

COPY

**NOTICE OF FORECLOSURE SALE**

Notice is hereby given of a public nonjudicial foreclosure sale.

1. Deed of Trust. The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the following described deed of trust:

Date: November 30, 2004

Grantor: Richard B. Hays

Beneficiary: Heritage Land Bank, FLCA

Substitute Trustee: Scott A. Ritcheson, and/or Douglas A. Ritcheson, and/or Charles E. Lauffer, Jr., and/or Lance Vincent

Recording Information: Deed of Trust recorded in Volume 2090, Page 316, of the Real Property Records of Angelina County, Texas.

2. Property to be Sold. The property to be sold (the "Property") is described as follows:

**All that certain lot, tract or parcel of land situated in Angelina County, Texas, being more particularly described on what is attached hereto as Exhibit "A" and made a part hereof for all purposes.**

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

Date: **November 3, 2020**

Time: The sale shall begin no earlier than 10:00 a.m. or no later than three (3) hours thereafter. The sale shall be completed by no later than 1:00 p.m.

Place: Angelina County Courthouse in Lufkin, Texas, at the following location:

In the area of such Courthouse designated by the Angelina County Commissioners' Court as the area where foreclosure sales shall take place, or, if no such area has been designated, then at the Angelina County Courthouse Annex, 606 East Lufkin Avenue, Lufkin, Texas, in the hallway outside of the Commissioners' Courtroom adjacent to the Atrium; at times it may become impractical to hold foreclosure sales in the hallway outside of the Commissioners' Courtroom due to designated holidays during which Angelina County Offices are closed or if the Courtroom is being used for elections, the front steps of the main entrance to the Angelina County Courthouse is designated as the alternate place for conducting foreclosure sale, 215 East Lufkin Avenue, Lufkin, Texas.

The deed of trust permits the beneficiary 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. Such reporting or refiling may be after the date originally scheduled for this sale.

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 cash on the date the property is sold.

The sale will be made expressly subject to unpaid ad valorem taxes and 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 other 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.

A purchaser at the sale of the Property "acquires the Property "AS IS" without any expressed or implied warranties" (except as to the warranties of title from the grantor identified in the deed of trust described below). Any purchaser acquires the Property "at the purchaser's own risk." Texas Property Code §51.009. Nothing set forth in this Notice is an express or implied representation or warranty regarding the Property, all of which are specifically disclaimed by the undersigned and by the beneficiary of the herein described deed of trust.

5. Type of Sale. The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by Richard B. Hays. The deed of trust is dated November 30, 2004, and is recorded in the office of the County Clerk of Angelina County, Texas, in Volume 2090, Page 316 of the Real Property Records of Angelina County, Texas.

6. Obligations Secured. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including, but not limited to, (1) the November 29, 2004 promissory note in the original principal amount of \$333,700.00, executed by Richard B. Hays, and payable to the order of Heritage Land Bank, FLCA; (2) all renewals and extensions of the note; (3) all interest, late charges, fees and other expenses payable under said note on the herein described deed of trust; and (4) all other debts and obligations described in the deed of trust (including all debts secured by any cross-collateralization clause in the deed of trust). Heritage Land Bank, FLCA 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 the undersigned or to the beneficiary, Heritage Land Bank, FLCA, Attention: Charlotte Sellers, telephone (903) 534-4975.

7. Default and Request to Act. Default has occurred under the deed of trust, and the beneficiary has asked 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: October 13, 2020.



DOUGLAS A. RITCHESON,  
Substitute Trustee  
821 ESE Loop 323, Suite 530  
Tyler, Texas 75701  
Tel: (903) 535-2900  
Fax: (903) 533-8646

**Notice to Members of the Armed Forces of the United States:**

**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.**

## EXHIBIT "A"

All that certain tract or parcel of land out of the VICENTI MICHELLI SURVEY, A-29, Angelina County, Texas, being a part of a 472.6 acre tract described as first part of the SIXTH PARCEL of Item No. 135, in a deed from Angelina County Lumber Company to Owens-Illinois, Inc., dated March 15, 1966, recorded in Volume 318, page 1 et seq., Deed Records of Angelina County, Texas, and being all or part of Blocks No. 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 of the Wm. Cameron & Co. Inc. Subdivision No. One, recorded in Volume 1, on page 48, Map Records of Angelina County, Texas, and described by metes and bounds as follows, to-wit:

BEGINNING at the SWC of an 8.78 acre tract described as 1st Tract in a deed from Angelina County Lumber Co. to Forest Capital Broadcasting Co., dated August 2, 1947, recorded in Volume 128, page 435, Deed Records of Angelina County, Texas, a 4"x4" concrete monument for corner, witnessed by a 6" Pine brg. N 67 deg 41' W, 36.37 feet and a 15" Post Oak brg. S 87 deg 31' W, 29.57 feet;

THENCE S 84 deg 48' 54" W with the South line of Block No. 18 and Block No. 17, at 22.77 feet pass the SWC of said Block No. 18 and the SEC of said Block No. 17, at 1,339.34 feet the SWC of said Block No. 17 on the EBL of Block No. 16, a 4"x4" concrete monument for corner, witnessed by a 6" Elm brg. N 50 deg 18' W, 20.59 feet, and a 16" Pine brg. N 09 deg 41' E, 12.47 feet;

THENCE S 05 deg 11' 06" E with the EBL of said Block No. 16, at 218.33 feet the SEC of said Block No. 16, a 4"x4" concrete monument for corner on the North side of a graded road, witnessed by a 5" Pine brg. N 71 deg 42' W, 37.88 feet, and a 12" Pine brg. N 48 deg 15' W, 21.32 feet;

THENCE S 86 deg 19' 53" W with the SBL of said Block No. 16 and Block No. 15, at 1,506.38 feet the SWC of said Block No. 15 in a WBL of the Michelli Survey and the EBL of the Jacinto Magano Survey, A-25, a 4"x4" concrete monument for corner, witnessed by a Stump Hole brg. N 49 deg 55' E 8.58 feet to center, an Oak Stump brg. N 17 deg 06' E, 19.47 feet to center, a 6" Pine brg. N 25 deg 42' E, 19.34 feet, and an 8" Pine brg. N 74 deg 57' E 14.98 feet;

THENCE N 00 deg 05' 02" E with the EBL of said Magano Survey and a WBL of said Michelli Survey and the WBL of said Block No. 15, Block No. 14 and Block No. 7, at 3,363.36 feet the SWC of Block No. 6, a 4"x4" concrete monument for corner, witnessed by a 7" Pine brg. S 30 deg 37' E, 8.84 feet and a 7" Red Oak brg. S 63 deg 17' E, 23.17 feet;

THENCE S 89 deg 12' 11" E with the SBL of said Block No. 6, at 746.39 feet the SEC of same and the SWC of said Block No. 5, a 4"x4" concrete monument for corner, witnessed by an 11" Red Oak, marked X, brg. N 39 deg 53' E, 8.98 feet, a 9" Sweet Gum, marked X, N 65 deg 23' E, 30.36 feet, an 11" Red Oak brg. N 39 deg 53' E, 8.98 feet, and a 26" Pine brg. S 65 deg 12' W, 20.00 feet;

THENCE N 00 deg 24' 34" E with the EBL of said Block No. 6 and the WBL of said Block No. 5, at 1,160.15 feet the NEC of said Block No. 6 and the NWC of said Block No. 5; a 4"x4" concrete monument for corner, on the SBL of the Smith-Byrd Subdivision, witnessed by a 13" Pine brg. S 59 deg 09' E, 30.76 feet, and a 14" Pine brg. S 16 deg 24' E, 25.15 feet;

THENCE S 89 deg 02' 55" E with the SBL of said Smith-Byrd Subdivision and the NBL of said Block No. 5, at 748.57 feet the NEC of said Block No. 5 and the NWC of Block No. 4, a 4"x4" concrete monument for corner, witnessed by a 16" Sweet Gum, marked X, brg. N 04 deg 55' W, 4.62 feet, a 16" Hickory, marked X, brg. S 25 deg 01' E, 30.49 feet, a 16" White Oak brg. S 22 deg 30' W, 31.94 feet, and a 12" Pine brg. 61 deg 19' W, 13.13 feet;

THENCE S 00 deg 24' 16" W with the EBL of said Block No. 5 and the WBL of said Block No. 4, at 1,156.39 feet the SEC of said Block No. 5 and the SWC of the said Block No. 4, a 4"x4" concrete monument for corner, witnessed by a 16" Pine, marked X, brg. S 06 deg 19' W, 29.57 feet, and a 9" Sweet Gum brg. N 61 deg 46' W, 19.14 feet;

THENCE S 89 deg 10' 43" E with the SBL of Block No. 4 and Block No. 3, at 1,494.64 feet a 4"x4" concrete monument for corner, witnessed by a 13" Pine brg. S 00 deg 07' W, 10.03 feet, and a 10" Pine brg. S 35 deg 39' W, 11.35 feet;

THENCE S 08 deg 48' 06" E, in part with the most Northern WBL of a 13.60 acre tract described in a deed from Angelina County Lumber Co. to L. H. Holder dated August 31, 1945 and recorded in Volume 113, page 62, Deed Records of Angelina County, Texas, at 40.59 feet pass the most Northern NW corner of the said Holder 13.60 acre tract, at 274.96 feet an angle corner (the 6th corner) of the said 13.60 acre tract, a 4"x4" concrete monument for corner, witnessed by a 6" Post Oak brg. S 76 deg 14' W, 19.80 feet, and a 13" Post Oak brg. N 35 deg 16' W, 32.01 feet;

THENCE S 58 deg 04' 19" W with the North WBL of the said Holder tract, at 405.97 feet the most Southern NWC of the same, a 4"x4" concrete monument for corner, witnessed by a 12" Pine, marked X, brg. N 57 deg 04' W, 4.82 feet, and a 13" Sweet Gum, marked X, brg. N 15 deg 35' E, 6.07 feet;

THENCE S 00 deg 02' 13" W with the most Western WBL of the said Holder tract, at 358.91 feet the most Northern SWC of the same, a 4"x4" concrete monument for corner, witnessed by a 5" Sweet Gum, marked X, brg. S 59 deg 17' E, 4.62 feet, and a 5" Sweet Gum brg. N 43 deg 26' W, 9.64 feet;

THENCE N 75 deg 23' 02" E with the most Northern SBL of the said Holder tract, at 680.53 feet an angle corner, a 4"x4" concrete monument for corner, witnessed by a 12" Pine brg. S 63 deg 00' W, 61.91 feet and a 7" Pine brg. N 89 deg 12' W, 42.97 feet;

THENCE S 49 deg 40' 34" E with a WBL of the said Holder tract, at 111.21 feet, a 4"x4" concrete monument for corner, witnessed by a 10" Pine brg. S 17 deg 39' E, 60.46 feet and a 5" Sweet Gum brg. S 10 deg 24' E, 72.27 feet;

THENCE S 23 deg 36'.00" E with a WBL of the said Holder tract, at 297.53 feet the most Southern SWC of the same and the NWC of a 2.5 acre tract described in a deed from Angelina County Lumber Co. to J. H. Riley, dated October 16, 1930, a 4"x4" concrete monument for corner, witnessed by a 10" Hickory, marked X brg. S 49 deg 12' W, 30.43 feet, and a 14" Sweet Gum, marked X, brg. N 35 deg 13' W, 21.12 feet;

THENCE S 00 deg 35' 40" W with the WBL of the said Riley tract, at 291.79 feet the SWC of the same, a 4"x4" concrete monument for corner, witnessed by a 7" Sweet Gum brg. S 52 deg 10' W, 25.94

feet, a 6" Sweet Gum brg. N 84 deg 52' W, 16.04 feet and a 16" Pine, marked X, brg. S 30 deg 10' W, 7.13 feet;

THENCE S 88 deg 42' 36" E with the most Southern SBL of the said Riley tract, at 326.96 feet the most Southern SEC of the same, a 4"x4" concrete monument for corner, witnessed by a 9" Sweet Gum brg. S 52 deg 31' E, 36.63 feet, and a 12" Sweet Gum brg. S 36 deg 01' W, 6.47 feet;

THENCE N 01 deg 17' 24" E with the most Southern EBL of the said Riley tract, at 77.75 feet the 4th corner of the same, a 4"x4" concrete monument for corner;

THENCE S 88 deg 42' 36" E with the most Northern SBL of the said Riley tract, at 176.29 feet intersect the curving SW R-of-W line of the St. Louis & Southwestern railroad, 50 feet from the centerline thereof, a 4"x4" concrete monument for corner, witnessed by a 16" Pine brg. S 39 deg 39' W, 77.68 feet, and a 24" Sweet Gum brg. S 60 deg 44' W, 66.13 feet;

THENCE Southeasterly, with the curving SW R-of-W line of the said railroad on a 2.88872 degree curve to the left, having a chord bearing and distance of S 40 deg 21' 27" E, 402.07 feet, at 402.80 feet the end of said curve, a 4"x4" concrete monument for corner, witnessed by an 8" Pine brg. S 53 deg 39' W, 33.00 feet, and a 13" Pine brg. N 84 deg 56' W, 28.05 feet;

THENCE S 46 deg 10' 31" E, continuing with the SW RofW line of the said railroad, at 687.65 feet the N corner of a 4.9 acre tract, described in a deed from Angelina County Lumber Co. to Gus Beyer, dated May 19, 1928, a 4"x4" concrete monument for corner, witnessed by a 9" Pine brg. S 21 deg 36' W, 60.06 feet, and a 5" Red Oak brg. N 83 deg 49" W, 17.29 feet;

THENCE, S 04 deg 11' 38" E with the WBL of the said Beyer tract, at 694.45 feet the SWC of same on the SBL of Block No. 19, a 4"x4" concrete monument for corner, witnessed by a 14" Post Oak, marked X, brg. N 66 deg 46' W, 33.13 feet and an 8" Hickory brg. N 15 deg 17' W, 31.15 feet;

THENCE S 85 deg 46' 52" W with the SBL of the said Block No. 19, at 573.67 feet, a 4"x4" concrete monument for corner, witnessed by a 6" Sassafras brg. N 24 deg 13' E, 2.97 feet, and a 15" Sweet Gum brg. 78 deg 36' E, 17.23 feet;

THENCE S 85 deg 07' 08" W with the SBL of the said Block No. 19 and Block No. 18, at 1,207.07 feet the SEC of the said Forest Capital Broadcasting Co. 8.78 acre tract, a 4"x4" concrete monument for corner, witnessed by a 24" Post Oak, marked X, brg. N 80 deg 14' E, 19.67 feet, and a 12" Pine brg. S 41 deg 18' W, 22.11 feet;

THENCE FOUR (4) LINES with the said Forest Capital Broadcasting Co. 8.78 acre tract as follows:

(1) N 44 deg 05' 05" E at 594.00 feet the E corner of the said 8.78 acre tract, a 4"x4" concrete monument for corner, witnessed by a 13" Post Oak, marked X, brg. N 32 deg 22' W, 15.77 feet, and a 14" Hickory, marked X, brg. S 06 deg 28' W, 14.92 feet;

(2) N 46 deg 07' 23" W at 501.27 feet the N corner of the said 8.78 acre tract, a 4"x4" concrete monument for corner, witnessed by a 9" Post Oak, marked X, brg. N 75 deg 20' W, 29.44 feet and an 8" Black Gum, marked X, brg. N 07 deg 08' W, 41.05 feet;

(3) S 43 deg 55' 02" W at 798.53 feet the W corner of the said 8.78 acre tract, a 4"x4" concrete monument for corner, witnessed by a 15" Pine, marked X, brg. N 23 deg 11' W, 36.17 feet, and a 12" Pine brg. S 58 deg 13' W, 30.29 feet;

(4) S 45 deg 59' 49" E at 321.16 feet the point and place of beginning, containing 286.99 acres of land, more or less.

EXCEPT, however, the following:

(a) such rights in 13.659 acres as were conveyed by Owens-Illinois, Inc. to Texas Power & Light Company by deed dated October 11, 1973, recorded in Volume 409, Page 91, et seq., Deed Records of Angelina County, Texas.

(b) such rights in 33.36 acres as were conveyed by Owens-Illinois, Inc. to Texas Power & Light Company by deed dated July 9, 1980, recorded in Volume 507, Page 787 et seq., Deed Records of Angelina County, Texas.



(c) such rights in 11.94 acres as were conveyed by Owens-Illinois, Inc. to Texas Power & Light Company by deed dated December 1, 1982, recorded in Volume 538, page 624 et seq., Deed Records of Angelina County, Texas.

(d) 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 or portion of that certain 228.031 acre tract described in a deed from Owens-Illinois, Inc. to L & L Cattle Company, dated August 2, 1983 and recorded in Volume 549, on Page 195 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 N.0° 05' 02" E, 100.00 feet from the Southeast corner of that certain 25 acre tract described as TRACT NO. 2 in a deed from Dan Spivey to Larry P. Morris, dated April 30, 1992 and recorded in Volume 872, on Page 559 of the Real Property Records of Angelina County, Texas at the Northwest corner of County Road No. 36 as same is described and recorded in Volume 512, on Page 177 of the Deed Records of Angelina County, Texas, a 1/2" iron pin set for corner on the most Western West boundary line of the aforesaid referred to 228.031 acre tract;

THENCE N 0° 05' 02" E, with the most Western West boundary line of the said 228.031 acre tract and the East boundary line of the said 25 acre tract, at 802.51 feet the most Western Northwest corner of the said 228.031 acre tract, a concrete monument found for corner;

THENCE S 89° 12' 11" E, with the most Western North boundary line of the said 228.031 acre tract, at 40.00 feet a 1/2" iron pin set for corner;

THENCE S 0° 05' 02" W, at 802.01 feet the Northeast corner of the said County Road No. 36, a 1/2" iron pin set for corner;

THENCE N 89° 54' .58" W, with the North boundary line of the said County Road No. 36, at 40.00 feet the point and place of beginning and containing 0.737 acre of land, more or less.

(e) Being 2.000 acres of land situated in the State of Texas, County of Angelina, a part of the V. Michelli Survey, A-29, and being out of the 286.99 acre tract described as "Tract No. ANG-5" in Warranty Deed to L & L Cattle Company, a Texas partnership composed of Elvin Lowery and Lester Lowery, as shown of record in Volume 549, Page 195 of the Angelina County Official Public Records of Real Property, and this 2.000 acre tract being more particularly described by metes and bounds as follows:

Beginning at a concrete monument found marking the most eastern corner of the 8.78 acre tract titled to James Bergman and described as "First Tract" in deed recorded in Volume 798, Page 503 of said Angelina County Official Public Records of Real Property, said point being an interior corner of said L & L Cattle Company 286.99 acre tract and the most northern corner of the herein described 2.000 acre tract;

Thence S 04° 41' 47" E 389.97 ft. to an iron rod set marking the southeast corner of the herein described 2.000 acre tract located on the south line of said L & L Cattle Company tract, same being the north line of the called 25 acre tract described in deed to Samuel F. Moses, Sr. and/or Rebecca A. W. Moses, Trustees of the Moses Living Trust as shown of record in Volume 757, Page 149 of said Official Public Records of Real Property;

Thence S 85° 07' 08" W 446.81 ft. along the south line of said L & L Cattle Company tract, same being the north line of said Moses Living Trust tract to a concrete monument found marking the east common corner between said Bergman 8.78 acre tract and the 0.5 acre tract described as "Second Tract" in said deed to James Bergman, said point being an exterior corner of said L & L Cattle Company tract and being the southwest corner of the herein described 2.000 acre tract;

Thence N 44° 05' 05" E 594.00 ft. along the common line between said Bergman tract and said L & L Cattle Company tract to the place of beginning and containing within these bounds 2.000 acres of land.

LEAVING HEREIN DESCRIBED, 225.2940 acres, more or less.

FILED  
3:30 O'CLOCK PM

OCT 13 2020

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

By

