

2025-001

**NOTICE OF SUBSTITUTE TRUSTEE'S
FORECLOSURE SALE**

January 6, 2025

Deed of Trust

Dated: September 19, 2022

Borrower: Zachary P. Cherry

Lender: Austin Bank, Texas N.A.

Original Trustee: Michael L. Gunnels

Recorded: Recorded on October 25, 2022 in the Official Public Records of Navarro County, Texas, Document Number: 2022-011324 (the "Deed of Trust").

Legal Description: All that certain lot, tract or parcel of land, lying and being situated in real property located in Navarro County, Texas, and more particularly described as follows:

Lot 95, STILLWATER SHORES, an addition to Navarro County, containing 221.26 acres, situated in the M.H. Bird Survey, Abstract 94, McKinney & Williams Survey, Abstract 605, and the J. Mason Survey, Abstract 526, according to the Final Plat recorded in Volume 10, Pages 17-24, Plat records of Navarro County, Texas, with a stated address commonly known as Lot 95, Stillwater Shores Drive, Eureka, TX 75109 (the "Property").

Secures: Indebtedness evidenced by Promissory Note #900159815 dated September 19, 2022, in the original principal amount of \$134,910.00 (the "Indebtedness"), payable to Austin Bank, Texas N. A. ("Lender"), executed by Zachary P. Cherry ("Borrower").

Property to be sold: All that certain lot, tract or parcel of land, lying and being situated in Navarro County, Texas, and more particularly described as Lot 95, STILLWATER SHORES, an addition to Navarro County, containing 221.26 acres, situated in the M.H. Bird Survey, Abstract 94, McKinney & Williams Survey, Abstract 605, and the J. Mason Survey, Abstract 526, according to the Final Plat recorded in Volume 10, Pages 17-24, Plat records of Navarro County, Texas, with a stated address commonly known as Lot 95, Stillwater Shores Drive, Eureka, TX 75109.

FILED FOR RECORD
AT 3:45 O'CLOCK P.M.
JAN 07 2025
SHERREY DOWD, County Clerk
NAVARRO COUNTY, TEXAS
BY [Signature] DEPUTY

requirements of the Deed of Trust and the Texas Property Code.

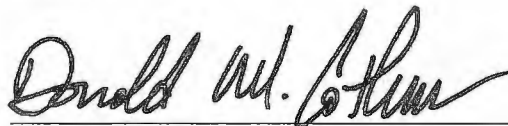
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Austin Bank, Texas N.A. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "**AS IS,**" **without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust.** Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the sale by Substitute Trustee.

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.

The undersigned, and also David W. Frost, have been appointed Substitute Trustees by Austin Bank, Texas N.A. by an instrument previously executed by Lender and recorded in the Official Public Records of Navarro County, Texas.



Donald W. Cothorn,
Substitute Trustee

2320 Dueling Oaks Drive
Tyler, Texas 75703
phone: 903-579-7531
Email: dcothorn@kabfm.net

Substitute Trustees: Donald W. Cothorn and/or David W. Frost

Substitute Trustees' Address: 2320 Dueling Oaks Drive, Tyler, Texas 75703

Foreclosure Sale:

Date of Sale: February 4, 2025

Time: The sale of the Property will be held between the hours of 10:00 a.m. and 4:00 p.m. local time; **the earliest time at which the Foreclosure Sale will begin is 10:00 a.m., and not later than three hours thereafter**, and will be completed by no later than 4:00 o'clock p.m. that day.

Place: The front steps of the Navarro County Courthouse, 300 West 3rd Avenue, Corsicana, Navarro County, Texas, the place designated by the Navarro County Commissioner's Court as the place where foreclosures under contract are to take place; or if the preceding area is no longer the designated area, then at the area at said Courthouse most recently designated by the Navarro County Commissioner's Court for such sales.

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that Austin Bank, Texas N.A.'s bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Indebtedness and in the performance of the obligations of the Deed of Trust. Because of that default, Austin Bank, Texas N.A., the owner and holder of the Indebtedness, and the Lender under the Deed of Trust, has requested the Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Austin Bank, Texas N.A.'s election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Austin Bank, Texas N.A.'s rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, the Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Austin Bank, Texas N.A. passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing