

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

NOTICE OF FORECLOSURE SALE

THE STATE OF TEXAS §
COUNTY OF HARDIN §

KNOW ALL MEN BY THESE PRESENTS:

FILED FOR RECORD
2022 MAY 11 AM 8:26
COUNTY CLERK
HARDIN COUNTY, TEXAS
BY *Beth S. Moore*

WHEREAS, on the 16th day of November, 2019, Carlos Lopez ("Debtor") executed that certain Deed of Trust (as extended and renewed, "Deed of Trust/Deed of Trust Lien") conveying to Chris Boone, Trustee ("Trustee"), the real property more particularly described in Exhibit "A" attached hereto, together with all improvements, fixtures, equipment, and other property located on the real property and any and all other items, rights, or interests described in the Deed of Trust, all of which property is more fully described in the Deed of Trust, to which reference is hereby made for further description of the property covered by this notice (collectively, "Property"); and

WHEREAS, the Deed of Trust was recorded under Document No. 2020-101105, Real Property Records of Hardin County, Texas; and

WHEREAS, the Deed of Trust was executed and delivered to secure the payment of the following note:

That certain Promissory Note (as extended, renewed, modified or replaced, "Note") dated of even date with the Deed of Trust and executed by Carlos Lopez, payable to the order of Chris Boone, in the original principal amount of \$50,000.00 ("The Collateral Note").

WHEREAS, on the 16th day of November, 2019, Chris Boone aka Christopher Boone ("Debtor") executed that certain Collateral Transfer of Note and Lien conveying to Proctor Family Trust the collateral note and deed of trust lien securing it and the real property more particularly described in Exhibit "A" attached hereto, together with all improvements, fixtures, equipment, and other property located on the real property and any and all other items, rights, or interests described in the Collateral Transfer of Note and Lien, all of which property is more fully described in the Collateral Transfer of Note and Lien, to which reference is hereby made for further description of the property covered by this notice (collectively, "Property"); and

WHEREAS, the Collateral Transfer of Note and Lien was recorded under Document No. 2020-101106, Real Property Records of Hardin County, Texas; and

WHEREAS, the Collateral Transfer of Note and Lien was executed and delivered to secure the payment of the following items of indebtedness ("Indebtedness"):

That certain Promissory Note (as extended, renewed, modified or replaced, "Proctor Note") dated of even date with the Deed of Trust and executed by Chris Bone aka Christopher Boone, payable to the order of Proctor Family Trust ("Creditor"), in the original principal amount of \$86,408.41.

WHEREAS, the Indebtedness is due and payable, and despite Creditor's demands, Debtor has failed to pay, and continues to fail to pay, the Indebtedness; and

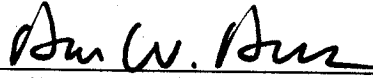
WHEREAS, Creditor by written instrument made, constituted, and appointed Don W. Duran as substitute trustee under the Deed of Trust ("Substitute Trustee") and requested and directed Substitute Trustee to exercise the power of sale under the Deed of Trust for the purpose of enforcing the collection of the Indebtedness;

NOW, THEREFORE, the undersigned hereby gives notice that, after due publication of this notice as required by law and the Deed of Trust, the undersigned will sell the Property, as an entirety or in parcels, by one or by several sales, held at one time or at different times, all as the undersigned may elect and announce at such sale or sales, at the Commissioner's Courtroom at the first floor in the Hardin County Courthouse, Kountze, Texas; said location having been designated by the County Commissioners of Hardin County, Texas ("Commissioners"), (or such other location as may be designated by the Commissioners after the sending of this notice and before the time of the sale), in which county the Property is situated, on June 7, 2022, being the first Tuesday of said month, at 11:00 o'clock A.M. (or within three hours thereafter) to the highest bidder or bidders for cash at a public auction, and will make due conveyance of the Property to the purchaser or purchasers, with special warranty deed binding Debtor, his successors and assigns.

The sale noticed herein shall include the interest of Debtor in all fixtures with personal property covered by the Deed of Trust and any other documents executed in connection with or as security for the Indebtedness, Creditor having directed the undersigned to sell, and the undersigned hereby noticing the sale of, said fixtures and personally pursuant to rights granted to Creditor under Section 9.501(d) of the Texas Business & Commerce Code.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY, OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER CREDITOR NOR SUBSTITUTE TRUSTEE MAKES ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS, OR SPECIFICATIONS, NOR WITH RESPECT TO CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS, OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH SHALL BE EXPRESSLY WAIVED BY PURCHASER.

EXECUTED in multiple original copies on the 10th day of May, 2022.



Don W. Duran, Substitute Trustee under the
Deed of Trust

**METS AND BOUNDS DESCRIPTION
8.09 ACRE TRACT
J. F. CALLAHAN SURVEY
ABSTRACT NUMBER 388
HARDIN COUNTY, TEXAS**

Being a tract or parcel containing 8.09 acres of land out of and a part of the J. F. Callahan Survey, Abstract Number 388, Hardin County, Texas, and also being out of and a part of a 258.458 acre tract recorded in Volume 1186, Page 364, Official Public Records of Hardin County, Texas, said 8.09 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/4 inch iron rod set in the South line of a 13.506 acre tract recorded in Volume 790, Page 319, Deed Records of Hardin County, Texas, and being North 89 deg. 59 min. 00 sec. East, 374.80 feet from a 1/4 inch iron rod found at the Northwest corner of said 258.458 acre tract;

THENCE, South 00 deg. 29 min. 35 sec. East, along the residue of said 258.458 acre tract for a distance of 264.60 feet to a 1/4 inch iron rod found at an interior corner of said 258.458 acre tract, also being the East corner of a 8.9529 acre tract recorded in Volume 1056, Page 154, Official Public Records of Hardin County, Texas;

THENCE, South 00 deg. 28 min. 34 sec. East, along the residue of said 258.458 acre tract for a distance of 663.40 feet to a 1/4 inch iron rod set for corner;

THENCE, North 89 deg. 59 min. 00 sec. East, along the residue of said 258.458 acre tract for a distance of 380.00 feet to a 1/4 inch iron rod set for corner;

THENCE, North 00 deg. 28 min. 54 sec. West, along the residue of said 258.458 acre tract for a distance of 928.0 feet to a 1/4 inch iron rod set in the South line of said 13.506 acre tract;

THENCE, South 89 deg. 59 min. 00 sec. West, along the South line of said 13.506 acre tract for a distance of 380.00 feet to the **POINT OF BEGINNING** and containing 8.09 acres of land. **ACCESS** to the herein described 8.09 acre tract is described in attached **EXHIBIT "A"**.

EXHIBIT "A"
HOOKS TITLE & ABSTRACT COMPANY
GF NO. 63978
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NON-EXCLUSIVE EASEMENT FOR ACCESS AND UTILITY PURPOSES:

Field notes describing a 50 foot wide easement (3.32 acres) across a portion of a 258.458 acre tract described in Volume 1186, Page 345 of the Official Public Records of Hardin County, in the James Kilgore Survey, Abstract 785 and the J.F. Callihan Survey, Abstract 588 Hardin County, Texas.

NOTE: Bearings herein are oriented to the call bearing (N 89°59' E) along the north line of the Creekwood Subdivision (Volume 2, Page 262, Plat Records of Hardin County, Texas). (No accompanying plat)

BEGINNING at a 1 1/2" iron pipe found at a north-angle corner of said 258.458 acre tract, the southwest corner of a called 16.13 acre tract, in the west line of said Kilgore Survey and an east line of said Callihan Survey (painted line). Said 16.13 acre tract is more particularly described in a deed dated July 28, 1970 from B.K. Dominguez and N.K. Parra to The Lumberton Little League Board of Directors and recorded in Volume 561, Page 207 of the Deed Records of Hardin County, Texas.

THENCE N 89°49'11" E along and with the south line of said 16.13 acre tract and a north line of said 258.458 acre tract 779.20 feet to a 1 1/4" galvanized iron pipe (with cap) found at a south corner of said 16.13-acre tract and a north corner of said 258.458 acre tract.

THENCE continuing N 89°49'11" E at 400.75 feet past a 5/8" iron rod set (for reference) and at a total distance of 452.37 feet the northeast corner of the herein described easement in an east line of said 258.458 acre tract and the southwest R.O.W. line of a 100 foot wide Southern Pacific Railroad R.O.W.

THENCE S 97°26'47" E along and with said line 75.23 feet to the southeast corner of the herein described easement.

THENCE S 89°49'11" W at 51.48 feet past a 3/8" iron rod set (for reference), at 1,277.19 feet past a 5/8" iron rod set in the west line of said Kilgore Survey and an east line of said Callihan Survey (painted line) and at a total distance of 2,437.12 feet a point at the southwest corner of the herein described easement in the east line of an 8.1 acre tower site.

THENCE N 00°28'59" W along and with the east line of said tower site 60.00 feet to a point at the northwest corner of the herein described easement.

THENCE N 89°49'11" E 1,160.31 feet to the PLACE OF BEGINNING, containing 3.32 acres of land, more or less.