

# NOTICE OF TRUSTEE'S SALE

**DEED OF TRUST INFORMATION:**

Grantor(s)	Randy Timmons	Deed of Trust Date	November 1, 2021
Original Mortgagee	Prosperity Bank	Original Principal	\$140,000.00
Recording Information	Instrument #: 3093 Book #: 485 Page #: 51 in Comanche County, Texas	Original Trustee	David Zalman
Property Address	630 County Road 222, Gustine, TX 76455	Property County	Comanche

**MORTGAGE SERVICER INFORMATION:**

Current Mortgagee	Prosperity Bank	Mortgage Servicer	Prosperity Bank
Current Beneficiary	Prosperity Bank	Mortgage Servicer Address	2101 Custer Road, Plano, TX 75075

**SALE INFORMATION:**

Date of Sale	10/01/2024
Time of Sale	10:00 AM or no later than 3 hours thereafter
Place of Sale	The North door of the Courthouse in Comanche County, Texas, or if the preceding area is no longer the designated area, at the area most recently designated by the Comanche County Commissioner's Court.
Substitute Trustees	Kim Anderson, Ron Anderson, Juanita Cox, Jimmy Carroll Brewer, Stephen Rawlings, Alexis Mendoza, Kevin Key, Jay Jacobs, Selim Taherzadeh, or Michael Linke, any to act
Substitute Trustees' Address	15851 N. Dallas Parkway, Suite 410, Addison, TX 75001

**PROPERTY INFORMATION:**

**Legal Description as per the Deed of Trust:**  
**BEING 25.31 ACRES OF LAND, SITUATED IN COMANCHE COUNTY, TEXAS, OUT OF THE P.C. JOHNSON SURVEY, ABSTRACT NUMBER 589, AND BEING PART OF A 100 ACRE TRACT TWO, THAT IS DESCRIBED IN A DEED FROM JAMES ALTON MERCER, ET UX, TO JAMES HERBERT MERCER, ET UX, RECORDED IN VOLUME 396 AT PAGE 234, DEED RECORDS OF COMANCHE COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;**  
**BEGINNING, AT A 1/2 INCH IRON ROD FOUND, IN THE WEST LINE OF COMANCHE COUNTY ROAD NUMBER 222, AND BEING THE SOUTHEAST CORNER OF A 8.722 ACRE TRACT, THAT IS DESCRIBED IN A DEED TO CLAUDE J. SLONE, ET UX, RECORDED IN VOLUME 742 AT PAGE 101, SAID DEED RECORDS, FOR THE NORTHEAST CORNER OF THIS TRACT;**  
**THENCE, WITH THE WEST LINE OF SAID COMANCHE COUNTY ROAD NUMBER 222 AS FOLLOWS: S 01 DEGREES 08' 55" W 555.70 FEET, TO A 1/2 INCH IRON ROD SET, AND S 00 DEGREES 35' 34" E 311.24 FEET, TO A 4 INCH PIPE POST, FOR THE SOUTHEAST CORNER OF THIS TRACT;**  
**THENCE, N 89 DEGREES 38' 18" W 1569.11 FEET, PART WAY WITH A FENCE TO A 3/8 INCH IRON ROD FOUND IN THE EAST LINE OF A 75.00 ACRE TRACT, THAT IS DESCRIBED IN A DEED TO WADE PYBURN, ET UX, RECORDED IN VOLUME 685 AT PAGE 399, SAID DEED RECORDS, FOR THE SOUTHWEST CORNER OF THIS TRACT;**  
**THENCE, WITH THE EAST LINE OF SAID 75.00 ACRE TRACT AS FOLLOWS: N 06 DEGREES 31' 13" E 169.72 FEET, TO A 3/8 INCH IRON ROD, N 44 DEGREES 29' 02" E 353.17 FEET, TO A 3/8 INCH IRON ROD FOUND, N 64 DEGREES 28' 36" E 183.75 FEET, TO A 3 INCH PIPE POST, AND N 00 DEGREES 48' 43" W 301.99 FEET, TO A 4.5 INCH PIPE POST AT THE SOUTHWEST CORNER OF SAID 8.722 ACRE TRACT, FOR THE NORTHWEST CORNER OF THIS TRACT;**  
**THENCE, N 87 DEGREES 14' 58" E 1150.04 FEET, (BASIS OF BEARING-8.722 ACRE TRACT,) WITH THE SOUTH LINE OF SAID 8.722 ACRE TRACT, TO THE POINT OF BEGINNING AND CONTAINING 25.31 ACRES OF LAND.**

The Mortgage Servicer, if not the Current Mortgagee, is representing the Current Mortgagee pursuant to a Mortgage Servicing Agreement.

Default has occurred under the Deed of Trust and all sums secured by the Deed of Trust were declared immediately due and payable. The Beneficiary has, or caused another to, removed the Original Trustee and appointed Substitute Trustees. On behalf of the Mortgagee, Mortgage Servicer, and Substitute Trustees, the undersigned is providing this Notice of Trustee's Sale.

FILED  
 AT 6 O'CLOCK  
 SEP 5 2024  
*Ruby Leahy*  
 Clerk, County Court Comanche Co., Texas

## NOTICE OF TRUSTEE'S 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 Beneficiary thereunder to have the bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

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 other 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. The sale shall not cover any part of the property that has been released from the lien of 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.

Pursuant to the Deed of Trust, the Beneficiary has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property.

Pursuant to the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the Deed of Trust. Purchasers will buy the property "at the purchaser's own risk" and "at his/her peril", and no representation is made concerning the quality of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property.

Pursuant to the Texas Property Code, the Trustee reserves the right to set further reasonable conditions for conducting the Sale. Any such further conditions shall be announced before bidding is opened for the first Sale of the day held by the Trustee or any Substitute Trustee.

The Deed of Trust permits the Beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee, or any subsequently appointed Trustee, 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. The reposting or refiling may be after the date originally scheduled for this sale.

Interested parties are encouraged to consult counsel of their choice prior to participating in the sale of the property.

**Assert and protect your rights as a member of the armed forces of the United States. If you 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.**

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.**

Dated August 28, 2024.

/s/ Selim H. Taherzadeh

Selim H. Taherzadeh  
15851 N. Dallas Parkway, Suite 410  
Addison, TX 75001  
(469) 729-6800

Return to: TAHERZADEH, PLLC  
15851 N. Dallas Parkway, Suite 410, Addison, TX 75001

Posted by: Eulaura Ortega-Smitu