

JUL 27 2018

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

Notice of Foreclosure Sale

By

THE FORECLOSURE IS SCHEDULED TO OCCUR ON SEPTEMBER 4, 2018.

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.

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

0029 V. MICHELLI, TRACT 328.34 - 328.35, MH SERIAL # 12533371, TITLE # 01082258, LABEL # PFS0595414, ACRES 2.1420; being more particularly described as follows:

LOT 26 – CEDAR GROVE WEST

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas out of the V. Michelli Survey, Abstract No. 29 and being a part of portion of that certain 878.78 acre tract described as Tract No. 17, Second Parcel in a deed from Owens Illinois, Inc. to John R. Winston, Jr., dated July 26, 1985 and recorded in Volume 595, on Page 516 of the Real Property 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 N 89° 50' 11" W 166.93 feet and S 30° 05' 23" E 101.29 feet from the Southeast corner of that certain 93.72 acre tract SAVE AND EXCEPTED from the aforesaid referred to 878.78 acre tract, 1/2" iron pin set for corner;

THENCE S 89° 30' 00" E, at 472.64 feet pass on line a 1/2" iron pin set for reference, at 503.43 feet intersect the center of a graded road, a point for corner;

THENCE Two (2) lines with the center of the said graded road as follows:

- (1) S 35° 12' 59" E, 3.73 feet;
- (2) S 41° 16' 27" E, 116.79 feet;

THENCE N 89° 30' 00" W, at 33.53 feet pass on line a 1/2" iron pin set for reference, at 530.14 feet a 1/2" iron pin set for corner;

THENCE N 30° 05' 23" W, at 104.69 feet the point and place of beginning and containing 1.069 acre of land, more or less and being subject to a 45 foot wide road and utility easement along the East boundary line of same.

LOT 27 – CEDAR GROVE WEST

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas out of the V. Michelli Survey, Abstract No. 29 and being a part of portion of that certain 878.78 acre tract described as Tract No. 17, Second Parcel in a deed from Owens Illinois, Inc. to John R. Winston, Jr., dated July 26, 1985 and recorded in Volume 595, on Page 516 of the Real Property 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:

BEING at the Southeast corner of that certain 93.72 acre tract SAVE AND EXCEPTED from the aforesaid referred to 878.78 acre tract, 1/2" iron pin set for corner;

THENCE N 87° 03' 07" E, at 246.79 feet an ell corner (11th) of the said 878.78 acre tract, a 1/2" iron pin set for corner;

THENCE N 89° 40' 00" E, with a North (11th) boundary line of the said 878.78 acre tract, at 36.48 feet pass on line a 1/2" iron pin set for reference, at 66.96 feet intersect the center of a graded road, point for corner;

THENCE S 35° 12' 53" E, with the center of the said graded road, at 128.08 feet a point for corner;

THENCE N 89° 30' 00" W, at 30.79 feet pass on line a 1/2" iron pin set for reference, at 503.43 feet a 1/2" iron pin set for corner;

THENCE N 30° 05' 23" W, at 101.29 feet intersect the South boundary line of the said 93.72 acre tract, a 1/2" iron pin set for corner;

THENCE S 89° 50' 11" E, with the South boundary line of the said 93.72 acre tract, at 166.93 feet the point and place of beginning and containing 1.073 acres of land, more or less and being subject to a 45 foot wide road and utility easement along the East boundary line of same; more commonly known as 503 Ruth Lane, Lufkin, Texas, 75904.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust recorded in Document No. 2015-00335436 of the real property records of Angelina County, Texas.

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

Date: September 4, 2018.

Time: The sale will begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale will be completed by no later than 4:00 p.m.

Place: Angelina County Commissioners courtroom in annex building or as otherwise designated by County Commissioner.

4. *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 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.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

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.

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.


Pursuant to section 51.0075 of the Texas Property Code, the Trustee or any Substitute 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 or any Substitute Trustee.

5. *Obligations Secured.* The Deed of Trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to (a) the Note in the original principal amount of \$15,600.00, executed by Tempestt Moore, and payable to the order of Hunter-Kelsey of Texas, LLC; (b) all renewals and extensions of the Note; and (c) any and all present and future indebtednesses of Tempestt Moore to Hunter-Kelsey of Texas, LLC. Hunter-Kelsey of Texas, LLC is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

Questions concerning the sale may be directed to Nikolaos P. Stavros, Lindsey Kelly, Wendy Storey, or Dylan Schultz at 7200 North MoPac Expy., Suite 270, Austin, Texas 78731.

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

Dated: 30 day of July, 2018.


Mike Getzendanner, Nikolaos P. Stavros, Lindsey Kelly,
Wendy Storey, Dylan Schultz, or Clinton Holden
7200 North MoPac Expy., Suite 270
Austin, TX 78731
Telephone: (512) 346-6011
Fax: (512) 346-6005

AFTER POSTING RETURN TO:
Stavros & Kelly, PLLC
7200 North MoPac Expy., Suite 270
Austin, TX 78731
Tel: (512) 346-6011
Fax: (512) 346-6005