

**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.**

FILED  
OCT 25 2014  
11:21 O'CLOCK A.M.  
AMY FINCHER  
County Clerk, County Court at Law  
Angelina County, Texas  
By: mcs

**NOTICE OF FORECLOSURE SALE**

THE STATE OF TEXAS            §  
  
COUNTY OF ANGELINA        §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on the 7<sup>th</sup> day of April, 2014, Ray Kennedy and Jeridene Kennedy ("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. 2014-00316178, 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 Pearson Financial Corporation P-S Pension Plan ("Creditor"), in the original principal amount of \$54,500.00.

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, 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 December 3, 2019, 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 25<sup>th</sup> day of October, 2019.



Don W. Duran, Trustee under the Deed of Trust

Exhibit "A"

All that certain tract or parcel of land situated in the LEWIS HOLLOWAY SURVEY, Abstract No. 310, in Angelina County, Texas, and being a part or portion of a 41 acre tract of land conveyed by deed from Tom Short, et ux to Roy Applewhite, et ux, dated January 1, 1949, of record in Vol. 139, Page 441, Deed Records of Angelina County, Texas, to which reference is hereby made for any and all purposes, and the said part or portion being described by metes and bounds as follows, to-wit:

BEGINNING at the S. E. corner of a 0.14 acre tract of land conveyed by deed from Johnnie Audrey Applewhite, a widow, et al to Garvice Stuart Clay, et al, dated September 20, 1973, of record in Vol. 404, Page 880, Deed Records of Angelina County, Texas, found a 3/8" iron pipe for corner in the E.B. line of the aforesaid referred to 41 acre tract;

THENCE S 20° 31' 34" W with the E. B. line of said 41 acre tract, at 369.28 feet the S.E. corner of same, a 3/8" iron rod set for corner, from which a 2" iron pipe bears N 57° 16' 03" W 9.91 feet;

THENCE N 70° 57' 08" W with the S.B. line of said 41 acre tract, at 164.37 feet intersect the E.B. line of a county oil top road known as Watkins Drive, a 3/8" iron rod set for corner;

THENCE two (2) calls with the E.B. line of said road as follows:

- (1) N 39° 15' 18" E at 108.05 feet a 3/8" iron rod set for corner;
- (2) N 35° 54' 23" E at 284.27 feet intersect the S.B. line of the aforesaid 0.14 acre tract, a 3/8" iron rod set for corner;

THENCE S 66° 24' 57" E with the S.B. line of said 0.14 acre tract, at 54.30 feet the point and place of beginning, containing 0.914 of an acre of land.

SAVE AND EXCEPT:

All that certain tract or parcel of land lying and situated in Angelina County, Texas, out of the LEWIS HOLLOWAY SURVEY, ABSTRACT NO. 310, and being a part or portion of a 0.914 acres tract of land conveyed by deed from Charles Cowart, et ux to Charles Steven Cowart, et ux dated November 30, 1988, of record in Volume 746, Page 54 of the Real Property Records of Angelina County, Texas, to which reference is hereby made for any and all purposes, and the said part or portion being described by metes and bounds as follows, to-wit:

BEGINNING at the Southeast corner of the aforesaid referred to 0.914 acre tract, a 3/8" iron pin found for corner in the West boundary line of a 29.69 acre tract of land as set out and described as Tract One in that certain Guardian's Deed from Walter J. Spears, Guardian of the Estate of Maurine S. Montgomery to Mark Gregg Montes, dated May 4, 1989, of record in Volume 762, Page 386 of the Real Property Records of Angelina County, Texas;

THENCE North 70 degrees 57 minutes 08 seconds West, with the South boundary line of said 0.914 acre tract, for a distance of 164.37 feet to the Southwest corner of said 0.914 acre tract, a 3/8" iron pin found for corner in the East or Southeast boundary line of County Road No. 137 (Watkins Road now Lone Star Road);

THENCE North 39 degrees 15 minutes 18 seconds East, with the East or Southeast boundary line of said road, for a distance of 31.96 feet, to a point for corner in the East or Southeast boundary line of said road;

THENCE South 70 degrees 57 minutes 08 seconds East, for a distance of 154.10 feet, to a point of intersection with the East boundary line of the aforesaid referred to 0.914 acre tract, a point for corner in the West boundary line of the aforesaid Mark Gregg Montes 29.69 acre tract;

THENCE South 20 degrees 31 minutes 34 seconds West, with the East boundary line of said 0.914 acre tract and the West boundary line of said 29.69 acre tract, for a distance of 30.00 feet, to the point and place of beginning, containing 0.110 of an acre, more or less.

A.C.B.

A.K.B.