

Notice of Foreclosure Sale

FILED FOR RECORD

2020 JUL -8 PM 1:07

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

All those certain lots or parcels of land lying and situated on the North side of Florence Street in the City of Atlanta, Texas, being a part of the Jane Richie HRS in Cass County, Texas, and being all of Lot No. 8 and Lot No. 9, in Howe's Third Addition to the City of Atlanta, Texas, as said lots appear on the Official Plat of said Addition in Volume 1, Page 74, of the Plat Records of Cass County, Texas, to which Plat reference is here made for all purposes.

AMY L. VARNELL
CASS COUNTY CLERK

- 2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust recorded under County Clerk's File Number 20009004278, in the Official Public Records of Cass County, Texas.

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

Date: August 4, 2020

Time: The sale will occur between the hours of 10:00 A.M. and 4:00 P.M. The sale will begin no earlier than 11:00 A.M. or no later than three hours thereafter.

Place: North front door of the Cass County Courthouse in Linden, Texas, or wherever designated by the County Commissioners.

The deed of trust permits the beneficiary to abandon the sale. 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. The reposting or refiled 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 their bid immediately in cash if their bid is accepted.

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. The sale shall not cover any part of the property that has been released of public record from the lien of 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.

Pursuant to the deed of trust, the beneficiary 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.

Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (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 of the Texas Property Code, the 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 trustee or any substitute trustee.

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 Joseph F. Roquemore, Sr. and Crystal R. Roquemore (NKA Crystal R. Johnson McGhee).

The real property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust.

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 (a) the promissory note dated January 1, 2009 in the original principal amount of \$38,500.00, executed by Joseph F. Roquemore, Sr. and Crystal R. Roquemore (NKA Crystal R. Johnson McGhee) and payable to the order of John Michael Woods and Dianne Joy McKinley Woods; and (b) all renewals and extensions of the note. John Michael Woods and Dianne Joy McKinley Woods are the current owners and holders of the Obligations and are the beneficiaries under the deed of trust.

Questions concerning the sale may be directed to the undersigned.

7. *Default and Request to Act.* Default has occurred under the deed of trust, and the beneficiary has requested 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.

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.

Date: July 8, 2020.

Corey Kellam

Corey R. Kellam, Substitute Trustee
1021 ESE Loop 323, Suite 200
Tyler, Texas 75701
P: (903) 534-8063