



"VG-1443-2023-2300172"

**Freestone
County
Renee Reynolds
Freestone County
Clerk**

Instrument Number: 2300172

Foreclosure Posting

NOTICE OF FORECLOSURE

Recorded On: January 17, 2023 11:50 AM

Number of Pages: 4

"Examined and Charged as Follows: "

Total Recording: \$8.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2300172
Receipt Number: 20230117000023
Recorded Date/Time: January 17, 2023 11:50 AM
User: Jamie M
Station: CCLERK01

Record and Return To:

Matthew Jirkovsky



**STATE OF TEXAS
COUNTY OF FREESTONE**

I hereby certify that this instrument was FILED in the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Freestone County, Texas.

Renee Reynolds
Freestone County Clerk
Freestone County, TX

Renee Reynolds

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

Date: January 12, 2023

Substitute Trustee: Trent Nichols or Matthew Jirkovsky, or Sara Giddings
1309 N Avenue E
Shiner, Texas 77984

Mortgagee: Heather French Seibert and Corbett Linn French (hereafter "Lender")

Note: Note dated March 7, 2017 in the amount of \$57,000.00

Deed of Trust:

Deed of trust dated March 7, 2017, and recorded as instrument number 2017-1700819, Official Public Records, Freestone County, Texas, with Byron Rhodes and Camilla Rhodes, husband and wife, as Grantor(s) and Charles French as beneficiary.

Said Deed of Trust, and all rights and remedies contained therein, was transferred to Heather French Seibert and Corbett Linn French in that certain Transfer of Note and Lien dated October 5, 2021, and recorded as instrument number 2021-2103722, Official Public Records of Freestone County, Texas.

Property:

Being all that certain lot, tract or parcel of land, situated in the City of Wortham, Freestone County, Texas, being a 86.2 ft. by 159.5 ft. lot in Subdivision 15, Division 5, described in Warranty Deed with Vendor's Lien dated March 7, 2017, from Charles French, et ux. to Byron Rhodes, et ux., recorded as document number 2017-1700818, Official Public Records of Freestone County, Texas.

County: Freestone County, Texas

Date of Sale: February 7, 2022

Time of Sale: 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. The sale will begin at the earliest time stated above, or within three (3) hours after that time.

Place of Sale: The front steps at the south entrance of the Freestone County, Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court.

Default has occurred in the performance of the obligations of the Deed of Trust and the payment of indebtedness is now wholly due. Because of that default, Lender, the owner and holder 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 Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Lender'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 Lender 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 Lender. 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 at public auction at the Place of Sale to the highest bidder for cash, with the exception of the Lender, who will be allowed to bid credit against the amount owned under the obligation secured in the Deed of Trust. THERE WILL BE NO WARRANTY RELATING TO TITLE, POSSESSION, QUIET ENJOYMENT, OR THE LIKE FOR THE PERSONAL PROPERTY IN THIS DISPOSITION. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property. The sale will be conducted subject to the right of rescission contained in section 51.016 of the Texas Property Code.

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.

Lender has appointed Trent Nichols or Matthew Jirkovsky or Sara Giddings as Substitute Trustee under the Deed of Trust. Lender has instructed Substitute Trustee to offer the Property for sale toward the satisfaction of the Note.

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 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 LENDER.



Trent Nichols, Matthew Irkovsky, Sara Giddings
Substitute Trustee
1309 N Avenue E
Shiner, Texas 77984
Telephone: (361) 594-5004
Facsimile: (361) 594-5024