

NO. \_\_\_\_\_ TIME 3:00pm

**Notice of Foreclosure Sale**

**JAN 10 2023**

January 10, 2023

DONECE GREGORY, COUNTY CLERK  
TYLER COUNTY, TEXAS

By 

Deed of Trust ("Deed of Trust"):  
Dated: July 2, 2021  
Grantor: Sybil Hartsfield  
Trustee: Thomas D. Fortenberry  
Lender: Kenneth N. Rhodes  
Recorded in: Volume 1270, Page 561, et seq., of the real property records of Tyler County, Texas  
Legal Description: Being a 6.33 acre tract of land, more or less, in the BBB & CRR Survey, Abstract No. 131, Section 5, Tyler County, Texas. said 6.33 acre tract of land, more or less, being the resurvey and division of a 20.077 acre tract of land being the same land described in a Deed of Trust to W.T. Taylor and wife, Yvonne Taylor dated august 8, 1962, and recorded in volume 72, page 771, of the Deed of Trust records of Tyler County, Texas. Said 6.33 acre tract being more particularly described by metes and bounds in that Deed of Trust recorded in Volume 1270, Page 561, et seq., in the Official Public Records of Tyler County, Texas, incorporated herein for all purposes as though the same were reproduced verbatim.  
Secures: Note ("Note") in the original principal amount of \$132,000.00, executed by Sybil Hartsfield ("Borrower") and payable to the order of Lender  
Foreclosure Sale:  
Date: Tuesday, February 7, 2023  
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 11:00 a.m. and not later than three hours thereafter.  
Place: At the area as designated by the County Commissioner's Court, county of Tyler, state of Texas, or at the place this notice is posted if no area has been designated by the Commissioners' Court.  
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 the Current Lender 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, Kenneth N. Rhodes, 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 Kenneth N. Rhodes 's election to proceed against and sell both the real property

and any personal property described in the Deed of Trust in accordance with Kenneth N. Rhodes'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 Kenneth N. Rhodes 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 Kenneth N. Rhodes. 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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**ATTORNEY AT LAW**