

## 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, November 7, 2023.**

Time: The sale shall begin no earlier than **1:00 p.m.** or no later than three hours thereafter. The sale shall be completed by no later than **4:00 p.m.**

Place: **The sale will take place at the Caldwell County Courthouse at the place designated by the Caldwell 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.

Notice of Foreclosure Sale - Page 1

File No. 1909.540

Filed this 16<sup>th</sup> day of Oct 2023  
9:59 AM

TERESA RODRIGUEZ  
COUNTY CLERK, CALDWELL COUNTY, TEXAS  
By Sandra Guerra Deputy  
Sandra Guerra

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. 2018-005624 in the Real Property Records of Caldwell County, Texas, and recorded under Instrument No. 202313698 in the Real Property Records of Bastrop County, Texas and executed by Benjamin Wyatt Adams and Stefan Torres Adams (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 September 26, 2018, 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.

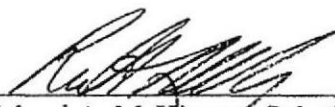
Questions concerning the sale may be directed to the undersigned or to the Lender:

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: October 11, 2023.

  
Richard A. McKinney, Substitute Trustee  
Higier Allen & Laitin, 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"

PROFESSIONAL  
LAND SURVEYORS

116 Tahitian Drive (512) 303-0952  
Gastrop, Texas 78602 profindsur@aol.com

METES AND BOUNDS DESCRIPTION

5.495 ACRES OF LAND OUT OF THE GIBSON PETTY SURVEY, ABSTRACT 237 IN BASTROP AND CALDWELL COUNTIES, TEXAS COMPRISED OF A PORTION OF THAT TRACT CONVEYED AS 50 ACRES IN CALDWELL COUNTY, TEXAS TO SYLVIA MARIE MCMULLEN MOFFETT PER VOLUME 352, PAGE 465, DEED RECORDS OF CALDWELL COUNTY AND MORE PARTICULARLY DESCRIBED BY THE FOLLOWING METES AND BOUNDS FROM SURVEY DURING JULY, 2016:

**BEGINNING** at an iron rod set for the northeast corner hereof, the common north corner of said 50 acres and that tract conveyed as 79 acres to Terry Voigt per Volume 51, Page 60 of said Deed Records and a point on the south line of that tract conveyed as 100 acres to Sylvia Marie McMullen Moffett per said Volume 352, Page 465 of said Deed Records;

**THENCE** S 26°59'16" W, (horizontal control (bearing basis) per Texas Central Coordinate Zone, NAD83) 1149.69 feet along the common line of said 50 acres and said 79 acres and the west line of that tract conveyed as 75 acres to Gustav Voigt, Jr. per Volume 111, Page 366 of said Deed Records to an iron rod set for the southeast corner hereof and an ell corner along the east line of a 38.316 acre tract out of said 50 acres surveyed this day, same being the northeast corner of a 0.732 acre Access Easement out of said 50 (and said 38.316) acres surveyed this day;


**THENCE** N 63°00'44" W, 108.62 feet over and across said 50 acres along the common line hereof and of said Easement to an iron rod set for the southwest corner hereof;

**THENCE** the following three (3) courses continuing over and across said 50 acres:

- 1) N 25°25'27" W, 76.40 feet to an iron rod set;
- 2) N 10°53'57" E, 477.26 feet to an iron rod set;
- 3) N 26°59'16" E, 619.22 feet to an iron rod set for the northwest corner hereof, the northeast corner of said 38.316 acres and a point on the common line of said 50 acres and said 100 acres, which bears, for reference, S 61°57'24" E, 387.98 feet from an iron rod set for the common west corner of said 50 acres and said 100 acres, being the northwest corner of said 38.316 acres and a point on the east line of Pettytown Road;

**THENCE** S 61°57'24" E, 243.01 feet along the common line of said 50 acres and said 100 acres to the **POINT OF BEGINNING**, containing 5.495 acres of land, more or less and shown on the survey map prepared to accompany herewith.

Surveyed by:

  
C. Richard Ralph  
Registered Professional Land Surveyor No. 4758  
Project No. 16022B-3 - 147/29;151/1



July 28, 2016

EXHIBIT "B"

PROFESSIONAL  
LAND SURVEYORS

116 Tahilian Drive (512) 303-0852  
Bastrop, Texas 78602 proflndsurr@aol.com

METES AND BOUNDS DESCRIPTION

0.732 ACRE OF LAND FOR AN ACCESS EASEMENT OUT OF THE GIBSON PETTY SURVEY, ABSTRACT 237 IN BASTROP AND CALDWELL COUNTIES, TEXAS COMPRISED OF A PORTION OF A 38.316 ACRE TRACT SURVEYED THIS DAY OUT OF THAT TRACT CONVEYED AS 50 ACRES IN CALDWELL COUNTY, TEXAS TO SYLVIA MARIE MCMULLEN MOFFETT PER VOLUME 352, PAGE 465, DEED RECORDS OF CALDWELL COUNTY, AND MORE PARTICULARLY DESCRIBED BY THE FOLLOWING METES AND BOUNDS FROM SURVEY DURING JULY, 2016:

**BEGINNING** at a point on the east line of Pettytown Road for the northwest corner hereof, from which an iron rod set on the east line of said Pettytown Road for the southwest corner of that tract out of said 50 acres conveyed as 1.00 acre to Dee-Anna J. Petty per Document 121987 of said Deed Records, bears N 27°38'10" E, (horizontal control (bearing basis) per Texas Central Coordinate Zone, NAD83) 167.92 feet;

**THENCE** the following ten (10) courses over and across said 50 acres:

- 1) S 62°21'50" E, 11.45 feet to a point;
- 2) S 32°51'58" E, 110.28 feet to a point;
- 3) S 20°38'39" E, 278.34 feet to a point;
- 4) S 07°04'58" E, 49.03 feet to a point;
- 5) S 19°59'26" W, 72.79 feet to a point;
- 6) S 00°38'38" W, 16.93 feet to a point;
- 7) S 23°21'40" E, 25.20 feet to a point;
- 8) S 44°00'38" E, 95.83 feet to a point;
- 9) S 88°06'58" E, 91.25 feet to an iron rod set for the southwest corner of a 5.495 acre tract out of said 50 acres surveyed this day and an ell corner along the east line of said 5.495 acres;
- 10) S 63°00'44" E, 108.62 feet to an iron rod set for the northeast corner hereof, the common east corner of said 5.495 acres and said 38.316 acres and a point on the common line of said 50 acres and that tract conveyed as 75 acres to Gustav Voigt, Jr. per Volume 111, Page 366 of said Deed Records, S 26°59'16" W, 1149.69 feet from an iron rod set for the common north corner of said 50 acres and that tract conveyed as 79 acres to Terry Voigt per Volume 51, Page 60 of said Deed Records and a point on the south line of that tract conveyed as 100 acres to Sylvia Marie McMullen Moffett per Volume 352, Page 465 of said Deed Records;

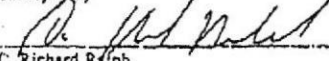
**THENCE** S 26°59'16" W, 48.75 feet along the common line of said 50 acres and said 75 acres to a point for the southeast corner hereof;

**THENCE** the following nine (9) courses over and across said 50 (and said 38.316) acres:

- 1) N 65°16'16" W, 198.96 feet to a point;
- 2) N 44°00'38" W, 103.64 feet to a point;
- 3) N 23°21'40" W, 37.04 feet to a point;
- 4) N 00°38'38" E, 28.42 feet to a point;
- 5) N 19°59'26" E, 70.68 feet to a point;
- 6) N 07°04'58" W, 38.24 feet to a point;
- 7) N 20°38'39" W, 271.36 feet to a point;
- 8) N 32°51'58" W, 19.72 feet to a point;
- 9) N 62°21'50" W, 72.71 feet to a point for the southwest corner hereof and a point on the east line of said Pettytown Road N 27°38'10" E, 991.85 feet along the east line of said Pettytown Road from an iron rod set for the northwest corner of that tract out of said 50 acres conveyed as 1.00 acre to Pete C. Juarez and Kimberly D. Juarez per Volume 164, Page 617 of said Deed Records;

**THENCE** N 27°38'10" E, 69.12 feet along the east line of said Pettytown Road to the POINT OF BEGINNING, containing 0.732 acre of land for an Access Easement and the survey map prepared herewith

Surveyed by

  
C. Richard Ralph  
Registered Professional Land Surveyor No. 4758



July 28, 2016

State of Texas Registered Professional Land Surveyors Project No. 16022B-J - 147/29/131/1