

Notice of Foreclosure Sale

1. Property to be Sold. The Property to be sold is described as follows: (including buildings, fences, windmills and tanks, pumps, motors, watering and irrigation equipment and apparatus and any other improvements and fixtures now or later affixed to or used on the described land):

TRACT ONE: All that certain 0.421 acre tract of land in the City of Comanche, Comanche County, Texas, being out of and a part of the John Duncan Survey No. 4, Abstract No. 259, also being out of and a part of that certain 2.3 acre tract of land described in a deed from J.D. Smoot, et ux, to J.R. Boyd, et ux, recorded in Vol. 302, Page 68 of the Deed Records of Comanche County, Texas, said 0.421 acre tract known as Lot 4 of said JR. Boyd tract being described by metes and bounds as follows:

BEGINNING at an iron pin set in the North line of the Sunny Heights Addition to the City of Comanche and the South line of said Boyd tract, said pin also being 90 feet East of the Northwest corner of the Sunny Heights Addition for the Southwest corner hereof;
THENCE N 0° 07' E 203.9 feet with the East line of Lot No. 5 to an iron pin set in the North line of said Boyd tract for the Northwest corner hereof;
THENCE S 89° 38' E 90 feet with said North line of the Boyd tract to an iron pin set on the Northwest corner of Lot No. 3 for the Northeast corner hereof;
THENCE S 0° 07' W 203.3 feet with the West line of Lot No. 3 to an iron pin set in said North line of the Sunny Heights Addition for the Southeast corner hereof;
THENCE West 90 feet with said North line of the Sunny Height Addition and the South line of said Boyd tract to the place of beginning, and containing 0.421 acre of land, more or less.

TRACT TWO: All that certain 0.421 acre tract of land in the City of Comanche, Comanche County, Texas, being out of and a part of the John Duncan Survey No. 4, Abstract No. 259, also being out of and a part of that certain 2.3 acre tract of land described in a deed from J.D. Smoot, et ux, to J.R. Boyd, et ux, recorded in Vol. 302, Page 68 of the Deed Records of Comanche County, Texas, and said 0.421 acre tract known as Lot No. 5 of said J.R. Boyd tract being described by metes and bounds as follows:

BEGINNING at an iron pin set on the Northwest corner of the Sunny Heights Addition and the Southwest corner of said Boyd tract for the Southwest corner hereof;
THENCE N. 0 deg. 07' E. 204.6 ft. with the West line of said Boyd tract to an iron pin set on the Northwest corner of said Boyd tract for the Northwest corner hereof;
THENCE S. 89 deg. 38' E. 90 ft. with said North line of the Boyd tract to an iron pin set on the Northwest corner of Lot No. 4 for the Northeast corner hereof;
THENCE S. 0 deg. 07' W. 203.9 ft. with the West line of Lot No. 4 to an iron pin set in said North line of the Sunny Heights Addition for the Southeast corner hereof;
THENCE West 90 ft. with said North line of the Sunny Heights Addition and the South line of said Boyd tract to the place of beginning and containing 0.421 acres of land more or less.

2. Instrument to be Foreclosed. The instrument to be foreclosed is the deed of trust dated June 25, 2014 and recorded on June 27, 2014, in Volume 390, Page 348 of the Deed of Trust Records of Comanche County, Texas.

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

Date: August 6, 2024
Time: 10:00 am – 1:00 pm
Place: Comanche Courthouse Steps

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. The reposting or refiling 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 their bid immediately in cash if their bid is accepted.

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 records 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 the Deed of Trust, the Beneficiary has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property.

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 Grantor therein.

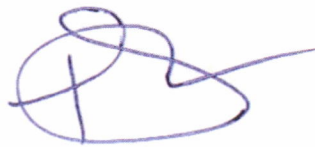
The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

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 (a) the promissory note in the original principal amount of \$100,000.00, executed by Esteban Ibarra and Maria Ibarra, and payable to the order of Robert E. Merworth and Carolyn Merworth; (b) all renewals and extensions of the note; and (c) any and all present and future indebtedness of Grantor to Beneficiary. Carolyn Merworth 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 at 114 South Houston Street, Comanche, Texas 76442; (325) 356-1086.

7. **Default and Request to Act.** Default has occurred under the deed of trust, and the beneficiary has requested me or an appointed substitute trustee to conduct this sale. Notice is given that before the sale the beneficiary may appoint another substitute trustee to conduct the sale.

Dated: June 28, 2024.



THOMAS C. MAZUREK IV
Mazurek, Belden & Burke, PC
114 South Houston Street
Comanche, Texas 76442
(325) 356-1086

FILED
AT _____ **O’CLOCK** _____ **M**

JUN 28 2024


Clerk, County Court Comanche Co., Texas