

Notice of Foreclosure Sale

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 NOVEMBER 1, 2016.

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:

3570 CITY OF LUFKIN BLK 71 LOT 9; also known as ALL that certain lot, tract or parcel of land lying and situated in Angelina County, Texas and being Lot Nine (9), Block Seventy-one (71), City of Lufkin, an addition to Angelina County, as the same appears upon the official map or plat, which is of record in Cabinet B, Slide 44-B, Map and Plat Records of Angelina County, Texas; more commonly known as 312 Mantooth Avenue, Lufkin, Texas 75904.

2. *Instrument to be Foreclosed.* The instruments to be foreclosed are the Property Tax Lien Deed of Trust (Deed of Trust) recorded in Instrument No. 2013-00301263 of the real property records of Angelina County, Texas and the Transferred Tax Lien recorded in Instrument No. 2014-00313176 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: November 1, 2016.

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: Front steps of main entrance to Angelina County Courthouse 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

FILED
AUG 29 2016
ANY FINANCIAL INSTITUTION AT LAW
County Clerk, Angelina County, Texas
By: MJC

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 Carl L. Smith and Anna Smith aka Anna D. Smith aka Denise Smith.

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 \$11,268.32, executed by Carl L. Smith and Anna Smith aka Anna D. Smith aka Denise Smith, and payable to the order of Hunter-Kelsey I, LLC; (b) all renewals and extensions of the Note; and (c) any and all present and future indebtednesses of Carl L. Smith and Anna Smith aka Anna D. Smith aka Denise Smith to Hunter-Kelsey I, LLC. Hunter-Kelsey I, 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: August 30, 2016


Mike Getzendanner, Nikolaos P. Stavros,
Lindsey Kelly, Wendy Storey, or Calli Rawls
3624 North Hills Dr., Suite B-100
Austin, TX 78731
Telephone: (512) 346-6011
Fax: (512) 346-6005

AFTER POSTING RETURN TO:
Stavros & Kelly, PLLC
3624 North Hills Dr., Suite B-100
Austin, TX 78731
Tel: (512) 346-6011
Fax: (512) 346-6005

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FILED
AUG 29 2016
AMY FINCH
County Clerk, County of Angelina, Texas
By: [Signature]

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

CITY OF LUFKIN, BLOCK 71, LOT 7-8; also known as ALL that certain lot, tract or parcel of land lying and situated in Angelina County, Texas and being Lot 7 and Lot 8, Block 71, City of Lufkin, an addition to Angelina County, as the same appears upon the Official Map or Plat, which is of record in Cabinet B, Slide 44-B, Map and Plat Records of Angelina County, Texas; more commonly known as 302 Mantooth Avenue, Lufkin, Texas 75904.

2. *Instrument to be Foreclosed.* The instruments to be foreclosed are the Property Tax Lien Deed of Trust (Deed of Trust) recorded in Instrument No. 2013-00301261 of the real property records of Angelina County, Texas and the Transferred Tax Lien recorded in Instrument No. 2013-00301634 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:

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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 Carl Smith and Denise Smith, Individually and dba P&N Enterprises.

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 \$11,533.48, modified on March 22, 2013 in the modified principal amount of \$13,147.75, executed by Carl Smith and Denise Smith, Individually and dba P&N Enterprises, and payable to the order of Hunter-Kelsey I, LLC; (b) all renewals and extensions of the Note; and (c) any and all present and future indebtednesses of Carl Smith and Denise Smith, Individually and dba P&N Enterprises to Hunter-Kelsey I, LLC. Hunter-Kelsey I, 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.

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