

2020 DEC 11 P 3:28

TRACY SMITH
COUNTY CLERK

BT. S. News DEPUTY

NOTICE OF FORECLOSURE SALE

Notice is hereby given of a public nonjudicial foreclosure sale.

1. Deed of Trust. The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the following described deed of trust (the "Deed of Trust"):

Date: June 17, 2014

Grantors: Tommy G. Neal and Linda Sue Neal

Beneficiary: Legacy Land Bank, FLCA

Substitute Trustee: Scott A. Ritcheson, and/or Douglas A. Ritcheson, and/or Charles E. Lauffer, Jr., and/or Lance Vincent

Recording Information: Deed of Trust recorded in Volume 890, Page 620, of the Official Public Records of Hopkins County, Texas.

2. Property to be Sold. The property to be sold (the "Property") is described as follows:

All those certain lots, tracts or parcels of land situated in Hopkins County, Texas, being more particularly described in the above-described Deed of Trust and a copy of such description being attached hereto as Exhibit "A," and all other property therein described.

There is excluded, however, from the Property the property made the subject of the following described partial releases of lien:

- a. Those certain tracts of 4.65 acres and 1.03 acres described in the Partial Release dated October 28, 2020, and executed by Legacy Land Bank, FLCA, which instrument is recorded under Clerk's File No. 2020-6118 in the Official Public Records of Hopkins County, Texas; and
- b. That certain tract of 21.48 acres described in the Partial Release dated October 28, 2020, and executed by Legacy Land Bank, FLCA,

which instrument is recorded under Clerk's File No. _____ in the Official Public Records of Hopkins County, Texas.

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

Date: **January 5, 2021**

Time: The sale shall begin no earlier than 1:00 p.m. or no later than three (3) hours thereafter. The sale shall be completed by no later than 4:00 p.m.

Place: Hopkins County Courthouse in Sulphur Springs, Texas, at the following location:

In the area of such Courthouse designated by the Hopkins County Commissioners' Court as the area where foreclosure sales shall take place, or, if no such area has been designated, then the Southwest entrance door to the first floor of the Hopkins County Courthouse in Sulphur Springs, Texas.

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. Such reporting 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 cash on the date the Property is sold.

The sale will be made expressly subject to unpaid ad valorem taxes and 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 other 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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

A purchaser at the sale of the Property "acquires the Property 'AS IS' without any expressed or implied warranties" (except as to the warranties of title from the grantor identified in the Deed of Trust described below). Any purchaser acquires the Property "at the purchaser's own risk." TEXAS PROPERTY CODE §51.009. Nothing set forth in this Notice is an express or implied representation or warranty regarding the Property, all of which are specifically disclaimed by the undersigned and by the beneficiary of the herein described Deed of Trust.

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 Tommy G. Neal and Linda Sue Neal. The Deed of Trust is dated June 17, 2014, and is recorded in the office of the County Clerk of Hopkins County, Texas, in Volume 890, Page 620 of the Official Public Records of Hopkins County, Texas.

6. Obligations Secured. The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including, but not limited to, (1) the June 17, 2014 promissory note in the original principal amount of

[Note 1]

\$840,000.00, executed by Tommy G. Neal and Linda Sue Neal, and payable to the order of Legacy Land Bank, FLCA; (2) all renewals and extensions of the note; (3) all interest, late charges, fees and other expenses payable under said note on the herein described Deed of Trust; and (4) all other debts and obligations described in the Deed of Trust (including all debts secured by any cross-collateralization clause in the Deed of Trust). Legacy Land Bank, FLCA 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, Legacy Land Bank, FLCA, Attention: Brittany Hammond, telephone (903) 885-9566.

7. Default and Request to Act. Default has occurred under the Deed of Trust, and the beneficiary has asked 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.

DATED: December 7, 2020.



SCOTT A. RITCHESON, Substitute Trustee
821 ESE Loop 323, Suite 530
Tyler, Texas 75701
Tel: (903) 535-2900
Fax: (903) 533-8646

Notice to Members of the Armed Forces of the United States:

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.

EXHIBIT "A"

All those certain tracts or parcels of land situated in Hopkins County, about 12 miles SE from Sulphur Springs, being a part of the Levi Landers Survey, A-548, and described by metes and bounds as follows, to-wit:

TRACT ONE:

BEGINNING at a stake set for the SWC of Block No. 6 of said Survey, a pin oak marked No. 6, brs. N 45 deg. E 3 vrs., also being the NEC of W. H. Coker tract described in Deed in Vol. 83, Page 571, Deed Records, Hopkins County, Texas;

THENCE South with the EBL of John H. Cowan Block of 156 acres, 494-24/100 varas to a stake the NWC of a 15.74 acre tract of land deeded by F. E. White et ux, to O. M. Cook, recorded in Vol. 119, Page 432, Deed Records, Hopkins County, Texas;

THENCE East with the NBL of said 15.74 acre tract, 395 varas a stake, the NEC of said 15.74 acre tract;

THENCE North 492-24/100 varas to a stake in the SBL of Weems tract;

THENCE West with the SBL of said Weems tract, 395 varas to the place of beginning, containing 34.26 acres of land, more or less.

LESS HOWEVER FROM THE ABOVE DESCRIBED TRACT ONE, THE FOLLOWING TWO PARCELS OF LAND:**PARCEL A:**

Being a lot, tract or parcel of land situated in the Levi Landers Survey, Abstract No. 548, and being part of that certain 34.26 acre tract of land, called Tract One, conveyed from Richard Irby to Tommy Neal et ux, by Warranty Deed, as recorded in Vol. 476, Page 387, Official Public Records, Hopkins County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a steel spindle set at the Southwest corner of said 34.26 acre tract, and the Northeast corner of a 15.74 acre tract of land, called Second Tract, conveyed to Terry Tucker, by deed recorded in Vol. 19, Page 274, Real Property Records, Hopkins County, Texas, said point lying in the West line of a 58 acre tract of land conveyed to Michael Greer et al, by deed recorded in Vol. 156, Page 242, Real Property Records, Hopkins County, Texas, and in the centerline of County Road No. 2431;

THENCE South 89 deg. 25 min. 14 sec. West, along the South line of said 34.26 acre tract, and the North line of said 15.74 acre tract, passing at a distance of 22.22 feet, a 1/2 inch iron rod set with a yellow plastic cap marked (D C & A INC), and continuing the same course along the South line of said 34.26 acre tract, and the North line of said 15.74 acre tract in all a total distance of 181.77 feet to a 1/2 inch iron rod set with a yellow plastic cap marked (D C & A INC) for corner;

THENCE North, a distance of 239.65 feet to a 1/2 inch iron rod set with a yellow plastic cap marked (D C & A INC) for corner;

THENCE North 89 deg. 25 min. 14 sec. East, passing at a distance of 158.69 feet, a 1/2 inch iron rod set with a yellow plastic cap marked (D C & A INC), and continuing the same course in all a total distance of 181.77 feet to a steel spindle set for corner in the East line of said 34.26 acre tract, the West line of said 58 acre tract, and in the centerline of said County Road No. 2431;

THENCE South, (Reference Bearing), along the East line of said 34.26 acre tract, the West line of said 58 acre tract, and the centerline of said County Road No. 2431, a distance of 239.65 feet to the point of beginning and containing 43,560 square feet, more or less, or 1.00 acre of land, more or less.

PARCEL B:

Being a lot, tract or parcel of land situated in the Levi Landers Survey, Abstract No. 548, and being part of that certain 34.26 acre tract of land, called Tract One, conveyed from Richard Irby to Tommy Neal et ux, by Warranty Deed, as recorded in Vol. 476, Page 387, Official Public Records, Hopkins County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a steel spindle found at a Southeast corner of the remainder of said 34.26 acre tract, and the Northeast corner of a 1.00 acre tract of land conveyed to Brinker Water Supply Corporation, by deed recorded in Vol. 572, Page 450, Official Public Records, Hopkins County, Texas, said point lying in the West line of 58 acre tract of land conveyed to Michael Greer et al, by deed recorded in Vol. 156, Page 242, Real Property Records, Hopkins County, Texas, and in County Road No. 2431;

THENCE South 89 deg. 25 min. 14 sec. West, along a South line of the remainder of said 34.26 acre tract, and the North line of said 1.00 acre tract, passing at a distance of 23.08 feet, a 1/2 inch iron rod found with a yellow plastic cap marked (D C & A INC), and continuing the same course along a South line of the remainder of said 34.26 acre tract, and the North line of said 1.00 acre tract, passing at a distance of 181.77 feet, a 1/2 inch iron rod found with a yellow plastic cap marked (D C & A INC) at an ell corner of the remainder of said 34.26 acre tract, and the Northwest corner of said 1.00 acre tract, and continuing the same course in all a total distance of 228.62 feet to a 1/2 inch iron rod set with a yellow plastic cap marked (D C & A INC) for corner;

THENCE North, a distance of 190.55 feet to a 1/2 inch iron rod set with a yellow plastic cap marked (D C & A INC) for corner;

THENCE North 89 deg. 25 min. 14 sec. East, passing at a distance of 203.69 feet, a fence corner post, and continuing the same course in all a total distance of 228.62 feet to a steel spindle set for corner in the East line of the remainder of said 34.26 acre tract, in the West line of said 58 acre tract, and in said County Road No. 2431;

THENCE South, along an East line of the remainder of said 34.26 acre tract, the West line of said 58 acre tract, and said County Road No. 2431, a distance of 190.55 feet to the point of beginning and containing 43,560 square feet, more or less, or 1.00 acre of land, more or less.

TRACT TWO:

BEGINNING at a stake, the SEC of a 50 acre tract in the SBL of Block No. 6 of said survey, a Black Jack marked X brs. SW 3 varas, also being the NEC of land described in deed to H. H. Churchwell et ux, recorded in Vol. 226, Page 441, Deed Records, Hopkins County, Texas;

THENCE West with the SBL of said Block passing the SWC of a 50 acre tract and SEC of a 70 acre tract at 363 varas and in all West 836 varas, to a stake, the SWC of Block No. 6, a Water Oak mkd. X brs. E. 1 vara;

THENCE North of the West line of said Block No. 6, 474-5/10 varas a stake;

THENCE East 836 varas to a stake in the East line of 50 acre tract;

THENCE South 474-5/10 varas to the place of beginning, containing 70-2/10 acres of land, more or less.

BEING the same land described in a Deed from J. R. Barnes et ux, to Grover Sellers et al, dated 10-21-1961, recorded in Vol. 278, Page 284, Deed Records, Hopkins County, Texas.

ALSO BEING the same 2 tracts of land described in a Deed from Guy Jumper et ux, to Rickey J. Gilbreath et ux, dated 9-10-1976, recorded in Vol. 373, Page 76, Deed Records, Hopkins County, Texas.