

NOTICE OF SUBSTITUTE TRUSTEE'S FORECLOSURE SALE

December 10, 2020

Deed of Trust to secure payment of the Indebtedness (the "Deed of Trust"):

Dated: July 22, 2019

Grantors/Borrowers: Joshua Dixon and Stephanie Dixon

Lender/Beneficiary: Austin Bank, Texas N.A.

Property Address in Deed of Trust: 9762 FM 2021, Lufkin, Texas 75904.

Original Trustee: Michael L. Gunnels

Recorded in: Deed of Trust dated July 22, 2019, and recorded on July 22, 2019, under Clerks' File No. 2019-00384186, and Renewal, Extension and Modification Agreement (Promissory Note and Deed of Trust) dated May 8, 2020, and recorded on May 14, 2020, under Clerks' File No. 2020-00393710, Official Public Records of Angelina County, Texas, record reference to which is made for all purposes.

Legal Description:

All that certain tract or parcel of land off the J.B. Pulvador Survey, Abstract No. 36, situated in the Angelina County, Texas and being of that certain 8.445 acre tract of land deeded by Southland Paper Mills, Inc., to Roy M. Wise and Jack C. Dixon by deed of record in Volume 217, Page 199, Deed Records of Angelina County, Texas, and said portion being described by metes and bounds as follows to wit;

BEGINNING at the SW corner of the aforesaid referred to 8.445 acre tract, a pine knot for corner in the NBL of Farm Road from which a Pine 10" brs. N 35 1/2 W 1.25 vrs. a S. G. 6" brs. N 49-3/4 E 7.1 vrs. and a Maple 5" brs. N 81 1/2 W 8.3 vrs.;

THENCE NORTH 00 deg. 03' E with the WBL of same at 233.49 vrs to a stake for corner;

THENCE SOUTH 89 deg. 57' E at 54.36 vrs to a stake for corner from which a 12" P.O. brs. S 89 W 12.6 vrs.

THENCE SOUTH 00 deg. 03' W at 219.42 vrs. to a stake for corner in the NBL of Farm Road;

THENCE SOUTH 751/2 W with the NEL of Farm Road at 56.16 vrs., to the Place of Beginning, containing 2.18 acres of land, more or less.

Secures: Payment of the Promissory Note dated July 22, 2019, in the original principal amount of \$104,125.00, payable to the order of Austin Bank, Texas N. A., executed by Joshua Dixon and Stephanie Dixon, as modified by that Renewal, Extension, and Modification Agreement (Promissory Note and Deed of Trust) dated May 8, 2020 and effective April 22, 2020, and recorded on May 14, 2020, under Clerks' File No. 2020-00393710, Official Public Records of Angelina County, Texas ("Note" or "Indebtedness")

Property to be sold: The real property, improvements, and personal property described in and mortgaged in the Deed of Trust, including the real property described above (the "Property"), and all rights and appurtenances thereto.

Substitute Trustee: Donald W. Cothorn

Substitute Trustee's
Address: 2320 Dueling Oaks Drive, Tyler, Texas 75703
Email: dcothorn@tyler.net

Foreclosure Sale:

Date: January 5, 2021

Time: The sale of the Property will be held between the hours of 10:00 a.m. and 4:00 p.m. local time; and the earliest time at which the Foreclosure Sale will begin is 10:00 a.m., and not later than three hours thereafter.

Place: At the Angelina County Courthouse Annex, 606 East Lufkin Ave., Lufkin, Texas, in the hallway outside the Commissioners' Courtroom adjacent to the Atrium. If at the time it may become impractical to hold foreclosure sales in the hallway outside of the Commissioners' Courtroom due to designated holidays during which Angelina County Offices are closed or if the Courtroom is being used for elections, the front steps of the main entrance to the Angelina County Courthouse is designated as the alternate place for conducting the foreclosure sale, 215 East Lufkin Ave., Lufkin, Texas.

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that

Austin Bank, Texas N.A.'s bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Austin Bank, Texas N.A., the owner and holder of the Note, and the Lender and Beneficiary and Mortgagee under the Deed of Trust, has requested the Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Austin Bank, Texas N.A.'s election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Austin Bank, Texas N.A.'s rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale as stated above, the Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Austin Bank, Texas N.A. passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure 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 Foreclosure 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. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Austin Bank, Texas N.A. 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 **"AS IS," without any expressed or implied warranties, except as to the warranties (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(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

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.

The undersigned has been appointed Substitute Trustee by Austin Bank, Texas N.A. by an instrument recorded in the Official Public Records of Angelina County, Texas.



Donald W. Cothern, Substitute Trustee
2320 Dueling Oaks Drive
Tyler, Texas 75703
Phone: 903-579-7531
Fax: 903-581-3701
Email: dcothern@tyler.net

After filing return to:

Donald Cothern
2320 Dueling Oaks Dr.
Tyler, Texas 75703

FILED
AT 2:01 O'CLOCK P.M.
DEC 11 2020

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

By 