosure commissioner after consultation with the HUD representative, will be liable to HUD for any costs incurred as a result of such failure. The Commissioner may, at the direction of the HUD representative, offer the property to the second highest bidder for an amount equal to the highest price offered by that bidder.

There is no right of redemption, or right of possession based upon a right of redemption, in the mortgagor or others subsequent to a foreclosure completed pursuant to the Act. Therefore, the Foreclosure Commissioner will issue a Deed to the purchaser(s) upon receipt of the entire purchase price in accordance with the terms of the sale as provided herein. HUD does not guarantee that the property will be vacant.

The scheduled foreclosure sale shall be cancelled or adjourned if it is established, by documented written application of the mortgagor to the Foreclosure Commissioner not less than 3 days before the date of sale, or otherwise, that the default or defaults upon which the foreclosure is based did not exist at the time of service of this notice of default and foreclosure sale, or all amounts due under the mortgage agreement are tendered to the Foreclosure Commissioner, in the form of a certified or cashier's check payable to the Secretary of HUD, before public auction of the property is completed.

The amount that must be paid if the mortgage is to be paid in full prior the scheduled sale is \$316,862.97, plus all other amounts that would be due under the mortgage agreement if payments under the mortgage had not been accelerated, advertising costs and postage expenses incurred in giving notice, mileage by the most reasonable road distance for posting notices and for the Foreclosure Commissioner's attendance at the sale, reasonable and customary costs incurred for title and lien record searches, the necessary out-of-pocket costs incurred by the Foreclosure Commissioner for recording documents, a commission for the Foreclosure Commissioner, and all other costs incurred in connection with the foreclosure prior to reinstatement.

Tender of payment by certified or cashier's check or application for cancellation of the foreclosure sale shall be submitted to the address of the Foreclosure Commissioner provided below.

Date: January 6, 2021

L. Keller Mackie 
Foreclosure Commissioner
Mackie Wolf Zientz & Mann, P.C.
Parkway Office Center, Suite 900
14160 Dallas Parkway
Dallas, TX 75254
(214) 635-2650
(214) 635-2686 Fax

THIS FORECLOSURE SALE IS BEING CONDUCTED
UNDER THE EXCEPTION REFERENCED IN
GOVERNOR ABBOTT'S EXECUTIVE ORDER GA-
28(1)(A)