

2022-20449

Certificate of Record

FORT SMITH DISTRICT

SEBASTIAN COUNTY, ARKANSAS

SHARON BROOKS, CO CLERK & RECORDER

08/23/2022 02:16:34 PM

RECORDING FEE

35.00

Pages: 2

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Prepared by:

ALBERTELLI LAW

1 INFORMATION WAY

SUITE 201

LITTLE ROCK, AR 72202

(501) 406-0855

ALAW File 22-008180

**AMENDED MORTGAGEE'S NOTICE OF DEFAULT AND INTENTION TO SELL
YOU MAY LOSE YOUR PROPERTY IF YOU DO NOT TAKE IMMEDIATE ACTION
IF THIS PROPERTY IS SOLD YOU WILL REMAIN LIABLE FOR ANY DEFICIENCY
WHICH THEN EXISTS AND AN ACTION TO COLLECT IT MAY BE BROUGHT AGAINST
YOU**

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL
BE USED FOR SUCH PURPOSE**

*****Amended to correct an omission in the legal description*****

NOTICE IS HEREBY GIVEN that on November 8, 2022, at or about 1:30PM, the subject real property described herein below will be sold at the Main Entrance of the Sebastian County Courthouse, 35 South 6th Street, Fort Smith, AR 72901 to the highest bidder for cash. The sale will extinguish all interests, including those of existing lien holders or previous owners in the property. THE TERMS OF SALE ARE CASH THE TIME OF SALE AND ALL TRANSFER TAXES WILL BE THE RESPONSIBILITY OF THE PURCHASER.

WHEREAS the property secured under the Mortgage is located in Sebastian County, Arkansas more particularly described as follows:

LOT 4, ARROWHEAD ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS, ACCORDING TO REPLAT OF BLOCK 6 AND 7, LOTS 1 THRU 4 FILED FEBRUARY 27, 2007. Subject to easements, rights of way and covenants of record. Subject to reservations, restrictions and conveyances and reservations of oil, gas and other minerals.

Street Address: 5429 Spradling Avenue, Fort Smith, AR 72904

WHEREAS on August 1, 2008, Hong Van Nguyen and Ro T. Nguyen, Husband and Wife, tenants by the entirety, executed a Mortgage in favor of Benefit Bank. Said Mortgage was recorded on August 1, 2008, as instrument number 7248588 in the real property records of Sebastian County, Arkansas. The Mortgage was subsequently assigned to U.S. Bank N.A. by virtue of an assignment dated August 1, 2008, and recorded on November 10, 2008, as instrument number 7255474 in the real property records of Sebastian County, Arkansas. The party initiating foreclosure can be contacted at or in care of its servicer initiating foreclosure

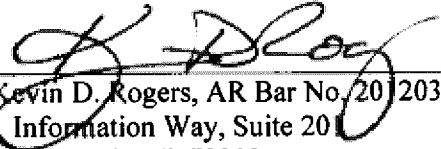
at: U.S. Bank National Association, 4801 Frederica Street, Owensboro, KY 42301, at Telephone No. 800-365-7772; and

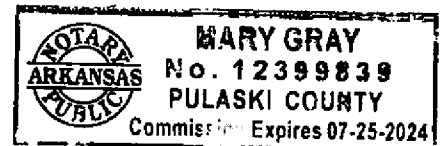
WHEREAS there may be tenants that claim an interest in the real property herein based upon said tenancy; and

WHEREAS, the undersigned is the attorney for the mortgagee and is acting on and with the consent and authority of the mortgagee who is exercising its power of sale under Ark. Code Ann. §18-50-115 which implies a power of sale in every mortgage of real property situated in this state that is duly acknowledged and recorded; and default has occurred in the payment of said indebtedness, specifically the installment due April 1, 2022, and each subsequent payment to date are now due; and the holder of the debt has requested the undersigned to sell the property to satisfy said indebtedness. This sale is subject to all matters shown on any applicable recorded plat or bill(s) of assurance; any restrictive covenants, easements, set back liens or encroachments; any unpaid and/or delinquent taxes or special assessments; any statutory redemption rights of any governmental entity; any prior liens or encumbrances as well as any priority created by a UCC or fixture filing; and, to any matter that an accurate survey of the property might disclose. This property is being sold "as is" with no representation as the condition of any structure(s) thereon or the accuracy of the above legal description. Transfer taxes and recording fees are the responsibility of the purchaser.

WITNESS my hand this 23 day of August, 2022.

U.S. Bank, National Association, by its attorney-in-fact, Albertelli Law


Kevin D. Rogers, AR Bar No. 2012031
Information Way, Suite 20
Little Rock, AR 72202
501-406-0855
A LAW No. 22-008180



ACKNOWLEDGEMENT

STATE OF ARKANSAS §
COUNTY OF PULASKI §

On this 23 day of August 2022, before me, the undersigned officer, personally appeared, Kevin D. Rogers, known to me to be the person who subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public

My Commission Expires: 7/25/2024