

NO. _____ TIME 12:00pm
2024
COUNTY CLERK
Stephens

Notice of Foreclosure Sale

1. *Property to Be Sold.*

Being 76.637 acres of land, called 80 acres, more or less, out of a part of E.T. Fulgham Survey, Abstract No. 258, Tyler County, Texas, being more fully described and recorded in Volume 301, Page 36 of the Deed of Records of the County Clerk's Officer, Tyler County, Texas. Said 76.637 acres of land being more particularly described by metes and bounds in EXHIBIT "A" attached hereto and made a part hereof for all purposes.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust recorded under Instrument No. 20-2523 of the Real Property Records of Tyler County, Texas.

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

Date: April 2, 2024

Time: The sale will begin no earlier than 1:00 p.m. or no later than three hours thereafter.

Place: The sale will take place at the county courthouse of Tyler County, Texas, at the location designated by the Commissioner's Court of such county where such sales are to take place. If no such area has been so designated, the area in which the sale will take place under the stairs of the North entrance of the Tyler County Courthouse, 100 West Bluff, Woodville, Tyler County, Texas.

If the beneficiary postpones, withdraws, or reschedule the sale for another day, the 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. The reposting 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 day the property is sold.

The 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 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. 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 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 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 trustee or any substitute trustee.

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 Donnie Jenkins.


6. *Obligations Secured.* The deed of trust provides that it secures the payment of the promissory note in the original principal amount of \$120,000.00 dated September 10, 2020, executed by Donnie Jenkins and payable to the order of FivePoint Credit Union. FivePoint Credit Union is the current owner and holder of the Obligation and is the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned.

7. *Default and Request to Act.* Default has occurred under the deed of trust, and the beneficiary has requested 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.

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.

Dated: March 12, 2024


James W. King, Donna Caddenhead, David Garvin
Penney Thornton
Substitute Trustee
6420 Wellington Place
Beaumont, Texas 77706
(409) 860-9000 – Telephone
(409) 860-9199 – Facsimile
jwk@offermanking.com

STATE OF TEXAS X
COUNTY OF TYLER X

BEING 76.637 ACRES OF LAND, CALLED 80 ACRES, MORE OR LESS, OUT OF AND A PART OF THE E. T. FULGHAM SURVEY, ABSTRACT 258, TYLER COUNTY, TEXAS BEING MORE FULLY DESCRIBED AND RECORDED IN VOLUME 301, PAGE 36 OF THE DEED RECORDS OF THE COUNTY CLERK'S OFFICE, TYLER COUNTY, TEXAS.

BEGINNING AT 3" CRIMPED PIPE FOUND IN THE NORTHEAST CORNER OF SAID CALLED 80 ACRE TRACT, AND AN "ELL" CORNER OF THE PS SAN AUGUSTINE LLC, 440.00 ACRE TRACT, RECORDED IN VOLUME 1211, PAGE 476 OF SAID DEED RECORDS.

THENCE S 00 DEG. 00 MIN. 00 SEC. E WITH THE SOUTHWEST LINE OF SAID 440.00 ACRE TRACT TO A 1/2" IRON ROD FOUND IN NORTHWEST CORNER OF A 58.1615 ACRE TRACT, RECORDED IN VOLUME 1161, PAGE 285 A TOTAL DISTANCE OF 2762.072 FEET TO A 1/2" IRON ROD FOUND IN THE SOUTHWEST CORNER OF SAID 58.1615 ACRE TRACT AND THE NORTH LINE OF AN 11.59 ACRE TRACT, RECORDED IN VOLUME 830, PAGE 764 OF SAID RECORDS, SAME BEING THE NORTH LINE OF THE W. POOL SURVEY, ABSTRACT NO. 509.

THENCE S 89 DEG. 50 MIN. 34 SEC. W A DISTANCE OF 1026.272 FEET ALONG THE NORTH LINE OF SAID 11.59 ACRE TRACT TO A 1/2" IRON ROD FOUND AT THE NORTHEAST CORNER OF A 0.160 ACRE TRACT, RECORDED IN VOLUME 335, PAGE 924 OF SAID RECORDS. (SAME BEING NORTH LINE FM 2992 RIGHT-OF-WAY.)

THENCE N 54 DEG. 31 MIN. 38 SEC. W A DISTANCE OF 239.712 FEET WITH THE NORTHEAST LINE OF SAID 0.160 ACRE TRACT AND NORTH LINE OF FM 2992 TO A 1/2" IRON ROD SET WITH CAP ON TOP STAMPED "JH MEANS RPLS 4221."

THENCE N 00 DEG. 27 MIN. 05 SEC. E 985.32 FEET WITH THE EAST LINE OF A 100.00 ACRE TRACT, RECORDED IN VOLUME 632, PAGE 510 OF SAID RECORDS AND BEING IN THE S. THOMPSON SURVEY, ABSTRACT NO. 641 TO THE SOUTHEAST LINE OF THE MASON SURVEY, ABSTRACT 460.

THENCE N 00 DEG 27 MIN. 05 SEC. E 1645.897 FEET TO THE NORTHEAST LINE OF 2 (TWO) 30 ACRE TRACTS, RECORDED IN VOLUME 1154, PAGE 77 AND VOLUME 1204, PAGE 703 OF SAID DEED RECORDS AND THE WEST LINE OF SAID CALLED 80 ACRE TRACT TO A 3" CRIMPED PIPE FOUND AT THE NORTHWEST CORNER OF SAID CALLED 80 ACRE TRACT.

THENCE S 89 DEG. 44 MIN. 40 SEC. E A DISTANCE OF 1200.773 FEET ALONG THE NORTH LINE OF SAID CALLED 80 ACRE TRACT AND A SOUTHWEST LINE OF THE PS SAN AUGUSTINE LLC 440.00 ACRE TRACT TO THE PLACE OF BEGINNING, CONTAINING 76.637 ACRES OF LAND.

THIS FIELD NOTE DESCRIPTION IS BEING SUBMITTED WITH A PLAT BASED ON THIS SURVEY.

SURVEYED AUGUST 12, 2020 BY JOHN H. MEANS, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4221.

JOHN H. MEANS
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John H. Means
JOHN H. MEANS, R.P.L.S. NO. 4221
FIRM REGISTRATION NO. 10022300

