

## Notice of Foreclosure 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.**

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

Being 5.682 acres, more or less, of the Ignacio Galindo Survey, Abstract No. 21, and being all of Lot 4C of Silo Hill Subdivision, according to the plat of record in Plat Book No. 2, Map No. 73 of the Map and Plat Records of Falls County, Texas, and also being part of a 15.745 acre tract of land described in a deed to Jacob Nathaniel Chumley and wife, Virginia Ann Chumley as recorded in Volume 304 Page 290 of the Official Records of Falls County, Texas;

BEGINNING at a ½ inch iron pin found, at the Northernmost or Northeast corner of said Lot 4C and said 15.745 Acre tract and at the Westernmost or Northwest corner of a 20.34 acre tract of land described in a deed to John Michael Belke as recorded in Volume 3211, Page 668 of said official record and also being in the Southeast line of Lot 27 of a resubdivision of part of Silo Hill Subdivision according to the plat of record in Volume 721, Page 72 and Document No. 2000035354 of the Official Public Records of Falls County, Texas;

THENCE, S 29° 02' 36" E, with a Northeast line of said Lot 4C and said 15.745 acre tract and with the Southwest line of said 20.34 acre tract. 691.61 feet. to a ½ inch iron pin, found, at the Easternmost corner of said Lot 4C and said 15.745 acre tract and at the Southernmost or Southwest corner of said 20.34 acre tract and also being in the Northwest line of a 5.08 acre tract described in a deed to la Giesler and wife, Marscia Giesler as recorded in Volume 338. Page 210 of said official records;

THENCE, S 61° 06' 28" W, with a Southeast line of said Lot 4C and said 15.745 acre tract and with the Northwest line of said 5.08 acre tract, 365.68 feet to a ½ inch iron pin, found, at the Southernmost or Southwest corner of said Lot 4C and at the Westernmost or Northwest corner of said 5.011 acre tract and also being in the Northeast line of Lot 48 of said first mentioned Silo Hill Subdivision and at an inner ell corner of said 15.745 acre tract, from whence a ½ inch capped iron pin found, at the Easternmost or Southeast corner of said Lot 48 and at an outer ell corner of said 15.745 acre tract an also being within Falls County Road No. 5000. Brs. S 27° 55' 48" E, 143.89 feet;

THENCE, N 27° 55' 48" W, with the common line of said Lots 48 and 4C, crossing said 15.745 acre tract, 687.47 feet, to a ½ inch capped iron pin, set, at the Westernmost or Northwest corner of said Lot 4C and at the Northernmost or Northeast corner of said Lot 48 and also being in the Northwest line of said 15.745 acre tract and in the Southeast line or said Lot 27;

THENCE, N 60° 24' 57" E, with the Northwest line of said Lot 4C and said 15.745 acre tract and the Southeast line of said Lot 27, 352.34 feet, to the PLACE OF BEGINNING.

2. *Instrument to Be Foreclosed.* The instrument to be foreclosed is the *Deed of Trust* recorded under Clerk's File Number 00007908, Official Public Records of Falls County, Texas.

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

- Date: November 1, 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: Falls County Courthouse in Marlin, Texas, at the following location: South side steps of courthouse or inside south side entrance in case of inclement weather.

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 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 "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*, the trustee or any substitute 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. This sale will be conducted subject to the right of rescission contained in section 51.016 of the *Texas Property Code*.

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 Juliana Resendez and spouse, Kacie L. Resendez. 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 indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to (a) the promissory note in the original principal amount of \$88,000.00, executed by Juliana Resendez and spouse, Kacie L. Resendez, and payable to the order of First National Bank of McGregor; (b) all renewals and extensions of the note; and (c) any and all present and future indebtednesses of Juliana Resendez and spouse, Kacie L. Resendez to First National Bank of McGregor. First National Bank of McGregor is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiary, First National Bank of McGregor.

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.

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE 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.**

Dated September 26, 2022.



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WALT FAIR, Substitute Trustee  
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CO. CLK. FALLS CO.