

NOV 01 2016

Notice of Foreclosure Sale

AMY FINCHER
County Clerk, County Court at Law
Angelina County, Texas

PURSUANT TO TEXAS TAX CODE SECTION 32.06, THE FORECLOSURE SALE REFERRED TO IN THIS DOCUMENT IS A SUPERIOR TRANSFER TAX LIEN SUBJECT TO THE RIGHT OF REDEMPTION UNDER CERTAIN CONDITIONS. THE FORECLOSURE IS SCHEDULED TO OCCUR ON JANUARY 3, 2017.

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.

1. *Property to Be Sold.* The property to be sold is described as follows:

Property 1 Legal Description:

0021 LABAUME J., TRACT 24, ACRES 9.083; and being more fully described as BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas out of the JOSE LABAUME SURVEY, ABSTRACT NO. 21 and being a part or portion of that certain 28.73 acre tract described in a deed from Omie Kennedy to Robert E. Ray, dated September 28, 1961 and recorded in Volume 259, on Page 480 of the Deed Records of Angelina County, Texas to which reference is hereby made for all purposes and the said part or portion being described by metes and bounds as follows, to-wit:

BEGINNING at the Northwest corner of that certain 1.00 acre tract conveyed to Patty D. Bridges in a deed recorded in Volume 1017, on Page 528 of the Real Property Records of Angelina County, Texas, a ½" iron pin found for corner on the West boundary line of the aforesaid referred to 28.73 acre tract and the East Right of Way line of Benton Drive;

THENCE N 10° 14' 39" E, with the West boundary line of the said 28.73 acre tract and the said East Right of Way line of Benton Drive, at 524.56 feet the Northwest corner of the said 28.73 acre tract and the Southwest corner of that certain 6.00 acre tract described in a deed to Dennis R. Dickerson et ux recorded in Volume 424, on Page 350 of the Deed Records of Angelina County, Texas, a ½" iron pin set for corner;

THENCE S 69° 11' 24" E, with the South boundary line of the said 6.00 acre tract, at 489.37 feet the Southeast corner of same and the Southwest corner of that certain 2.74 acre tract described in a deed to Dennis Roy Dickerson et ux recorded in Volume 602, on Page 445 of the Real Property Records of Angelina County, Texas, a 1" iron pin found for corner;

THENCE S 69° 09' 55" E, with the South boundary line of the said 2.74 acre tract, at 208.73 feet the Southeast corner of same and the most Northern Southwest corner of that certain 10.256 acre tract described in a Contract of Sale and Purchase by and between the Veteran's Land Board of Texas and Allen Joe Johnson III recorded in Volume 551, on Page 557 of the Deed Records of Angelina County, Texas, a 1" iron pipe found for corner;

THENCE S 69° 29' 04" E, with the most Northern South boundary line of the said 10.256 acre tract, at 319.32 feet an interior corner of same and the Northeast corner of the said 28.73 acre tract, a 1-1/4" iron pipe found for corner;

THENCE S 10° 07' 20" W, with the East boundary line of the said 28.73 acre tract and the most Southern West boundary line of the said 10.256 acre tract, at 279.02 feet the Northeast corner of that certain 11.50 acre tract described in a deed to Clyde M. Herrington et ux recorded in Volume 814, on Page 328 of the Real Property Records of Angelina County, Texas, a 1/2" iron pin found for corner;

THENCE N 79° 25' 34" W, with the North boundary line of the said 11.50 acre tract, at 587.97 feet the Northwest corner of same, a 1/2" iron pin found for corner;

THENCE S 10° 14' 39" W, with the West boundary line of the said 11.50 acre tract, at 65.94 feet the Northeast corner of the said 1.00 acre tract, a point for corner from which a 1/2" iron pin found bears S 79° 28' 17" E 0.83 feet;

THENCE N 79° 28' 17" W, with the North boundary line of the said 1.00 acre tract, at 413.09 feet (called 413.91 feet) the point and place of beginning containing 9.083 acres of land, more or less, and being the same tract of land described in a deed from Elizabeth Cooper Ray et al to Doris Ray, dated June 15, 1998 and recorded in Volume 1158, on Page 141 of the Real Property Records of Angelina County, Texas to which reference is hereby made or all purposes; more commonly known as 3882 Benton Drive, Lufkin, Texas 75901.

Property 2 Legal Description:

0087 BELL S., TRACT 92, ACRES 0.15; and being more fully described as 0087 BELL S., TRACT 92, ACRES 0.15; and being more fully described as BEING all that certain lot, tract, or parcel of land lying and situated in Angelina County, Texas out of the S. BELL SURVEY, ABSTRACT 87, and being .15 acre of land more or less and being more particularly described in Volume 1724, Page 122 of the Real Property Records of Angelina County, Texas and being also known as 1131 Porterville Road, Huntington, Angelina County, Texas.

FIELD NOTES ON THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN ANGELINA COUNTY, TEXAS AND BEING A PORTION OF THE EAST 1/2 OF BLOCK NO. 10 OF THE SAMUEL BELL SURVEY AND BEING OUT OF THE NORTHWEST CORNER OF A CERTAIN 30.9 ACRE TRACT HERETOFORE CONVEYED BY C.C. RICKS ET UX TO FRANK GIBSON BY DEED DATED THE 7TH DAY OF AUGUST 1936, RECORDED IN VOLUME 84, PAGE 609, DEED RECORDS OF ANGELINA COUNTY, TEXAS THE SAID TRACT BEING CONVEYED DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT SOLD BY VINDORA GIBSON TO HENRY CUMMING BY DEED OF RECORD IN DEED RECORDS, ANGELINA COUNTY, TEXAS: THENCE EAST 60 FEET ALONG THE ROAD TO STAKE FOR CORNER:

THENCE SOUTH 92 FEET ALONG THE SAID TRACT BEING RETAINED BY VINDORA GIBSON TO A STAKE FOR CORNER:

THENCE WEST 60 FEET ALONG THE BOUNDARY LINE OF SAID TRACT CONVEYED BY VINDORA GIBSON TO STAKE FOR CORNER; SAID TRACT CONVEYED TO JERRY HATLE, RECORDED IN DEED RECORDS, ANGELINA COUNTY TEXAS.

THENCE NORTH 92 FEET TO PLACE OF BEGINNING AND BEING THE SAME PROPERTY CONVEYED TO GORDAN BRYAN FROM ROBERT BRYAN BY DEED DATED SEPT. 13, 1961 AND RECORDED IN VOLUME 262, PAGE 599 OF THE DEED RECORDS OF ANGELINA COUNTY, TEXAS; more commonly known as N/A (Tax Account No. 25007).

2. *Instrument to be Foreclosed.* The instruments to be foreclosed are the Property Tax Lien Deed of Trust (Deed of Trust) recorded in Document No. 2013-00307741 of the real property records of Angelina County, Texas and the Transferred Tax Lien recorded in Document Nos. 2013-00307742 and 2013-00307743 of the real property records of Angelina County, Texas.

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: January 3, 2017.

Time: The sale will begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale will be completed by no later than 4:00 p.m.

Place: Angelina County Commissioners courtroom in annex building or as otherwise designated by County Commissioner.

4. *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 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.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

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. The sale shall not cover any part of the property that has been released of public record 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 section 51.009 of 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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

Pursuant to section 51.0075 of the Texas Property Code, the Trustee or any Substitute 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.

5. *Type of Sale.* The sale is an expedited foreclosure sale of a Transferred Tax Lien created pursuant to Sections 32.06 and 32.065, Texas Tax Code, Section 51.002, Texas Property Code and the power of sale granted by the Deed of Trust executed by Diana Ferguson aka Diana Darrice Ferguson fka Diana Darrice McElrath and

Jeffery Taylor.

6. *Obligations Secured.* The Deed of Trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to (a) the Note in the original principal amount of \$22,552.03, executed by Diana Ferguson aka Diana Darrice Ferguson fka Diana Darrice McElrath and Jeffery Taylor, and payable to the order of Hunter-Kelsey II, LLC; (b) all renewals and extensions of the Note; and (c) any and all present and future indebtednesses of Diana Ferguson aka Diana Darrice Ferguson fka Diana Darrice McElrath and Jeffery Taylor to Hunter-Kelsey II, LLC. Hunter-Kelsey II, LLC is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

Questions concerning the sale may be directed to Nikolaos P. Stavros, Lindsey Kelly, or Wendy Storey at 3624 N. Hills Drive, Suite B-100, Austin, Texas 78731.

7. *Default and Request to Act.* Default has occurred under the Deed of Trust, and the beneficiary has requested me, as substitute trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

Dated: November, 2016


Mike Getzendanner, Nikolaos P. Stavros,
Lindsey Kelly, Wendy Storey, or Calli Rawls
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AFTER POSTING RETURN TO:
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