

FILED
AT 201 O'CLOCK P.M.
JAN 17 2024
AMY FINCHER
County Clerk, County Court at Law
By Angelina County, Texas

NOTICE OF FORECLOSURE SALE

Notice is hereby given of a public non-judicial foreclosure sale.

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

All property (real, personal or otherwise) described in the deed of trust (as hereinafter defined as the "Deed of Trust"), together with the rights, appurtenances and improvements thereto, including, but not limited to, the real property described on **Exhibit A** attached hereto and made a part hereof. In the event any property encumbered by the Deed of Trust has been released by Lender (or its predecessor in interest, as applicable), then said released property shall be excluded from the property sold at foreclosure.

2. **Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:

Date: Tuesday, February 6, 2024.

Time: The sale shall begin no earlier than **1:00 p.m.** or no later than three hours thereafter. The sale shall be completed by no later than **4:00 p.m.**

Place: The sale will take place at the **Angelina County Courthouse** at the place designated by the Angelina County Commissioner's Court.

The Deed of Trust permits the Lender (as hereinafter defined) to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the Deed of Trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code and/or Texas Business and Commerce Code. Such reposting or refiling may be after the date originally scheduled for this sale.

3. **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 Lender to have the bid credited 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 cash on the day the property is sold.

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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

4. Type of Sale. The sale is a non-judicial foreclosure sale being conducted pursuant to the power of sale granted by that certain Deed of Trust (the "Deed of Trust") recorded under Instrument No. 2022-417007 in the Real Property Records of Angelina County, Texas, made a party hereof, as modified under Instrument o. 2022-0041343 in the Real Property Records of Angelina County, Texas and executed by Austin Lynn Funderburk and Keri Harvard (whether one or more, the "Grantor"), for the benefit of 21st Mortgage Corporation ("Lender"), covering the property described above.

5. Obligations Secured. The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Indebtedness") including but not limited to the unpaid principal and interest owing on: that certain Consumer Loan Note, Security Agreement and Disclosure Statement (the "Note") dated on or about December 11, 2015, executed by the Grantor and payable to the order of Lender, and all renewals, modifications and extensions of the Note. Lender is the current owner and/or holder of the Note and the Indebtedness and is the beneficiary under the Deed of Trust.

Questions concerning the sale may be directed to the undersigned or to the Lender:

21st Mortgage Corporation
620 Market Street One Center Square
Knoxville, TN 37902
Phone: 800-955-0021
Fax: 866-231-4851

6. Default and Request To Act. Default has occurred under the Deed of Trust, and Lender has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale Lender may appoint another person as substitute trustee to conduct the sale.

7. Armed Forces Notice. 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.

DATED: January 11, 2024.



Richard A. McKinney, Substitute Trustee
Higier Allen & Lautin, P.C.
The Tower at Cityplace
2711 N. Haskell Ave., Suite 2400
Dallas, Texas 75204
Telephone: (972) 716-1888
Fax: (972) 716-1899



Posted by Sheryl LaMont, January 17, 2024

*****PLEASE FAX ALL COMMUNICATIONS REGARDING THIS MATTER TO THE
SUBSTITUTE TRUSTEE AT 972-716-1899 (FAX), NOTE THE SUBSTITUTE
TRUSTEE'S NAME ON YOUR COVER SHEET AND CONTACT THE SUBSTITUTE
TRUSTEE AT 972-716-1888 (PHONE) TO CONFIRM RECEIPT. PLEASE ASSUME
YOUR FAX HAS NOT BEEN RECEIVED UNTIL YOU VERBALLY CONFIRM
RECEIPT THEREOF WITH OUR OFFICE. THANKS IN ADVANCE FOR YOUR
COOPERATION.*****

EXHIBIT A

PROPERTY DESCRIPTION

[FOLLOWS THIS COVER PAGE]

EXHIBIT "A"**Tract One:**

All that certain lot, tract or parcel of land lying and situated in Angelina County, Texas, and being Lot No. One (1), Block No. Three (3), Area A, Holly Acres Addition, a subdivision to Angelina County, Texas, as the same appears upon the official map or plat, which is of record in Cabinet A, Slide 99-A, of the Map and Plat Records of Angelina County, Texas.

Tract Two:

All that certain lot, tract or parcel of land lying and situated in Angelina County, Texas, and being Lot No. One (1), Block No. One (1), Area A, Holly Acres Addition, a subdivision to Angelina County, Texas, as the same appears upon the official map or plat, which is of record in Cabinet A, Slide 99-A of the Map and Plat Records of Angelina County, Texas.

Tract Three:

All that certain lot, tract or parcel of land being 0.1594 acre of land, more or less, in the Thomas Hanks Survey, A-304, a part of Holly Acres Addition, in Angelina County, Texas, as described by metes and bounds below:

BEING a part of portion of land in the THOMAS HANKS SURVEY, ABSTRACT NO. 304 of Angelina County, Texas, and being part of Holly Acres Addition, a subdivision of 51.007 acres of land dated February 8, 1965 and recorded in Volume 5 on Page 5 of the Plat Records of Angelina County, Texas, to which all reference is hereby made for all purposes and being described by metes and bounds as follows, to-wit:

COMMENCING at the Southeast corner of the referred to Holly Acres Addition, a point for corner in the center line of Farm to Market Road 2801;

THENCE N 56° 11' N with the South boundary line of the referred to Holly Acres Addition at 51.05 feet, a point for corner in the West Right-of-Way line of FM Road 2801;

THENCE N 45° 28' E (called North 42° 28' E) with the said West Right-of-Way line at 1141.71 feet, the point of beginning;

THENCE N 72° 45' W at 46.78 feet, a point for corner;

THENCE N 38° 09' E at 170.33 feet, a point for corner in the North Boundary line of the referred to Holly Acres Addition;

THENCE S 49° 48' E with the North boundary line of the said Holly Acres Addition at 43.72 feet, a point for corner;

THENCE S 39° 33' W at 110.68 feet, a point for corner;

THENCE following a curve to the left, (radius=30 feet, LC: S 8° 41' 58" W, 30.77 feet) a point for corner in the North Right-of-Way line of FM Highway 2801;

THENCE N 44° 32' W with the North Right-of-Way line of FM Highway 2801 at 10.45 feet, a point for corner. Said point also being the Northwest Right-of-Way corner of FM Highway 2801;

THENCE S 45° 28' W with the West Right-of-Way line of FM 2801 at 16.10 feet, the point and PLACE OF BEGINNING, containing 0.1594 acres of land, more or less.