

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 3:50'CLOCK P M

MAR 11 2020

NOTICE OF FORECLOSURE SALE

AMY FINCHER
County Clerk, County Court at Law
Angelina County, Texas
PRESENTS: MO

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF ANGELINA §

WHEREAS, on the 6th day of December, 2016, Raymond L. Smith ("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. 2016-00347209, 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 \$44,406.14.

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 April 7, 2020, 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 11th day of March, 2020.



Don W. Duran, Trustee under the Deed of Trust

EXHIBIT A

PROPERTY COMMONLY KNOWN AS:
1382 FM 2108, DIBOLL, TX 75941
ANGELINA COUNTY PROPERTY ID: 17835

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas out of the VINCENTE PADILLA SURVEY, ABSTRACT NO. 35 and being a part or portion of that certain 1.71 acre tract described in a deed from William Carter Marshall etux to Mark R. Baker etux, dated May 17, 1977 and recorded in Volume 456, Page 552 of the Deed Records of Angelina County, Texas to which reference is hereby made for all purposes and the said part or portion being described by metes and bounds as follows to wit:

BEGINNING S 50° 00' 00" W 260.00 feet from the Southeast corner of the aforesaid referred to 1.71 acre tract, a ½ " iron pin set for corner on the South boundary Line of same;

THENCE S 50° 00' 00" W. with the South Boundary Line of the said 1.71 acre tract, at 121.63 feet the Southwest corner of same, a ½ " iron pin found for corner, same being the Southeast corner of that certain 5.07 acre tract described in an Assumption Deed from Phillip M. Garrett etux to L. Wayne Harris etux, dated September 22, 1980, and recorded in Volume 509, Page 198 and recorded in Volume 509, Page 198 of the Deed Records of Angelina County, Texas;

THENCE N 28° 45' 18" W, with the West Boundary Line of the said 1.71 acre tract, with an East Boundary Line of the aforesaid 5.07 acre tract and with East Boundary Line of that certain 0.29 acre tract described in a deed from W.H. Kilough etux, etal to Mary A. Kilough, a widow, dated April 1974 and recorded in Volume 415, Page 330 of the Deed Records of Angelina County, Texas, at 234.20 feet pass on line a ½" iron pipe found for reference corner on the South R.O.W. line of FM Highway 2108, same being the Northeast corner of the aforesaid 0.29 acre tract, at 260.87 feet the Northwest corner of the said 1.71 acre tract, a point for corner within the said R.O.W.;

THENCE N 70° 00' 00" E, with the North Boundary Line of the said 1.71 acre tract, at 199.00 feet, a point for corner;

THENCE S 0° 13' 21" E, at 27.41 feet pass on line a ½" iron pin set for reference corner on the South R.O.W. line of the said FM Highway 2108, at 220.00 feet the point and place of beginning and containing 0.851 acres of land, more or less, of which approximately 0.12 acre lies within the said FM Highway 2108 R.O.W.