

**NOTICE OF ACCELERATION AND
NOTICE OF FORECLOSURE SALE BY TRUSTEE**

FILED
AT 2:06 O'CLOCK P M
JUN 12 2019
AMY FINCHER
County Clerk, County Court at Law
Angelina County, Texas
By: *RMS*

Date: June 12, 2019
Trustee: Keith Swearingen, 1601 S. Chestnut Street, Lufkin, Angelina County, Texas 75901
Lender: Texas State Bank, 1601 S. Chestnut Street, Lufkin, Angelina County, Texas 75901

Holder of Note & Other Indebtedness: American State Bank (successor in interest to Texas State Bank via merger on February 4, 2019), 1601 S. Chestnut Street, Lufkin, Angelina County, Texas 75901

Beneficiary: American State Bank (successor in interest to Texas State Bank via merger on February 4, 2019), 1601 S. Chestnut Street, Lufkin, Angelina County, Texas 75901

Note: Texas State Bank Loan Number: 125256
Date: September 20, 2002
Original principal amount: \$153,881.87
Borrower: Adolfo Garcia & wire, Romelia Garcia
Lender: Texas State Bank
Original Maturity date: September 20, 2017
Modified Maturity date: December 28, 2037

Unpaid Principal, Interest & Late Fees on Note: \$116,513.74 together with interest accruing thereon at the daily rate of \$19.60 from the date hereof until paid

Other Indebtedness:
Texas State Bank Loan Number: 330302
Date: December 28, 2012
Original principal amount: \$141,143.94
Borrower: Adolfo Garcia & wire, Romelia Garcia
Lender: Texas State Bank
Original Maturity date: December 28, 2037

Unpaid Principal, Interest & Late Fees on Other Indebtedness: \$125,585.69 together with interest accruing thereon at the daily rate of \$21.29 from the date hereof until paid

Notice of Acceleration of Note and Other Indebtedness: American State Bank, as the successor in interest to Texas State Bank by way of merger on February 4, 2019, is the Holder and Owner of the Note and Other Indebtedness.. On April 26, 2019, American State Bank gave written notice by certified mail of Borrower's defaults under the Note and the Other Indebtedness, and although given an opportunity in excess of thirty days following Borrowers' receipt of such notice, Borrowers have totally failed to cure said defaults. Trustee hereby gives Borrowers notice that American State Bank has as of June 12, 2019, accelerated the Note and Other Indebtedness, and that American State Bank hereby demands immediate payment of the Borrowers of the unpaid principal, accrued interest and late fees owing under the Note and Other Indebtedness.

Deed of Trust: One certain Deed of Trust (herein collectively called the "Deed of Trust" together with and including the modification thereto identified hereinbelow) executed by Borrower, Adolfo Garcia & wife, Romelia Garcia, dated September 20, 2002, and thereafter filed on September 23, 2002, under Clerk's File Number 00160562 with the Office of the County Clerk of Angelina County, Texas, and then placed of record in Volume 1637 at Pages 306 – 314 in the Official Public Records of Angelina County, Texas, reference to which is hereby made for the purposes of identifying said Deed of Trust as though the same were copied verbatim herein; and which Deed of Trust and Note were modified by one certain instrument entitled "Renewal, Modification, and Extension Agreement" (herein called "Modification") dated December 28, 2012, made by Borrower, Adolfo Garcia & wife, Romelia Garcia, and thereafter filed on December 31, 2012, under Clerk's Instrument Number 2012-00300278 with the Office of the County Clerk of Angelina County, Texas, and then placed of record under said Instrument Number 2012-00300278

in the Official Public Records of Angelina County, Texas, reference to which is hereby made for the purposes of identifying said Modification as though the same were copied verbatim herein and which Modification increased the amount secured by the prior other indebtedness of the Borrowers to Texas State Bank (the "Other Indebtedness") and extended the maturity date of the Deed of Trust securing the repayment of the Note and Other Indebtedness until December 28, 2037. The aforesaid Deed of Trust and the aforesaid Modification are herein collectively referred to as the Deed of Trust.

Property (together with the improvements situated thereon): BEING 1.541 acres of land, more or less, out of the J. L. QUINALTY SURVEY, ABSTRACT NO. 40, and also being LOT TWO (2) of the OLIVER ADDITION, a subdivision to the City of Lufkin, Texas, according the map or plat thereof which is of record in Cabinet C, Slide 96-A of the Map and Plat Records of Angelina County, Texas, and being more particularly described in Exhibit "A" which is attached hereto, incorporated herein by reference, and made a part here of for any and all purposes, the same as if copied herein verbatim.

County of Sale: Angelina County, Texas

Date of Sale: Tuesday, August 6, 2019

Time of Sale: 11:15 o'clock a.m., central time zone, or no later than three hours thereafter.

Place of Sale: The sale will be conducted in the hallway outside the Commissioner's Courtroom adjacent to the Atrium within the Angelina County Annex Building, located at 606 E. Lufkin Avenue, Lufkin, Angelina County, Texas 75901 (said location having been designated by the County Commissioners of Angelina County, Texas (the "Commissioners") by Resolution duly adopted on October 26, 2004, and filed and placed of record.

Terms of Sale:

A. 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 Beneficiary thereunder to have the bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

B. Those desiring to purchase the Property will need to demonstrate their ability to pay cash on the day the property is sold.

C. 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. The sale shall not cover any part of the Property that has been released of public record from the lien of 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.

D. Pursuant to the Deed of Trust, the Beneficiary 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.

E. Pursuant to section 51.009 of the Texas Property Code, the **PROPERTY WILL BE SOLD IN "AS IS, WHERE IS"** condition, without any express or implied warranties, except as to the warranties of title (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.

F. Pursuant to section 51.0075 of the Texas Property Code, the Trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the Trustee.

Type of Sale: The sale is a nonjudicial deed-of-trust lien foreclosure sale of the real property comprising the Property, all of which is being conducted pursuant to the power of sale granted by the Deed of Trust executed by the Borrowers on September 20, 2002.

Obligations Secured: The Deed of Trust provides that it secures the payment of the indebtedness of the Note and the obligations therein described (collectively, the "Obligations") including the Note in the original principal amount of \$153,881.87 executed by Borrowers, Adolfo Garcia & wife, Romelia Garcia, and payable to the order of Texas State Bank (herein called "Lender") and all Other Indebtedness owing by Borrowers in the original principal amount of \$141,143.94 to Texas State Bank. American State Bank (the "Beneficiary") is the current owner and holder of the Note and the Other Indebtedness and further is the beneficiary under the Deed of Trust.

Questions Concerning Sale: Questions concerning the sale may be directed to the undersigned or to the beneficiary, American State Bank at:

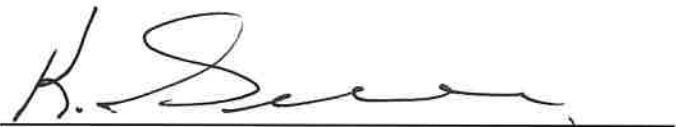
American State Bank
Attn: Keith Swearingen, Its VP
1601 South Chestnut Street
Lufkin, Texas 75901
Voice (936) 634-8877
Cell: (936) 635-1589
Fax (936) 422-3271
E-mail: kswearingen@asbtx.com

Default and Request to Act: Default has occurred under the Note and Other Indebtedness secured by the Deed of Trust, and American State Bank, as the beneficiary under the Deed of Trust, has requested me, as Trustee to conduct this sale. Notice is given that before the sale the Beneficiary may appoint another person substitute trustee to conduct the sale.

ACTIVE MILITARY DUTY NOTICE

A debtor who is serving on active military duty may have special rights or relief related to this notice under federal law, including the Servicemembers Civil Relief Act (50 USC § 501 et seq.) and state law, including §51.015 Texas Property Code. Assert and protect your rights as a member of the armed forces of the United States. If you 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.

Dated this the 12th day of June, 2019.



KEITH SWEARINGEN, Trustee
1601 S. Chestnut Street
Lufkin, Texas 75901
E-mail: kswearingen@asbtx.com
Voice: (936) 634-8877
Cell: (936) 635-1589
Fax (936) 422-3271 or (936) 639-6475

Exhibit "A"

EXHIBIT "A"

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 (1) all of that certain 0.658 acre tract described in a deed from Doyle A. Oliver, et ux to Adolfo Garcia, et ux dated May 13, 1994 and recorded in Volume 967 on Page 633 of the Real Property Records of Angelina County, Texas, and (2) all of Lot No. 2 of the OLIVER ADDITION, a subdivision in the City of Lufkin, Texas, as recorded in Cabinet C on Slide 96-A of the Map and Plat 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 Southwest corner of the aforesaid referred to 0.658 acre tract and the Southeast corner of Lot No. 3 of the aforesaid referred to OLIVER ADDITION, a 2" pipe (in concrete) found for corner in the existing North right-of-way line of Abney Avenue (25 feet from centerline), said pipe witnessed by a 5/8" rod found for the Southwest corner of the said Lot No. 3 bearing S 70° 02' 16" W 99.97 feet;

THENCE N 20° 30' 00" W (called N 20° 30' 00" W) with the West boundary line of the said 0.658 acre tract and the East boundary line of the said Lot No. 3, at 4.94 feet pass on line a 1/2" rod found for reference in the proposed new right-of-way line of Abney Avenue, at 191.25 feet (called 191.21 feet) the Northwest corner of the said 0.658 acre tract and the Northeast corner of the said Lot No. 3, a 1/2" rod found for corner (at a fence corner) in the South boundary line of Lot No. 1 of the said OLIVER ADDITION;

THENCE N 70° 00' 31" E (called N 70° 00' 00" E) with the North boundary line of the said 0.658 acre tract, the North boundary line of the aforesaid referred to Lot No. 2, and the South boundary line of the said Lot No. 1, at 149.98 feet pass on line a chain link fence post found for the Northeast corner of the said 0.658 acre tract and the Northwest corner of the said Lot No. 2, at 263.00 feet (called 263.06 feet) the Northeast corner of the said Lot No. 2 and the Southeast corner of the said Lot No. 1, a 1/2" rod found for corner (in the ditch) in the Southwest right-of-way of the St. Louis Southwestern Railway Company railroad (approximately 49 feet from the existing centerline of the rails);

THENCE S 62° 58' 52" E (called S 62° 56' 55" E) with the Northeast boundary line of the said Lot No. 2 and the Southwest right-of-way line of the said St. Louis Southwestern Railway Company railroad, at 254.30 feet pass on line a 1/2" rod found for reference in the proposed new right-of-way line of Abney Avenue, at 261.06 feet (called 261.16 feet) the Southeast corner of the said Lot No. 2, a 1/2" rod found for corner in the existing North right-of-way line of the said Abney Avenue (25 feet from centerline), said rod being approximately 44 feet from the existing centerline of the rails;

THENCE S 69° 58' 18" W (called S 70° 00' 00" W) with the South boundary line of the said Lot No. 2, the South boundary line of the aforesaid 0.658 acre tract, and the existing North right-of-way line of Abney Avenue, at 289.20 feet pass on line a 1/2" rod found for the Southwest corner of the said Lot No. 2 and the Southeast corner of the said 0.658 acre tract, at 439.31 feet (called 439.33 feet) the point and place of beginning and containing 1.541 acres of land, more or less.

Basis of Bearings: The West boundary line of the said 0.658 acre tract (deed call - N 20° 30' 00" W 191.21 feet).