

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 3:52 O'CLOCK P.M.

JAN 07 2016

NOTICE OF FORECLOSURE SALE

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS,

COUNTY OF ANGELINA §

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

WHEREAS, on the 9th day of February, 2015, Carolyn Charlton ("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. 2015-00325933, 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 \$73,200.00.

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, 2015, 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 7th day of January, 2016.



Don W. Duran, Trustee under the Deed of Trust

EXHIBIT A

**PROPERTY COMMONLY KNOWN AS
1515 ELEANOR, LUFKIN, TX 75901
ANGELINA COUNTY PROPERTY ID 50757**

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 Lot No. 2 of Block No. 1 of the LAKE-VIEW ADDITION, a subdivision in the City of Lufkin, Texas, as recorded in Cabinet A on Slide 69-A of the Map and Plat Records of Angelina County, Texas, (and being all of that certain tract described in a deed from Kenneth D. Lightfoot, et ux to John R. Winston, III, et ux dated November 15, 2001 and recorded in Volume 1489 on Page 223 of the Real Property Records of Angelina County, Texas), to which references are hereby made for any and all purposes and the said tract or parcel being described by metes and bounds as follows, to-wit:

BEGINNING at the Northeast corner of the aforesaid referred to Lot No. 2 and the Northwest corner of Lot No. 1, a ½" pipe set for corner in the South boundary line of MRS. W. H. MAY'S SUBDIVISION, a subdivision in the City of Lufkin, Texas, as recorded in Cabinet A on Slide 7-B of the Map and Plat Records of Angelina County, Texas (although not labeled on the plat, appears to be a 20 feet wide alley or strip of land), said pipe witnessed by a concrete monument found for the Northeast corner of the said Lot No. 1 in the Northeast corner of the aforesaid referred to LAKE-VIEW ADDITION bearing N 74° 15' 00" E 75.98 feet and a fence corner bearing N 17° W 2.8 feet:

THENCE S 19° 59' 08" E with the East boundary line of the said Lot No. 2 and the West boundary line of the said Lot No 1, at 102.48 feet (called 102.89 feet) the Southeast corner of the said Lot No. 1 and the Southwest corner of the said Lot No. 1, a ½" pipe set for corner in the North right-of-way line of Eleanor Avenue (50 feet wide right-of-way), said pipe witnessed by the end of a fence bearing N 66° E 5.4 feet;

THENCE S 73° 09' 03" W with the South boundary line of the said Lot No. 2 and the North right-of-way line of the said Eleanor Avenue, at 76.02 feet (called 76 feet) the Southwest corner of the said Lot No. 2, the Southeast corner of Lot No. 3, the Southwest corner of the aforesaid referred to Winston tract (Volume 1489 Page 223), and the Southeast corner of the certain 0.197 acre tract described in a deed from Ruby Register to Alexander J. Montilla, et ux dated April 30, 2001 and recorded in Volume 1392 on Page 309 of the Real Property Records of Angelina County, Texas, a ½" pipe set for corner witnessed by a ½" rod bearing S 03° 11' 54" W 0.49 feet (called to be the Southeast corner of the said 0.197 acre tract but appears not have been moved or incorrectly set), an end of fence bearing N 69° E 4.9 feet, a ½" rod bearing S 74° 06' 40" W 76.64 feet, and a ½" pipe bearing S 73° 09' 03" W 228.07 feet;

THENCE N 13° 27' 18" W (called N 13° 37' W) with the West boundary line of the said Winston tract and the East boundary line of the said 0.197 acre tract, at 103.74 feet (called 104.47 feet) the Northwest corner of the said Winston Tract and the Northeast corner of the said 0.197 acre tract, a ½" pipe set for corner in the North boundary line of the aforesaid Lot No. 2 and the South boundary line of the aforesaid MRS. W. H. MAY'S SUBDIVISION, (although not labeled on the plat, appears to be a 20 feet wide alley or strip of land), said pipe witnessed by a concrete monument found for Northwest corner of the aforesaid LAKE-VIEW ADDITION bearing S 74° 15' 00" W 544.32 feet and a fence corner bearing N 04° W 2.5 feet;

THENCE N 74° 15' 00" E (called N 74° 15' E) with the North boundary line of the said Lot No. 2 acre tract and the South boundary line of the said MRS. W. H. MAY'S SUBDIVISION, (although not labeled on the plat, appears to be a 20 feet wide alley or strip of land), at 64.28 feet (called 64.3 feet -76 feet less 11.7 feet) the point and place of beginning and containing 0.166 acre of land, more or less.