

FILED  
AT 12:00 CLOCK AM

SEP 18 2018

**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.**

RICKY R. RINGIER  
County Clerk, County Court at Law  
Angelina County, Texas

**NOTICE OF FORECLOSURE SALE**

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF ANGELINA §

WHEREAS, on the 8<sup>th</sup> day of January, 2018, Ricky Allen Powell and Paula Sanders Powell ("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. 2018-00361446, 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 \$72,777.60.

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 November 6, 2018, 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 18<sup>th</sup> day of November, 2018.



Don W. Duran, Trustee under the Deed of Trust

**EXHIBIT "A"**  
**PROPERTY COMMONLY KNOWN AS**  
**275 MUSCADINE CIRCLE**  
**LUFKIN, TX 75904**

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 all of that certain 0.690 acre tract described in a deed from John Burkett, et ux to David Wagnon, III, et ux dated September 10, 1999 and recorded in Volume 1226 on Page 835 of the Real Property Records of Angelina County, Texas, to which reference is 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 0.690 acre tract and the Southeast corner of that certain 0.689 acre tract described in a deed from Clinton E. Oliver to Larry F. Myers, et ux dated January 11, 1984 and recorded in Volume 572 on Page 221 of the Deed Records of Angelina County, Texas, a ½" rod found for corner in the North boundary line of that certain 7.000 acre tract described in a deed from Walter L. Williamson, et ux to Lynn K. Bailey, et ux dated January 26, 1990 and recorded in Volume 787 on Page 488 of the Real Property Records of Angelina County, Texas, said rod witnessed by a ½" rod (at a fence corner) bearing S 38° 35' 22" E 0.28 feet, a fence corner bearing N 46° 00' 52" W 1.1 feet, a ½" pipe (at a fence corner) bearing S 89° 50' 12" W 99.81 feet;

THENCE NORTH with the West boundary line of the said 0.690 acre tract and the East boundary line of the said 0.689 acre tract, at 285.19 feet pass on line a ½" rod found for reference, at 285.88 feet pass on line a fence corner, at 286.26 feet pass a ¾" pipe 0.22 feet right, at 300.00 feet the Northwest corner of the said 0.690 acre tract and the Northeast corner of the said 0.689 acre tract, a 60d nail found for corner in County Road No 110 A (Muscadine Circle), said nail being approximately 2 feet South of the existing centerline;

THENCE EAST with the North boundary line of the said 0.690 acre tract and with the said County Road No. 110 A, at 99.68 feet the Northeast corner of the said 0.690 acre tract and the Northwest corner of that certain 0.689 acre tract described in a deed from Dennis Jones, receiver (cause no. 29.113-93-5 in District Court) to James S. Holloway, et ux dated June 28, 2000 and recorded in Volume 1272 on page 69 of the Real Property Records of Angelina County, Texas, a 60d nail found for corner (approximately 1.5 feet South of the existing centerline);

THENCE S 00° 12' 38" E with the East boundary line of the said 0.690 acre tract and the West boundary line of the said 0.689 acre tract, at 14.28 feet pass on line a power pole (at a fence corner), at 299.27 feet cross the North boundary line of the aforesaid 7.00 acre tract, at 299.73 feet the Southeast corner of the said 0.690 acre tract and the Southwest corner of the said 0.689 acre tract, a ½" pipe (at a fence corner) bearing N 89° 17' 11" E 99.58 feet, and a ½" pipe (at a fence corner) bearing N 89° 19' 34" 199.96 feet;

THENCE S 89° 50' 51" w WITH THE South boundary line of the said 0.7 acre tract, at 100.78 feet the point and place of beginning and containing 0.690 acre of land, more or less, of which approximately 0.034 acre lies within the said County Roar No. 110 A.