

COPY

AT 3 O'CLOCK PM  
NOV 05 2019  
AMY FISHER  
County Clerk, Angelina County  
By \_\_\_\_\_

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: June 5, 1997
- Grantors: Daniel Fenley and Pam Fenley
- Beneficiary: Heritage Land Bank, FLCA (assignee of the Farm Credit Bank of Texas)
- 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 1106, Page 875, of the Official Public Records of Angelina County, Texas, and assigned to Heritage Land Bank, FLCA by instrument recorded in Volume 1261, Page 342 of the Official Public 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, including but not limited to all improvements, equipment, facilities or other machinery used in the poultry farming operation of the Grantor, expressly including any and all additions, substitutions or replacements and all such equipment now owned or hereafter acquired, wherever located, including those items located in, on or about the Property described herein.**

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

Date: **December 3, 2019**

Time: The sale shall begin no earlier than 1:00 p.m. or no later than three (3) hours thereafter. The sale shall be completed by no later than 4:00 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, Angelina County Courthouse Annex, 606 East Lufkin Ave., Lufkin, Texas, in the hallway outside 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 alternate place for conducting foreclosure sales, 215 East Lufkin Ave. in 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 refileing 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 Daniel Fenley and Pam Fenley. The deed of trust is dated June 5, 1997, and is recorded in the office of the County Clerk of Angelina County, Texas, in Volume 1106, Page 875 of the Official Public 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 June 5, 1997 promissory note in the original principal amount of \$348,900.00, executed by Daniel Fenley and Pam Fenley, 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: Becky King, telephone (936) 564-8271.

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: November 4, 2019.



SCOTT 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 lying and situated in Angelina County, Texas, out of the ZACHARIAH P. FINLEY SURVEY, ABSTRACT NO. 262, the CHARLES R. FINLEY SURVEY, ABSTRACT NO. 266, and the JOHN M. FINLEY SURVEY, ABSTRACT NO. 267, and being a part or portion of a 28.098 acre tract of land conveyed by deed from Jack R. Irish, et ux to Thomas B. Fenley, dated March 15, 1989, of record in Volume 757, Page 33 of the Real Property Records of Angelina County, Texas, also being a part or portion of a 153 acre tract of land in the aforesaid Charles R. Finley Survey, Abstract No. 266, also being all of a 23 acre tract of land conveyed by Correction Deed from Mrs. C. M. Coussons, widow of C. M. Coussons and Charles M. Coussons, Jr. to Thomas B. Fenley, dated January 10, 1980, of record in Volume 499, Page 663 of the Deed Records of Angelina County, Texas, also being all of a 23 acre tract of land set aside and described as Tract No. 1 to J. W. Fenley in that certain Partition Deed dated \_\_\_\_\_, 1940, of record in Volume 95, Page 210 of the Deed Records of Angelina County, Texas, also being all of a 15 acre tract of land conveyed by deed from Katherine Chancey, a widow to Thomas B. Fenley, et ux, dated April 10, 1972, of record in Volume 386, Page 629 of the Deed Records of Angelina County, Texas, also being a part or portion of a 23 acre tract of land conveyed by deed from Mrs. Ann Scott, a widow to Thomas Fenley, dated July 23, 1962, of record in Volume 269, Page 458 of the Deed Records of Angelina County, Texas, also being all of a 23 acre tract of land conveyed by deed from Lilla Scott, a feme sole to Thomas B. Fenley, et ux, dated December 17, 1970, of record in Volume 372, Page 681 of the deed Records of Angelina County, Texas, also being a part or portion of a 17 acre tract of land set out and described as Tract No. 1 in that certain Quitclaim Deed from Robby Love, et al to Thomas B. Fenley, et ux, dated July 22, 1968, of record in Volume 350, Page 124 of the Deed Records of Angelina County, Texas, also being all of a 23 acre tract of land as set out and described as Tract No. 1 in that certain deed from Lettie McDaniel, a widow and Maurice Fenley, to Thomas B. Fenley, et ux, dated February 10, 1970, of record in Volume 365, Page 63 of the Deed Records of Angelina County, Texas, and also being all of a 23 acre tract of land conveyed by deed from Tommie Fenley to J. W. Tubbs, dated January 19, 1945, of record in Volume 166, Page 211 of the Deed Records of Angelina County, Texas, and also being a part or portion of a 204.549 acre tract of land conveyed by deed from Yvonne Fenley and Brett Fenley to Daniel Fenley, dated November 17, 1995, of record in Volume 1035, Page 263 of the Real Property Records of Angelina County, Texas, to which references are hereby made for any and all purposes, and the said tract or parcel of land described hereafter being a 200.132 acre tract of land which is described by metes and bounds as follows, to-wit:

BEGINNING at the West corner of the aforesaid referred to 28.098 acre tract, a 4" x 4" concrete monument found for corner on the South side of County Road No. 72 (Rifle Road), from which a 24" Oak snag bears North 58 degrees 40 minutes West 23.12 feet, center;

THENCE North 17 degrees 31 minutes 58 seconds East, with the Northwest boundary line of said 28.098 acre tract, for a distance of 605.13 feet, to a point for corner in the center of said County Road No. 72 (Rifle Road);

THENCE South 46 degrees 23 minutes 28 seconds East, for a distance of 921.66 feet, to a point for corner;

THENCE North 44 degrees 19 minutes 14 seconds East, for a distance of 265.87 feet, to a point for corner;

THENCE South 47 degrees 10 minutes 58 seconds East, for a distance of 650.87 feet, to a point for corner;

THENCE South 47 degrees 08 minutes 52 second West, for a distance of 49.86 feet, to a point for corner;

THENCE South 42 degrees 51 minutes 08 seconds East, for a distance of 500.00 feet, to a point for corner;

THENCE North 46 degrees 16 minutes 40 seconds East, for a distance of 200.00 feet, to a point for corner;

THENCE North 42 degrees 51 minutes 18 seconds West, for a distance of 500.00 feet, to a point of intersection with a Southeast boundary line of a 654.044 acre tract of land as set out and described as Tract 4 in that certain Correction Deed from Owens-Illinois, Inc. to Temple-Inland Forest Products Corporation, dated July 12, 1989, of record in Volume 768, Page 541 of the Real Property Records of Angelina County, Texas, a point for corner;

THENCE Three (3) calls with said 654.044 acre tract as follows:

(1) North 45 degrees 24 minutes 28 seconds East, for a distance of 1576.95 feet, to the North corner of the aforesaid John M. Finley Survey, Abstract No. 267, also being an ell corner of said L. C. Ritchey Survey, Abstract No. 863, a concrete monument found for corner, from which a 14" Sweet Gum bears South 86 degrees 52 minutes West 26.34 feet, center, a 12" Sweet Gum bears North 43 degrees 29 minutes West 27.73 feet, center, and a 9" Post Oak bears N 67 degrees 17 minutes East 4.72 feet, center;

(2) South 44 degrees 43 minutes 24 seconds East, for a distance of 1259.29 feet, to a concrete monument found for corner;

(3) South 44 degrees 21 minutes 32 seconds East, for a distance of 853.36 feet, to a point of intersection with the center line of County Road No. 73-A, a point for corner, from which a ½" iron pin set for reference bears North 44 degrees 21 minutes 32 second West 20.00 feet;

THENCE Sixteen (16) calls with the center of said County Road 73-A as follows:

(1) South 43 degrees 32 minutes 12 seconds West, for a distance of 38.42 feet, to a point for corner,

(2) South 39 degrees 04 minutes 38 seconds West, for a distance of 60.41 feet, to a point for corner,

(3) South 24 degrees 14 minutes 36 seconds West, for a distance of 246.50 feet, to a point for

corner,

(4) South 17 degrees 30 minutes 49 seconds West, for a distance of 708.19 feet, to a point for corner,

(5) South 18 degrees 35 minutes 08 seconds West, for a distance of 176.11 feet, to a point for corner,

(6) South 20 degrees 46 minutes 16 seconds West, for a distance of 284.84 feet, to a point for corner,

(7) South 24 degrees 01 minutes 39 seconds West, for a distance of 56.55 feet, to a point for corner,

(8) South 27 degrees 12 minutes 06 seconds West, for a distance of 56.61 feet, to a point for corner,

(9) South 31 degrees 49 minutes 30 seconds West, for a distance of 60.04 feet, to a point for corner,

(10) South 38 degrees 53 minutes 46 seconds West, for a distance of 74.27 feet, to a point for corner,

(11) South 43 degrees 41 minutes 11 seconds West, for a distance of 78.27 feet, to a point for corner,

(12) South 47 degrees 31 minutes 48 seconds West, for a distance of 82.30 feet, to a point for corner,

(13) South 48 degrees 50 minutes 16 seconds West, for a distance of 365.77 feet, to a point for corner,

(14) South 48 degrees 20 minutes 18 seconds West, for a distance of 137.63 feet, to a point for corner,

(15) South 46 degrees 45 minutes 10 seconds West, for a distance of 530.45 feet, to a point for corner,

(16) South 45 degrees 06 minutes 46 seconds West, for a distance of 239.07 feet, to a point for corner in the center of said County Road No. 73-A, from which a 1/2" iron pin set for reference bears North 40 degrees 37 minutes 00 seconds West, 20.06 feet;

THENCE North 40 degrees 37 minutes 00 seconds West, for a distance of 2796.88 feet, to the South corner of the aforesaid referred to 28.098 acre tract, a 5/8" iron rod found for corner;

THENCE North 32 degrees 47 minutes 29 seconds West, with the Southwest boundary line of said 28.098 acre tract, for a distance of 1280.65 feet, to the point and place of beginning, containing 200.132 acres of land, more or less.