

**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.**

**FILED**  
AT 3:48 O'CLOCK 2 M

**NOTICE OF FORECLOSURE SALE**

**JAN 07 2016**

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS. AMY FINCHER  
County Clerk, County Court at Law

COUNTY OF ANGELINA §

Angelina County, Texas

By \_\_\_\_\_

WHEREAS, on the 28th day of January, 2015, Jeremy S. Atkinson and Tessa R. Atkinson ("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. 2015-00325939, 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 Janis Conner Family Partners, Ltd. ("Creditor"), in the original principal amount of \$79,000.00.

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 2, 2016, 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 7<sup>th</sup> day of January, 2016.



Don W. Duran  
Don W. Duran, Trustee under the Deed of Trust

# EXHIBIT "A"

PROPERTY COMMONLY KNOWN AS  
10365 HWY. 69 N.  
POLLOCK, TX 75969

All that certain tract or parcel of land lying and situated in Angelina County, Texas, out of the Thomas Stovall Survey, Abstract No. 550, and being a part of portion of a One (1.000) acre tract of land conveyed by deed from Charles H. Rector, et ux to Wesley Rector and wife, Vickie Rector, dated 1985, of record in Volume 608, Page 881 of the Real Property 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 at the most Southern corner of the aforesaid referred to 1.000 acre tract same being the most Western corner of a 0.931 of an acre tract of land conveyed by deed from Alpha Dean O'Balle to Gilbert Ernest O'Balle, dated February 26, 1990, of record in Volume 790, Page 288 of the Real Property Records of Angelina County, Texas, a 1/2 inch iron pin found for corner;

THENCE North 48 degrees 34 minutes 06 seconds West (called North 48 degrees 32 minutes 32 seconds West) with the Southwest boundary line of said 1.000 acre tract, for a distance of 118.41 feet, to a 1/2 inch iron pin set for corner in the Southwest boundary line of same;

THENCE North 48 degrees 58 minutes 29 seconds East, for a distance of 152.81 feet, to a point of intersection with a curving Southwest right-of-way line of a U.S. Highway No. 69 a 1/2 inch iron pin set for corner;

THENCE in a Southeasterly direction, along a curve to the left, having a radius of 6799.86 feet and an arc length of 136.16 feet, being subtended by a chord of South 61 degrees 55 minutes 22 seconds East, for a distance of 136.16 feet, to the most Northern corner of the aforesaid Gilbert Ernest O'Balle 0.931 of an acre tract, a 1/2 inch iron pin set for corner in said curving Southwest right-of-way line from which a 1/2 inch iron pin found bears North 52 degrees 00 minutes 00 seconds East 0.81 feet;

THENCE South 52 degrees 00 minutes 00 seconds West, with the Northwest boundary line of said 0.931 of an acre tract, for a distance of 136.09 feet, to the point and place of beginning, containing 0.471 of an acre of land, more or less.