

Posted

FILED FOR RECORD

November 15 2021

Notice of Foreclosure Sale

November 15, 2021

Deed of Trust ("Deed of Trust"):

Dated: December 6, 2012

Grantor: Cory Wayne Alsup and Kayla Ann Alsup

Trustee: J. Ken Muckelroy

Lender: Joyce Knight, Independent Executor for the Estate of Emmet Dorsey Luman, deceased.

Recorded in: Volume 290, Page 695 of the Real Property Records of San Augustine County, Texas

Legal Description:

Being 3.62 acres of land, more or less, a part of the H. R. DOOLITTLE SURVEY, A-590, San Augustine County, Texas, and being LOT FIVE (5) of the HAPPY HILL SUBDIVISION, an unrecorded subdivision, and being part of a 38.29 acre tract as described in deed from Joan Wells McClendon to Emmet Luman recorded in Vol. 1, Page 733 of the Real Property Records, San Augustine County, Texas; and being the same land described in Foreclosure Sale Deed from Jason B. Clegg and wife, Crystal Clegg, dated November 6, 2012, recorded in Vol. 259, Page 455, Real Property Records, San Augustine County, Texas; and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all intents and purposes.

Secures: Promissory Note ("Note") in the original principal amount of \$24,000.00, executed by Cory Wayne Alsup and Kayla Ann Alsup ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, December 7, 2021

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: San Augustine County Courthouse in San Augustine, Texas, at the following location: At the Stripling Pavilion on the Courthouse lawn of the courthouse of the said county in the city of San Augustine, 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 Joyce Knight'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, Joyce Knight, the owner and holder of the Note, has requested Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Joyce Knight's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Joyce Knight'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, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Joyce Knight passes 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 Joyce Knight. 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, 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 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.



J. Ken Muckelroy
108 Foster St.
Center, Texas 75935
Telephone (936) 598-6110
Telecopier (936) 598-7070