



Notice of Foreclosure Sale

Benny Hall and wife, April Hall
9425 FM 1841
Bivins, Texas 75555

FILED FOR RECORD
THIS 15 DAY OF MARCH 2022
AT 2:41 O'CLOCK P M
[Signature]
CASS COUNTY CLERK
AMY L. VARNELL

Deed of Trust ("Deed of Trust"):

Dated: May 25, 2015

Grantor: Benny Hall

Original Trustee: James H. Verschoyle

Substitute Trustee: Kyle B. Davis

Lender: T & T Equipment Trust

Recorded in: Instrument No. 2015003589 of the real property records of Cass County, Texas.

Legal Description: Attached hereto as *Exhibit "A"*

Secures: Promissory Note ("Note") in the original principal amount of \$133,000.00, executed by Benny Hall and wife, April Hall ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, April 5, 2022

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.

Place: North Entrance of Cass County Courthouse

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 T & T Equipment Trust'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 Note and in the performance of the obligations of the Deed of Trust. Because of that default, T & T Equipment Trust, the owner and

holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of T & T Equipment Trust's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with T & T Equipment Trust'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, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If T & T Equipment Trust 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 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 T & T Equipment 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 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 first sale of the day held 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.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.



Kyle B. Davis
Attorney for Mortgagee
P.O. Box 1221
New Boston, Texas 75570
Telephone (903) 628-5571
Telecopier (903) 628-5868



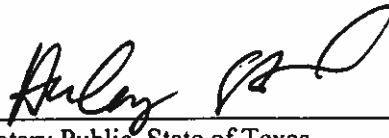
Linda Moorhead, Trustee for Mortgagee

STATE OF TEXAS)

COUNTY OF BOWIE)

Before me, the undersigned notary public, on this day personally appeared Kyle B. Davis, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 15 day of March 2022.



Notary Public, State of Texas

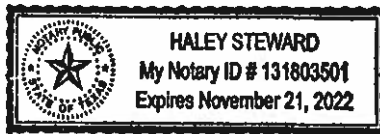


Exhibit "A"

This is to certify that this plat correctly reflects the results of a survey made on the ground covering all that certain tract or parcel of land being a part of the MARTHA INGRAM SURVEY, Abstract No. 558, Cass County, Texas, and being a part of the same tract of land conveyed to T&T Equipment Trust by Tax Resale Deed recorded as Document No. 2011005789 of the Official Public Records of Cass County, Texas, and also being a part of the tract referred to as First Tract as conveyed to Barbara Jan Graham by Quitclaim Deed recorded in Volume 848, Page 55 of the Real Property Records of Cass County, Texas, and the subject tract of land being more particularly described by metes and bounds as follows:

Beginning at a 5/8" iron pin found for corner on the North right-of-way line of F.M. Road No. 1841, said Point of Beginning being the Southwest corner of said T&T Equipment Trust tract, same being the Southeast corner of a certain tract of land conveyed to George E. Miley and wife, Sulanna Miley, by Receiver's Deed dated April 4, 2005, and recorded as Document No. 37376 of the Official Public Records of Cass County, Texas;

THENCE: N 22°54'05" E (Basis of Bearing), 248.87 feet with the West line of said T&T Equipment Trust tract and the East line of said Miley tract to a 1/2" iron pin set for corner;

THENCE: S 61°11'36" E, 320.58 feet to a 1/2" iron pin set for corner;

THENCE: S 28°48'24" W, 247.55 feet to a 1/2" iron pin set for corner on the North right-of-way line of F.M. Highway No. 1841;

THENCE: N 61°11'36" W, 294.98 feet with the North right-of-way line of F.M. Highway No. 1841 to the Point of Beginning and containing 1.75 acres of land, more or less.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Amy L. Varnell

Amy L. Varnell, County Clerk
Cass County, Texas

March 15, 2022 02:41:59 PM

FEE: \$42.00 **2022001392**