

**Notice of Foreclosure Sale**

2017 DEC - 1 PM 2:57  
BRENT ZITENHOFF  
COUNTY CLERK HOWARD COUNTY  
BY DEPUTY *Alvin Vest*

*Posted*  
~~FILED~~

("Deed of Trust"):

Dated: September 13, 2004

Grantor: DONALD HOLSENBECK and KARIE HOLSENBECK

Substitute Trustee: JOSHUA HAMBY

Lender: MALCOLM POINTON and TAMMY POINTON

Recorded in: The Contract for Deed being recorded in Volume 1474, Page 696 of the Official Property Records of Howard County, Texas

Legal Description: Being all of Lot Eleven (11), Block Eighteen (18), SAVE AND EXCEPT the North 15' thereof, COLLEGE PARK ESTATES, a subdivision to the City of Big Spring, Howard County, Texas according to the map or plat of record in Envelope 28/A, Plat Records in the Office of the County Clerk of Howard County, Texas.

Secures: Promissory ("Note") in the original principal amount of \$117,500.00, executed by DONALD HOLSENBECK and KARIE HOLSENBECK ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, January 2, 2018.

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 10:00a.m. and not later than three hours thereafter.

Place: The North entrance of the Howard County Courthouse, 300 S. Main, Big Spring, Texas.

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 MALCOLM POINTON'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, MALCOLM POINTON and TAMMY POINTON, the owners and holders 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 MALCOLM POINTON and TAMMY POINTON's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with MALCOLM POINTON and TAMMY POINTON'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 MALCOLM POINTON and TAMMY POINTON pass 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 MALCOLM POINTON and TAMMY POINTON. 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.**



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