

FILED FOR RECORD

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.

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 MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.

NOTICE OF FORECLOSURE SALE

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

NOTICE OF ACCELERATION and FORECLOSURE SALE on TUESDAY, MAY 3, 2022, in the original principal amount of \$54,000.00 on the deed of trust and promissory note dated February 1, 2013, executed by Robert Guy and Martha Guy and payable to the order of Albert C. Miller and Diane A. Miller, and notice of intent to accelerate unpaid principal balance and accrued interest owed on note, for BEING LOTS ONE (1), TWO (2), and THREE (3) and the North 8 ¾ feet of LOT FOUR (4), in BLOCK ONE (1), of the TOWN OF SILSBEE, Hardin County, Texas, according to the plat recorded in Volume 1, Page 242, of the Plat Records of Hardin County, Texas

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust recorded as Instrument Number 2013-35537, in the Official Public 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: Tuesday, May 3, 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 sale will begin no earlier than 10:00 A.M. and not later than three hours thereafter.

Place: Area designated by the Commissioners Court, pursuant to Section 51.002 of the Texas Property Code as the place where the foreclosure sales are to take place. If no place is designated by the Commissioners Court, sale will be conducted at the place where the Notice of Trustee's Sale was posted.

The deed of trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute 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 re-filed

in accordance with the posting and filing requirements of the Texas Property Code. The reposting or re-filing 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 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 non-judicial foreclosure sale being conducted pursuant to the authority conferred upon the power of sale granted by the deed of trust by Grantors, Robert Guy and Martha Guy, to beneficiary, Albert Miller and Diane Miller, executed February 4, 2013, and recorded as Instrument Number 2013-35537, in the Official Public Records of Hardin County, Texas.

The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

6. *Obligations Secured.* The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to (a) the promissory note in the original principal amount of \$54,000.00, executed by Robert Guy and Martha Guy and payable to the order of Albert Miller and Diane Miller, with


eight (8) percent simple interest; (b) all renewals and extensions of the note; and(c) any and all present and future indebtednesses of Robert Guy and Martha Guy to Albert Miller and Diane Miller, who is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

The principal balance of the note is \$ 41,384.49 plus all unpaid accrued interest thereon, which is accumulating at the rate of \$11.83 per day, through April 11, 2022, of \$352.57 reimbursement for property taxes paid attorney's fees and costs which are now \$1,200.00 but which will increase on the date of the foreclosure sale; for a total owed as of April 11, 2022 of \$42,937.06.

Questions concerning the sale may be directed to Jackson Morones PLLC, P.O. Box 2383, Silsbee, Texas 77656, (409) 385-9800.

7. *Default and Request to Act.* Default has occurred under the deed of trust, and the beneficiary has requested me, as trustee, to conduct this sale. Notice is given that pursuant to Section 51.0076 of the Texas Property Code, I HEREBY APPOINT AND DESIGNATE, JENNIFER FOLSOM, MATTHEW MORONES, ASHLEA CROOK or either one of them, as Substitute Trustee, to act, either singly or jointly, under and by virtue of said Deed of Trust and hereby request said Substitute Trustees, or any one of them to sell the property in said Deed of Trust described as provided herein. The address for the Substitute Trustee as required by the Texas Property Code, Section 51.0075(c) is 222 N. 5th Street, Silsbee, Texas 77656, (409) 385-9800.

Dated: April 11, 2022.

By: 

Jennifer Jackson Morones
P.O. Box 2383
222 N. 5th Street
Silsbee, Texas 77656
Telephone: (409) 385-9800
Facsimile: (409) 385-9801