

## NOTICE OF FORECLOSURE SALE

Notice is hereby given of a public nonjudicial foreclosure sale.

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

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

Being all that certain tract or parcel of land lying and situated in Angelina County, Texas out of the A. T. Allen Survey, Abstract No. 71, and being a part or portion of that certain 10.96 acre tract described in a deed from Frank Pizzo, et ux to Alfred Reeves dated October 1, 1970 and recorded in Volume 371, Page 97 of the Deed 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 in Exhibit "A" attached hereto.

2. <u>Date, Time, and Place of Sale.</u> The sale is scheduled to be held at the following date, time, and place:

Date: December 5, 2023

Time: The sale shall begin no earlier than 1:00 P.M. or no later than three hours thereafter. The sale shall be completed by no later than 4:00 P.M.

Place: Angelina County Courthouse Annex Building located at 606 E. 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 re-filed in accordance with the posting and filing requirements of the Texas Property Code. Such reposting or refiling may be after the date originally scheduled for this sale.

3. 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 day the property is sold.

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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.



- 4. Type of Sale. The sale is a nonjudicial Deed of Trust and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust, executed by Dorothy Belinda Allder. The Deed of Trust is dated March 4, 2002, and is recorded in the office of the County Clerk of Angelina County, Texas, Recorded in Volume 1540, Page 57, of the Real Property Records of Angelina County, Texas.
- 5. Obligations Secured. The Deed of Trust, Security Agreement and Financial Statement provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to (1) the promissory note in the original principal amount of \$45,000, executed by Dorothy Belinda Allder payable to the order of Clarie Charlene Rains Gardner; (2) all renewals and extensions of the note; and (3) Kerry Rains, Heir to Clarie Charlene Rains Gardner, 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.

6. <u>Default and Request To Act.</u> Default has occurred under the Deed of Trust, Security Agreement and Financial Statement, and the beneficiary has requested me, as 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 \_ 9 th, 2023

Robert L. Flournoy, Trustee

118 S. Second Street Lufkin, Texas 75901 (936) 639-4466

THE STATE OF TEXAS \$ COUNTY OF ANGELINA \$

This instrument was acknowledged before me on this the  $\underline{9^{1/2}}$  day of November, 2023, by Robert L. Flournoy, Trustee.

GERALDINE WILLIAMS
My Notary ID # 7782198
Expires November 28, 2026

Metaldine Williams
Notary Public, State of Texas

## EXHIBIT "A"

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND SITUATED IN ANGELINA COUNTY, TEXAS, OUT OF THE A.T. ALLEN SURVEY, ABSTRACT NO. 71 AND BEING A PART OR PORTION OF THAT OF CERTAIN 10.96 ACRE TRACT DESCRIBED IN A DEED FROM FRANK PIZZO, ET UX TO ALFRED REEVES DATED OCTOBER 1,1970 AND RECORDED IN VOLUME 371 ON PAGE 97 OF THE DEED 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 S 85 DEG. 45'00" E 353.15 FEET FROM A 1/2" ROD FOUND FOR THE SOUTHWEST CORNER OF THE AFORESAID REFERRED TO 10.96 ACRE TRACT, A 1/2" PIPE SET FOR CORNER AT A CROSS-TIE FENCE CORNER POST IN THE SOUTH BOUNDARY LINE OF THE SAID 10.96 ACRE TRACT;

THENCE N 03 DEG. 42'56" E WITH A FENCE, AT 179.91 FEET 1/2" PIPE SET FOR CORNER AT A CROSS-TIE FENCE CORNER POST;

THENCE S 85 DEG. 45'00" E 307.70 FEET, A 1/2" PIPE SET FOR CORNER;

THENCE S 03 DEG. 42' 56" W, AT 179.91 FEET INTERSECT THE SOUTH BOUNDARY LINE OF THE SAID 10.96 ACRE TRACT AND THE NORTH MARGIN OF AN OILED ROAD, A 1/2" PIPE SET FOR CORNER AT A CROSS-TIE POST;

THENCE N 85 DEG. 45'00"W WITH THE SOUTH BOUNDARY LINE OF THE SAID 10.96 ACRE TRACT, THE NORTH RIGHT-OF-WAY LINE OF A TRANSMISSION LINE, AND WITH IN PART THE NORTH MARGIN OF THE SAID OILED ROAD, AT 307.70 FEET THE POINT AND PLACE OF BEGINNING AND CONTAINING 1.27 ACRES OF LAND, MORE OR LESS.