

NO. _____ TIME 12:15 PM

Notice of Foreclosure Sale

DEC 01 2023

December 1, 2023

DONECE GREGORY, COUNTY CLERK
TYLER COUNTY, TEXAS
By _____ *[Signature]*

Deed of Trust ("Deed of Trust"):

Dated: March 29, 2019

Grantor: Jason Murray and Tiffany Murray

Trustee: Thomas D. Fortenberry

Substitute Trustee: Thomas D. Fortenberry and/or Lisa Olds

Original Lender: Dale W. Cooley and Janice Cooley

Current Lender: Cypress Lake Enterprises, LLC

Recorded in: Volume 1213, Page 733, et seq., of the Official Public Records of Tyler County, Texas, and subject to the Transfer of Lien dated April 5, 2023 to Cypress Lake Enterprises, LLC recorded in Volume 1335, Page 273, in the Official Public Records of Tyler County, Texas.

Legal Description:

Being a 24.314 acre tract of land as situated in the Joab John Blackman Survey, Abstract No. 6, Tyler County, Texas and being a resurvey of that same 24.314 acre tract conveyed to Dale W. Cooley and wife, Janice Cooley by Deed Recorded in Volume 743, Page 147 of the Official Public Records of Tyler County. Said 24.314 acre tract of land being more particularly described by metes and bounds in Exhibit "A", attached hereto and incorporated herein for all purposes. Said 24.314 acres of land, more or less, being more particularly described by metes and bounds in that certain Deed of Trust dated March 29, 2019 from Jason Murray and Tiffany Murray to Thomas D. Fortenberry, Trustee, to secure the indebtedness and performance in favor of Dale W. Cooley and Janice Cooley, all as therein provided, filed for record in Volume 1213, Page 733, et seq., Official Public Records of Tyler County, Texas.

Secures:

Note ("Note") in the original principal amount of \$254,000.00, executed by Jason Murray and Tiffany Murray ("Borrower") and payable to the order of Original Lender, which is now payable to the order of Current Lender

Foreclosure Sale:

Date: Tuesday, January 2, 2024

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 10:00 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, Cypress Lake Enterprises, LLC, 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 Cypress Lake Enterprises, LLC's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Cypress Lake Enterprises, LLC'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 Cypress Lake Enterprises, LLC 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 Cypress Lake Enterprises, LLC. 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.

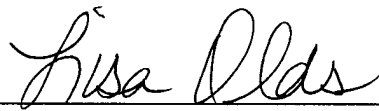
Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the 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.



THOMAS D. FORTENBERRY, as Substitute
Trustee

318 West Dogwood
P.O. Box 2099
Woodville, Texas 75979
(409) 283-2811
(409) 291-7042



LISA OLDS, as Substitute Trustee

318 West Dogwood
P.O. Box 2099
Woodville, Texas 75979
(409) 283-2811
(409) 291-7042

AREA SURVEYING & MAPPING
418 N. PINE
WOODVILLE, TEXAS 75979
(409) 283-8197
FIRM LICENSE No. 101129-00

FIELDNOTE DESCRIPTION

FIELDNOTES TO A 24.314 ACRE TRACT OF LAND AS SITUATED IN THE JOAB JOHN BLACKMAN SURVEY, A-6, TYLER COUNTY, TEXAS AND BEING A RESURVEY OF THAT SAME 24.314 ACRE TRACT CONVEYED TO DALE W. COOLEY AND WIFE, JANICE COOLEY BY DEED RECORDED IN VOLUME 743, PAGE 147 OF THE OFFICIAL PUBLIC RECORDS OF TYLER COUNTY. SAID 24.314 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 3/8" IRON SPIKE FOUND AT THE INTERSECTION OF THE SOUTHWEST RIGHT OF WAY OF U.S. HIGHWAY 287 WITH THE CENTER OF COUNTY ROAD 2300 FOR THE SOUTHEAST CORNER OF THE COOLEY 24.314 ACRES AND OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2" IRON ROD SET FOR A REFERENCE CORNER BEARS N 52°00'28"W 25.00 FT.;

THENCE ALONG AND WITH THE CENTER OF COUNTY ROAD 2300 WITH ITS MEANDERS AS FOLLOWS:

- 1) S 52°31'00" W 4.37 FT. TO A 3/8" IRON SPIKE FOUND FOR CORNER;
- 2) S 79°29'00" W 76.10 FT. TO A 3/8" IRON SPIKE FOUND FOR CORNER;
- 3) S 88°33'00" W 365.70 FT. TO A 3/8" IRON SPIKE FOUND FOR CORNER;
- 4) S 88°52'00" W 794.70 FT. TO A 3/8" IRON SPIKE FOUND FOR CORNER;
- 5) S 88°58'00" W 935.20 FT. TO A 3/8" IRON SPIKE FOUND FOR THE SOUTHWEST CORNER OF THE COOLEY 24.314 ACRES AND OF THIS TRACT, SAME BEING THE SOUTHEAST CORNER OF THE RICHARD W. RUSSELLER 70.00 ACRE TRACT AS RECORDED IN VOLUME 738, PAGE 809 OF THE OFFICIAL PUBLIC RECORDS, FROM WHICH A 1/2" IRON ROD SET FOR REFERENCE CORNER BEARS N 43°41'40"E 50.00 FT.;

THENCE N 43°41'40" E 1392.41 FT., WITH THE NORTHWEST LINE OF THE COOLEY 24.314 ACRE TRACT, TO A 1/2" IRON ROD FOUND FOR THE NORTH CORNER OF SAME AND OF THIS TRACT AND THE NORTHEAST CORNER OF THE RUSSELLER 70.00 ACRE TRACT LOCATED ON THE SOUTHWEST RIGHT OF WAY OF U.S. HIGHWAY 287;

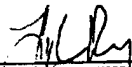
THENCE ALONG AND WITH THE SOUTHWEST RIGHT OF WAY OF U.S. HIGHWAY 287 WITH ITS MEANDERS AS FOLLOWS:

- 1) S 51°56'33" E 200.87 FT. TO A CONCRETE R.O.W. MARKER FOR CORNER;
- 2) S 39°07'03" E 201.54 FT. TO A CONCRETE R.O.W. MARKER FOR CORNER;
- 3) S 52°06'41" E 103.97 FT. TO A CONCRETE R.O.W. MARKER FOR CORNER;
- 4) S 57°12'33" E 102.59 FT. TO A CONCRETE R.O.W. MARKER FOR CORNER;
- 5) S 52°01'55" E 296.71 FT. TO A 1/2" IRON ROD FOUND FOR CORNER;
- 6) S 70°40'11" E 106.10 FT. TO A CONCRETE R.O.W. MARKER FOR CORNER;
- 7) S 52°00'28" E 537.91 FT. TO THE PLACE OF BEGINNING AND CONTAINING WITHIN THESE BOUNDS 24.314 ACRES OF LAND.

THE BEARINGS RECITED HEREIN ARE BASED ON AND/OR ROTATED TO THE NORTHWEST LINE OF THE SUBJECT TRACT. (N 43°41'40" E)

SURVEYED MARCH 28, 2003 - UPDATED FEBRUARY 8, 2019

I, LYLE RAINEY, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4800, DO HEREBY CERTIFY THAT THE FIELDNOTE DESCRIPTION OF THE ABOVE DESCRIBED TRACT WAS PREPARED FROM AN ACTUAL AND ACCURATE ON THE GROUND SURVEY AND THAT SAME IS TRUE AND CORRECT.



LYLE RAINEY
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 4800

