

FILED

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Julie K. Justadt PV

NOTICE OF FORECLOSURE SALE

JULIE KARSTEDT
CO. CLERK, FAYETTE CO., TEXAS

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 ("Property") to be sold is described as follows:

All that certain 2.24 acre tract of land situated in Fayette County, Texas, a part of the Silas Jones Survey, A-60, same being a part of that certain 26.9 acre tract of land described in a deed from David Janda and wife, Glenda Janda, to Grande, Inc., dated October 15, 1999 and recorded in Volume 1077, Page 513 of the Deed Records of Fayette County, Texas, more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

2. *Instrument to Be Foreclosed.* The instrument to be foreclosed is the deed of trust described more fully as follows:

Deed of Trust dated November 19, 2004, from KENNETH R. MOORE and wife, DIANNE L. MOORE, as grantor, conveying the Property in trust to JOE A. MIHATSCH, JR., as trustee, for the benefit of COLORADO VALLEY BANK ("Beneficiary"), recorded in Volume 1290, Page 546 of the Deed records of Fayette County, Texas ("Deed of Trust"). PIONEER BANK is successor by merger with COLORADO VALLEY BANK.

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

Date: JUNE 6, 2017

Time: The sale will begin no earlier than 10:00 a.m. or no later than three hours thereafter.

Place: On the Fayette County Courthouse lawn on the west side at the posting board located on the stone wall enclosure of the courthouse facing West Colorado Street near its intersection with North Main Street, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

The Beneficiary may postpone, withdraw, or reschedule the sale for another day. In that case, the Substitute Trustee 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 refiling may be after the date originally scheduled for this sale.

Notice of Foreclosure Sale
Kenneth and Dianne Moore, Grantor
Pioneer Bank, Lender

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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 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 Substitute 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 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 Substitute Trustee.

5. *Type of Sale.* The sale is a non-judicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust.

6. *Obligations Secured.* The Deed of Trust secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to that certain Real Estate Lien Note ("Note") dated November 19, 2004, in the original principal amount of **ONE HUNDRED TWENTY-TWO THOUSAND TWO HUNDRED SIXTY-THREE AND 00/100 DOLLARS (\$123,263.00)**, executed by **KENNETH R. MOORE** and **DIANNE L. MOORE** and payable to the order of **COLORADO VALLEY BANK**. **PIONEER BANK** is successor by merger with **COLORADO VALLEY BANK**. **PIONEER BANK** is the current owner and holder of the Note and Obligations and is the current Beneficiary under the Deed of Trust.

7. Pursuant to the Deed of Trust, Beneficiary made, constituted and appointed in writing, **RONALD A. MURRAY, STACI A. GRIFFIN, KYLE L. DICKSON, LOUISE GRAHAM, DONALD GRAHAM, MEGAN L. RANDLE, AND EBBIE MURPHY**, as substitute trustees (each being a "Substitute Trustee") in that certain *Appointment of Substitute Trustee* dated April 5, 2017; to exercise the power of sale under the Deed of Trust for the purpose of enforcing the collection of the Obligations.

8. *Default and Request to Act.* Default has occurred under the Deed of Trust, and although demand was made upon KENNETH R. MOORE and DIANNE L. MOORE, the default was not cured, and the Beneficiary has requested a Substitute Trustee conduct this sale. Notice is given that before the sale, the Beneficiary may appoint other substitute trustees to conduct the sale.

Questions concerning the sale may be directed to the attention of Substitute Trustee, Ronald Murray, c/o Murray | Lobb, PLLC, at 700 Gemini, Suite 115, Houston, Texas 77058, phone number 281-488-0630.

DATED this the 19th day of April, 2017.


Signature

Ronald A. Murray, Substitute Trustee

c/o Murray | Lobb, PLLC
700 Gemini, Suite 115
Houston Texas 77058

Exhibit "A"

All that certain tract or parcel of land situated in Fayette County, Texas, a part of the Silas Jones Survey, A-60, same being a part of that certain 26.9 acre tract of land described in a deed from David Janda and wife, Glenda Janda to Grande, Inc., dated October 15, 1999 and recorded in Volume 1077, Page 513 of the Deed Records of Fayette County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron rod set for the most West corner, same lying in the Southwest boundary of the said Grande, Inc. 26.9 acre tract of land, same being S 24°06'16" E 167.30 feet and S 24°06'16" E 60.18 feet from the most West corner of the said Grande, Inc. 26.9 acre tract, same being S 24°06'16" E 227.48 feet from the South corner of a 0.5 acre tract of land described in a deed to Robert Wolfe in Volume 1066, Page 541, same lying within a county road named Peter Rainosek Loop Road;

THENCE, N 61°28'08" E, passing an iron rod set at 16.78 feet in the Northeast margin of Peter Rainosek Loop Road, a total distance of 283.27 feet to an iron rod set for the North corner;

THENCE, S 14°30'39" E 410.80 feet to an iron rod set for the East corner;

THENCE, S 65°33'08" W, passing an iron rod set at 193.91 feet in the Northeast margin of Peter Rainosek Loop Road, a total distance of 213.96 feet to a point for the South corner, same lying in the Southwest boundary of the said Grande, Inc. 26.9 acre tract of land, same lying within Peter Rainosek Loop Road;

THENCE, along the Southwest boundary of the said Grande, Inc. 26.9 acre tract of land and within said Peter Rainosek Loop Road, N 24°06'16" W 384.47 feet to the place of beginning, containing 2.24 acres of land, of which 0.141 acre lies within Peter Rainosek Loop Road.