

FILED
AT 12:00 CLOK M
JUN 24 2020
AMY FINCHER
County Clerk, County Court at Law
Angelina County, Texas
By: MCS

Notice of Foreclosure Sale

June 24, 2020

"Deed of Trust": Instrument No. 2016-0000341249 of the real property records of Angelina County, Texas on June 27, 2016

Dated: 06/24/2016

Grantor: JERRY L. LOPER, JR.

Original Trustee: Tommy C. Rhodes

Lender: THE TOMMY C. RHODES AND BARBARA E. RHODES REVOCABLE LIVING TRUST

Recorded in: Instrument No. 2016-0000341249 of the real property records of Angelina County, Texas on June 27, 2016

Legal Description:

Being 269.82 acres, more or less, lying and situated in Angelina County, Texas, more particularly described by metes and bounds in Exhibit "A", attached hereto and incorporated herein for any and all purposes.

Secures: "Note" in the original principal amount of \$685,000.00, executed by JERRY L. LOPER, JR. ("Borrower") and payable to the order of Lender

Substitute Trustee: Greg Longino

Substitute Trustee's Address: 101 S. First St., Lufkin, Texas 75901

Foreclosure Sale:

Date: August 4, 2020

Time of Sale: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 12:00 p.m. and not later than three hours thereafter.

Place of Sale: The foreclosure sale will be conducted at the Angelina County Courthouse Annex, 606 East Lufkin Ave., Lufkin, Texas in the hallway outside the Commissioner's Courtroom adjacent to the Atrium, or as designated by the County Commissioner's office or as designated by the County Commissioners Court.

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 original lender's or assigned current lender's, if different from the original lender, 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, original lender or assigned current lender, if different from the original lender, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of original lender's or assigned current lender's, if different from the original lender, election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with original lender's or assigned current lender's, if different from the original lender, 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 described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If original lender or assigned current lender, if different from the original lender, 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 original lender or assigned current lender, if different from the original lender. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

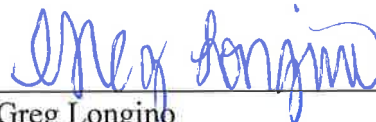
Pursuant to the deed of trust, the original lender or assigned current lender, if different from the original lender, has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property.

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. THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY TRUSTEE OR SUBSTITUTE TRUSTEE OR LENDER, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY, OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER CREDITOR NOR TRUSTEE NOR SUBSTITUTE 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 CONSIDERED EXPRESSLY WAIVED BY ANY BIDDER OR PURCHASER. 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.

Limitation of Damages: If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The purchaser shall have no further recourse against the Mortgagor, the Lender, the Mortgagee, or the Mortgagee's attorney.

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.



Greg Longino
Substitute Trustee
101 South First Street
Lufkin, Texas 75901
Telephone: (936)639-5999

Certificate of Posting

I am Greg Longino, whose address is 101 South First Street, Lufkin, Texas, 75901. I declare under penalty of perjury that on June 24, 2020, I caused to be filed this Notice of Foreclosure Sale at the office of the Angelina County Clerk and caused it to be posted at the location directed by the Angelina County Commissioners Court.



Greg Longino

Being 269.82 acres, more or less, and being that certain 494.74 acre tract out of the Thomas Havard Survey, Abstract No. 364, and the Wm. F.J. Havard Survey, Abstract No. 366, the Thomas Havard Survey, Abstract No. 326, the W.T. Carter Survey, Abstract No. 931, the Lewis Crane Survey, Abstract No. 164, the C.C. Barnes Survey, Abstract No. 1025, the W.T. Carter & Bros. Survey, Abstract No. 953, and the J.J. Havard Survey, Abstract No. 363 of Angelina County, Texas and being more particularly described in Deed dated July 23, 2003 from C.E. Campbell interests, L.P., to Tommy C. Rhodes and Barbara E. Rhodes SAVE AND EXCEPT that certain 120.00 acre tract conveyed by The Tommy C. Rhodes and Barbara E. Rhodes Revocable Living Trust to Thomas Rowe and McKim Rowe in Instrument No. 2013-00308585 of the Official Records of Angelina County, Texas. SAVE AND EXCEPT that certain 52.46 acre tract conveyed by The Tommy C. Rhodes and Barbara E. Rhodes Revocable Living Trust to Kyle B. Hancock and Amy E. Hancock in Instrument No. 2015-00330994 of the Official Records of Angelina County, Texas. SAVE AND EXCEPT that certain 52.46 acre tract conveyed by The Tommy C. Rhodes and Barbara E. Rhodes Revocable Living Trust to Donny Ray Hancock Investment, LLC in Instrument No. 2015-00330995 of the Official Records of Angelina County, Texas.

