

2022-68

FILED FOR RECORD
AT 3:00 O'CLOCK

NOV 09 2022

SHERRY DOWD, County Clerk
NAVARRO COUNTY, TEXAS
BY [Signature] DEPUT

NOTICE OF FORECLOSURE SALE
(Substitute Trustee's Sale)

Notice is hereby given of a public non-judicial foreclosure sale.

Notice to Member(s) of Armed Forces: 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 the 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. The address of the sender of this notice is set forth below.

1. Property To Be Sold. The real property to be sold is described as follows, *to wit:* All of the real property described on **Exhibit "A"** attached hereto and incorporated herein for all purposes (the "Property").

2. Date, Time, and Place of Sale. The foreclosure sale (the "Sale") is scheduled to be held at the following date, time, and place:

Date: Tuesday, December 6, 2022

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: at or around the south steps of the courthouse located at 300 West Third Avenue, Corsicana, Navarro County, Texas, 75110, as prescribed by the Commissioner's Court of Navarro County, Texas.

The Deed of Trust permits the Lender 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 re-posted and re-filed in accordance with the posting and filing requirements of the Texas Property Code. Such re-posting or re-filing 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 Lender thereunder to have the bid credited to the promissory note (the "Note") up to the amount of the unpaid debt secured by the Deed of Trust at the time of the Sale. Pursuant to the Deed of Trust, the Lender has the right to direct the Trustee to sell the Property in one or more parcels and/or to sell all or only part of the Property. The Property shall be sold on an "AS IS, WHERE IS" basis. THERE WILL BE NO WARRANTY RELATING TO TITLE, POSSESSION, QUIET ENJOYMENT, OR THE LIKE FOR THE PERSONAL PROPERTY, IF ANY, IN THIS DISPOSITION.

A contingency stated in the Deed of Trust as a condition precedent for the appointment of a Substitute Trustee occurred, and David K. Waggoner was appointed by that certain Appointment of Substitute Trustee instrument executed by Powell State Bank, dated October 1, 2022, and recorded among the Official Public Records of Navarro County, Texas.

Those desiring to purchase the Property will need to demonstrate their ability to pay cash on the day the property is sold. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

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. Pursuant to Section 51.0075 of the Texas Property Code, the Substitute Trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the Substitute Trustee.


4. Type of Sale. The Sale is a non-judicial Deed of Trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the "Second Lien Deed of Trust" executed by Robert Winston. The said Deed of Trust is dated July 16, 2009, recorded in the office of the County Clerk of Navarro County, Texas, in/under Clerk's Instrument Number 00005934, of the Official Public Records of Navarro County, Texas.

5. 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 Note in the original principal amount of **\$14,000.00**, executed by Robert Winston, and payable to the order of Powell State Bank; (2) all renewals and extensions of the Note; and (3) any and all present and future indebtedness of Robert Winston to Powell State Bank, who is the current owner and holder of the Obligations and is the Lender under the Deed of Trust.

6. Default and Request To Act. Default has occurred under the Deed of Trust and the Lender has requested me, as the duly appointed Substitute Trustee, to conduct the Sale. Notice is given that before the Sale the Lender may appoint another person as Substitute Trustee to conduct the Sale.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT (DEED OF TRUST) IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY AUTHORIZED TO CONDUCT THE FORECLOSURE SALE ON BEHALF OF THE MORTGAGEE (LENDER) .

Executed this 9th day of November, 2022.



David K. Waggoner, Substitute Trustee
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877-582-5950 (Fax)
Info@WaggonerLawFirm.net

EXHIBIT "A"

Page 1 of 1

All that certain lot, tract or parcel of land, being 0.2887 acre, situated in the Francisco Procello Survey, Abstract No. 636, Navarro County, Texas, and being a part of the 42.5 acre tract described in Deed from James H. Lovett et ux to C.W. Hicks et ux, dated October 6, 1942; recorded in Volume 412, Page 622, Deed Records of Navarro County, Texas; and being described as follows:

Beginning at an iron stake on West line of Farm Road No. 633, and being 220 feet S 60° W and 46 feet S 30° E from the Northeast corner of aforesaid 42.5 acre tract;

Thence S 30°10'10"E 194.3 feet with West Right-of-way line of Farm Road 633 to an iron stake for corner;

Thence S 63° W 67 feet to an iron stake at fence corner;

Thence N 29°W 193 feet with fence to an iron stake at corner, on South line of County Road;

Thence N 62° E 63 feet with South line of road to the Place of Beginning and containing 0.2887 acre of land, more or less.