

APR 07 2025



RENE TREVINO
CLERK OF COUNTY COURT
LAMB COUNTY, TEXAS

MILLER GEORGE & SUGGS

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NOTICE OF DEFAULT AND FORECLOSURE SALE

WHEREAS, on September 24, 2009, a certain Deed of Trust was executed by Cecil G Smith and Mildred Ann Smith as mortgagor in favor of MetLife Home Loans, a division of MetLife Bank, N.A. as beneficiary and Robert K Fowler as trustee, and was recorded on, October 6, 2009, in Volume No. 650, at Page No. 332 in the Office of the County Clerk, Lamb County, Texas; 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 June 29, 2015, and recorded on February 19, 2025, as Instrument No. 2025-00000276 in the office of the County Clerk, Lamb County, Texas; and

WHEREAS, a default has been made in the covenants and conditions of the Deed of Trust in that all borrowers are deceased; 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, recorded on January 7, 2025 as Instrument No. 2025-00000020 notice is hereby given that on May 06, 2025 at 10:00 AM local time, or not 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:

SEE EXHIBIT "A"

Commonly known as: 3061 US Hwy 70, Olton, TX 79064

The sale will be held at the steps at the front doors on the North side of the Lamb County Courthouse, or as designated by the County Commissioners Court.

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The Secretary of Housing and Urban Development will bid \$193,301.15.

There will be no proration of taxes, rents or other income or liabilities, except that the purchaser will pay, at or before closing, his prorata 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 \$19,330.11 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 \$19,330.11 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.

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.

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 send of this notice immediately.

Date: March 27, 2025



By: Dustin George
Miller, George & Suggs, PLLC
Foreclosure Commissioner
6080 Tennyson Parkway, Suite 100
Plano, TX 75024
972-532-0128 Phone
214-291-5507 Fax

EXHIBIT "A"

Being a 0.85 acre tract of land out of the South part of the Southeast Quarter of Survey 24, Block O-2, D. & S.E. Railroad Company Survey, Lamb County, Texas described as follows:

BEGINNING at a 1/2" rod found in the North right of way line of U.S. Highway 70 for the SE corner of a 1.62 acre tract as recorded in Volume 569, page 600 of the Deed Records of Lamb County, Texas, said rod being 1562 feet East and 50 feet North of the SW corner of the SE/4 of said Survey 24 and also being 1078 feet West and 50 feet North of the SE corner of said Survey 24;

Thence East 130 feet to a 1/2" rod set in said right of way line for the SW corner of a 0.81 acre tract as recorded in Volume 462, page 127 of the Deed Records of Lamb County, Texas.

THENCE North 284' 4 along the West line of said 0.81 acre tract to a found 5/8" rod by concrete post;

THENCE West 130' to a 1/2" rod found for the NE corner of said 1.62 acre tract;

THENCE South (called S.0°07'10"W.) 284' 4" along the East line of said 1.62 acre tract to the POINT OF BEGINNING and containing 0.85 acres.