



NOTICE OF DEFAULT AND FORECLOSURE SALE

WHEREAS on February 8, 2011, a certain FIXED RATE HOME EQUITY CONVERSION DEED OF TRUST (“Deed of Trust”) was executed by DONAL BLACKERBY, a married man, as mortgagors to Alan E. South, as Trustee, for the benefit of URBAN FINANCIAL GROUP and was recorded on February 17, 2011, in the Official Public Records of Real Property of LUBBOCK County Texas under Document No. 2011005078; and

WHEREAS the Deed of Trust 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 Deed of Trust is now owned by the Secretary, pursuant to an assignment dated February 16, 2017, recorded in the Official Public Records of Real Property of LUBBOCK County Texas under Document No. 2017006179; and

WHEREAS a default has been made in the covenants and conditions of the Deed of Trust in that both borrowers are deceased with no probate pending and have ceased to occupy the Property (hereinafter defined) for more than twelve (12) consecutive calendar months and no payment has been made sufficient to restore the loan to currency; and

WHEREAS the entire amount delinquent as of June 6, 2023, is \$180,686.43; and

WHEREAS, by virtue of this default, the Secretary has declared the entire amount of the indebtedness secured by the Deed of Trust 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 dated July 13, 2022 and recorded under Instrument No. 2023011902 on June 6, 2023, between the hours of 10:00 a.m. and 4:00 p.m. Central Standard Time, 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:

A TRACT OF LAND LOCATED IN SECTION 161, BLOCK C.T.B. WILLIAMSON CERTIFICATE NO. 6813, LUBBOCK COUNTY, TEXAS, BEING FURTHER DESCRIBED ON EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES

Commonly known as 12114 E FM 40, SLATON, TX 79364

The sale will be held between the hours of 10:00 a.m. and 1:00 p.m. at the Gazebo located on the front lawn of the Lubbock County Courthouse, 904 Broadway Street, Lubbock, TX 79403 with the first alternate location being the second floor auditorium at 916 Main Street, Lubbock, TX and the second alternate location being the Commissioner’s court located on the fifth floor of the courthouse or as designated by the County Commissioner’s Office or by the County Commissioner’s Court, or such other public venue in the area designated by the LUBBOCK County Commissioners Court pursuant

to Section 51.002 of the Texas Property Code as the place where foreclosure sales are to take place, or if no place is designated by the Commissioners Court, the sale will be conducted at the place where this Notice of Default and Foreclosure Sale was posted.

The earliest time the sale will occur is 10:00 a.m. Central Standard Time.

The Secretary of Housing and Urban Development will bid \$180,686.43.

There will be no proration of taxes, rents or other income or liabilities, except that the purchaser will pay, at or before closing, his pro-rata 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 \$18,068.64 [10% of the Secretary's bid] 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 \$18,068.64 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 extensions 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

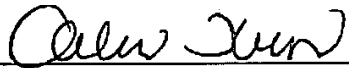
before the date of sale, or otherwise, that the default or defaults upon which the foreclosure is based did not exist at the time of service of this notice of default and foreclosure sale, or all amounts due under the mortgage agreement are tendered to the Foreclosure Commissioner, in the form of a certified 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 reinstated prior to the scheduled sale is \$180,537.68 as of May 31, 2023, plus interest at the rate of \$29.75 per diem from and after May 31, 2023 until paid in full, 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: May 1, 2023

Foreclosure Commissioner



Carolyn A. Taylor
Hughes, Watters & Askanase, LLP
1201 Louisiana Street, 28th Floor
Houston, Texas 77002
(713) 759-0818
(713) 759-6834

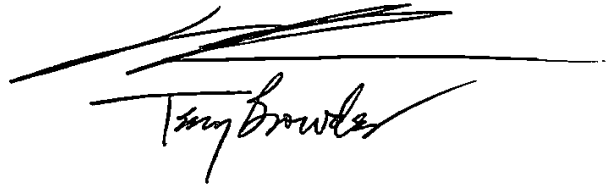


Exhibit "A"

A TRACT OF LAND LOCATED IN SECTION 161, BLOCK C.T.B. WILLIAMSON CERTIFICATE NO. 6813, LUBBOCK COUNTY, TEXAS, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A 60 PENNY NAIL FOUND IN THE NORTH LINE OF SECTION 161, BLOCK C, LUBBOCK COUNTY, TEXAS, AND IN THE CENTER LINE OF FARM ROAD 40, SAID POINT BEING 9885.50 FEET EAST OF THE NORTHWEST CORNER OF SECTION 161, BLOCK C AND EAST A DISTANCE OF 324.60 FEET FROM THE SOUTHWEST CORNER OF SECTION 122, BLOCK C, LUBBOCK COUNTY, TEXAS;

THENCE SOUTH A DISTANCE OF 180.00 FEET TO A 1/2" IRON ROD WITH CAP FOUND AT THE SOUTHWEST CORNER OF THIS TRACT;

THENCE EAST PARALLEL TO THE NORTH LINE OF SECTION 161, A DISTANCE OF 120.00 FEET TO A 1/2" IRON ROD WITH CAP FOUND AT THE SOUTHEAST CORNER OF THIS TRACT;

THENCE NORTH A DISTANCE OF 180.00 FEET TO A 60 PENNY NAIL FOUND IN THE NORTH LINE OF SECTION 161, IN THE CENTER LINE OF FARM ROAD NO. 40, AT THE NORTHEAST CORNER OF THIS TRACT; THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 161 AND THE CENTER LINE OF SAID ROAD, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Kelly Pinion

Kelly Pinion, County Clerk
Lubbock County, TEXAS
05/09/2023 10:11 AM
FEE: \$3.00
2023016813

2023-001066_NODMail_Lubbock_06.06.2023v204282023