

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

NOTICE OF FORECLOSURE SALE

FILED  
AT 4:20 O'CLOCK PM  
JAN 12 2017

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS.

COUNTY OF ANGELINA §

County Clerk, County Court at Law  
Angelina County, Texas  
By [Signature]

WHEREAS, on the 28<sup>th</sup> day of September 2012, Melissa Henson ("Debtor") executed that certain Deed of Trust (as extended and renewed, "Deed of Trust") conveying to Don Duran, Trustee ("Trustee"), the real property more particularly described in Exhibit "A" attached hereto, together with all improvements, fixtures, equipment, and other property located on the real property and any and all other items, rights, or interests described in the Deed of Trust, all of which property is more fully described in the Deed of Trust, to which reference is hereby made for further description of the property covered by this notice (collectively, "Property"); and

WHEREAS, the Deed of Trust was recorded under Document No. 2013-00302268, Real Property Records of Angelina County, Texas; and

WHEREAS, the Deed of Trust was executed and delivered to secure the payment of the following items of indebtedness ("Indebtedness"):

That certain Promissory Note (as extended, renewed, modified or replaced, "Note") dated of even date with the Deed of Trust and executed by Debtor, payable to the order of Pearson Financial Corporation P-S Pension Plan ("Creditor"), in the original principal amount of \$70,900.00.

WHEREAS, the Indebtedness is due and payable, and despite Creditor's demands, Debtor has failed to pay, and continues to fail to pay, the Indebtedness; and

WHEREAS, Creditor requested and directed Trustee to exercise the power of sale under the Deed of Trust for the purpose of enforcing the collection of the Indebtedness;

NOW, THEREFORE, the undersigned hereby gives notice that, after due publication of this notice as required by law and the Deed of Trust, the undersigned will sell the Property, as an entirety or in parcels, by one or by several sales, held at one time or at different times, all as the undersigned may elect and announce at such sale or sales, at the Angelina County Commissioners Courtroom, Angelina County Courthouse Annex Building, located at 606 E. Lufkin Avenue, Lufkin, Texas; said location having been designated by the County Commissioners of Angelina County, Texas ("Commissioners"). In the event that early voting or elections is going on or in the event the Angelina County Courthouse Annex is closed due to observance of a designated holiday, all sales

will be held on the front steps of the entrance to Angelina County Courthouse Annex. If early voting is going on and the weather is bad the sales will be held in the Angelina County Courthouse Annex Foyer located at 606 E. Lufkin Avenue, Lufkin, Texas, (or such other location as may be designated by the Commissioners after the sending of this notice and before the time of the sale), in which county the Property is situated, on February 7, 2017, being the first Tuesday of said month, at 11:00 o'clock A.M. (or within three hours thereafter) to the highest bidder or bidders for cash at a public auction, and will make due conveyance of the Property to the purchaser or purchasers, with special warranty deed binding Debtor, his successors and assigns.

The sale noticed herein shall include the interest of Debtor in all fixtures with personal property covered by the Deed of Trust and any other documents executed in connection with or as security for the Indebtedness, Creditor having directed the undersigned to sell, and the undersigned hereby noticing the sale of, said fixtures and personally pursuant to rights granted to Creditor under Section 9.501(d) of the Texas Business & Commerce Code.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY, OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER CREDITOR NOR TRUSTEE MAKES ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS, OR SPECIFICATIONS, NOR WITH RESPECT TO CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS, OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH SHALL BE EXPRESSLY WAIVED BY PURCHASER.

EXECUTED in multiple original copies on the 12<sup>th</sup> day of January, 2017.



Don W. Duran, Trustee under the Deed of Trust

## EXHIBIT "A"

## TRACT ONE:

All that certain tract or parcel of land lying and situated in Angelina County, Texas, being Lot Three (3), Block Six (6) of the David Mc D. Shearer Addition, an addition to the City of Lufkin, of record in Cabinet A, Slide 68-A of the Map and Plat Records of Angelina County, Texas.

## TRACT TWO:

Being 0.092 acres, lying and situated in Angelina County, being within the J. L. Quinalty Survey, Abstract No. 40, being more particularly described by metes and bounds:

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas, out of the J. L. QUINALTY SURVEY, ABSTRACT NO. 40, and being a part or portion of that certain 19.763 acre tract described in a Deed from C. D. Lowery, Sr., et ux, to Gipson Funeral Home, Inc. dated November 24, 1969, and recorded in Volume 362 on Page 768 of the Deed Records of Angelina County, Texas, to which reference is hereby made for any and all purposes and the said part or portion being described by metes and bounds as follows, to-wit:

BEGINNING S 49° 06' 15" E 167.00 from the Northeast corner of the aforesaid referred to 19.763 acre tract, same being the Southwest corner of Block No. 6 of the David Mc D. Shearer Addition, a subdivision of record in Cabinet A on Slide 68-A of the Map and Plat Records of Angelina County, Texas, a point for corner on the common boundary line between the said 19.763 acre tract and the aforesaid David Mc D. Shearer Addition, same being the common corner between Lot Nos. 2 and 3 of Block No. 6 of said Addition;

THENCE S 49° 06' 15" E, with the common boundary line between the said 19.763 acre tract and Block No. 6 of the said David Mc D. Shearer Addition, at 80.00 feet the common corner between Lot Nos. 3 and 4 of Block No. 6 of the said Addition, a point for corner;

THENCE S 40° 53' 45" W, at 50.00 feet a point for corner;

THENCE N 49° 06' 15" W, at 80.00 feet a point for corner;

THENCE N 40° 53' 45" E, at 50.00 feet, the point and place of beginning and containing 0.092 acre of land, more or less.