

Notice of Foreclosure Sale

FILED FOR RECORD

2021 DEC 14 AM 9:09

1. *Property to Be Sold.*

SEE ATTACHED EXHIBIT "A"

CLERK OF DISTRICT COURT
HARDIN COUNTY, TEXAS
Connie Pector

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust recorded under Clerk's Document No. 2016-70543 of the Real Property Records of Hardin County, Texas.

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

Date: January 4, 2022

Time: The sale will begin no earlier than 1:00 p.m. or no later than three hours thereafter.

Place: The sale will take place at the Hardin County Courthouse at the place designated by the Hardin County Commissioner's Court.

If the beneficiary postpones, withdraws, or reschedule the sale for another day, the 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 refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling 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 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. 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 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.

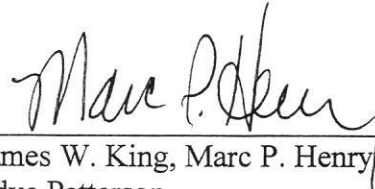
5. *Type of Sale.* The sale is a nonjudicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by Benjamin Michael Payne and Margaret Jewel Payne.

6. *Obligations Secured.* The deed of trust provides that it secures the payment of the promissory note in the original principal amount of \$120,000.00 dated December 16, 2016, executed by Benjamin Michael Payne and Margaret Jewel Payne and payable to the order of Sandra G. Carrell. Sandra G. Carrell is the current owner and holder of the Obligation and is the beneficiary 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.

Dated: December 14, 2021



James W. King, Marc P. Henry, Renee Roberts,
Edye Patterson
Substitute Trustee
6420 Wellington Place
Beaumont, Texas 77706
(830) 860-9000 – Telephone
(409) 860-9199 – Facsimile

EXHIBIT A

Field Note Description: Tract 2: 21.251 Acres

BEING a 21.251 acre tract or parcel of land located in the R. Hart Survey, Abstract No. 292, Hardin County, Texas, and being out of and a part of that called 26.99 acre tract of record in Clerks File No. 2017-25817 of the Official Public Records of Hardin County, Texas, said 21.251 acre being more particularly described by notes and bounds as follows:

Note: All bearings are hereby based on the Texas State Plane Coordinate System - 4203 - Texas Central Zone, with a scale factor of 0.99994165 and convergence mapping angle of $03^{\circ}02'43''$ at N: $101^{\circ}48'53.64''$ & E: $4,160,287.90'$; all areas and distances are based on surface measurements. Called bearings () from deed.

BEGINNING at a $\frac{1}{2}$ " Iron Rod found for the Northeast corner of the herein described tract and the Northeast corner of the said 26.99 acre tract in the North line of the R. Hart Survey;

THENCE South $24^{\circ}02'41''$ East along the East line of the said 26.99 acre tract and the herein described tract for a distance of 1,050.46 feet to a $\frac{1}{2}$ " capped Iron Rod set for the most Easterly Southeast corner of the herein described tract and the Northeast corner of a called 3.274 acre tract surveyed this day;

THENCE South $87^{\circ}11'02''$ West along the north line of the said 3.274 acre tract for a distance of 115.00 feet to a $\frac{1}{2}$ " capped Iron Rod set for the Northwest corner of the said 3.274 acre tract;

THENCE South $01^{\circ}52'19''$ West along the east line of the herein described tract for a distance of 940.25 feet to a $\frac{1}{2}$ " capped Iron Rod set for the most Southerly Southeast corner of the herein described tract and the Southwest corner of the said 3.274 acre tract, in the North R.O.W. line of Old Honey Island Road, from which a $\frac{1}{2}$ " Iron Rod found for the Southeast corner of the said 26.99 acre tract bears South $89^{\circ}06'35''$ East 30.00 feet;

THENCE North $89^{\circ}06'35''$ West along the North R.O.W. line of Old Honey Island Road for a distance of 20.84 feet (called North $86^{\circ}20'29''$ West) to a "B-Line" capped Rod found for an angle point;

THENCE South $84^{\circ}43'59''$ West continuing along the North R.O.W. line of Old Honey Island Road for a distance of 102.18 feet (called South $87^{\circ}23'55''$ West 102.06') to a $\frac{1}{2}$ " Iron Rod found for an angle point;

THENCE South $77^{\circ}12'51''$ West continuing along the North R.O.W. line of Old Honey Island Road for a distance of 101.90 feet (called South $80^{\circ}05'53''$ West) to a $\frac{1}{2}$ " capped Iron Rod set for the Southeast corner of a called 2.467 acre tract surveyed this day and the most Southerly Southwest corner of the herein described tract.

THENCE North $07^{\circ}19'39''$ East along the east line of the said 2.467 acre tract for a distance of 40.45 feet to a $\frac{1}{2}$ " capped Iron Rod set for the Northeast corner of the said 2.467 acre tract;

THENCE North $71^{\circ}43'45''$ West along the north line of the said 2.467 acre tract for a distance of 74.20 feet to a $\frac{1}{2}$ " capped Iron Rod set for an angle point;

THENCE South $78^{\circ}09'29''$ West continuing along the North line of the said 2.467 acre tract for a distance of 206.53 feet to a $\frac{1}{2}$ " capped Iron Rod set for the Northwest corner of the said 2.467 acre tract;

THENCE North $03^{\circ}07'55''$ West along the west line of the said 26.99 acre tract and the east line of that tract conveyed to Gerald Fitzpatrick of record in Volume 1615 Page 660 of the Deed Records of Hardin County, Texas, for a distance of 530.05 feet (called North $00^{\circ}16'13''$ West) to a $\frac{1}{2}$ " Iron Rod found for the Northeast corner of the said Fitzpatrick tract;

THENCE South $87^{\circ}10'41''$ West along the north line of the said Fitzpatrick tract for a distance of 179.56 feet (called North $89^{\circ}51'29''$ West 179.52') to a Concrete Monument found for the Northwest corner of the said Fitzpatrick tract in the west line of the R. Hart Survey, Abstract 293 and the east line of the H. Warnell Survey, Abstract No. 495, and the east line of that called 371.16 acre tract conveyed to Adirondack Timber Co., Inc. of record in Volume 1298 Page 582 of the Deed Records of Hardin County, Texas;

THENCE North $03^{\circ}35'07''$ West along the west line of the said 26.99 acre tract for a distance of 973.49 feet (called North $00^{\circ}48'28''$ West 973.22') to a Concrete Monument found for the Northwest corner of the herein described tract and the said 26.99 acre tract;

THENCE North $86^{\circ}24'30''$ East along the north line of the said 26.99 acre tract the herein described tract, and the said R. Hart Survey for a distance of 426.00 feet (called North $89^{\circ}13'47''$ East 425.99') to the POINT AND PLACE OF BEGINNING, containing 21.251 acres of land, more or less.

Based on Survey and Plat prepared on February 2, 2015. (17026 Landefeld)