

SEP 27 2022

Notice of Foreclosure Sale

Jennifer Newton
COUNTY CLERK, CORYELL CO., TEXAS

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.

1. *Property to Be Sold.* The property to be sold is described as follows: BEING a 3.273 acre tract of land situated in the CHARLES LA JOICE SURVEY, ABSTRACT No. 635, Coryell County, Texas and being all of that certain called 3.298 acre tract of land described in a Warranty Deed with Vendor's Lien dated April 13, 2007 from Frances M. Elsey to. Tom and Diana Muntean Sutter and being of record in Document No. 206705, Official Public Records of Coryell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found being the southwest corner of the said 3.298 acre tract and being a southeast corner of that certain 20.46 acre tract of land described in a Warranty Deed with Vendor's Lien dated March 2, 2006 from Frances M. Elsey to James R. Elsey and wife, Teri S. Elsey and being of record in Document No. 193592, Official Public Records of Coryell County, Texas and being in the north tight-of-way line of State of Texas Highway No. 236 (a publicly maintained roadway) for corner;

THENCE N. 18° 32' 34" E, 313.87 feet departing the said north right of way line and with the west boundary line of the said 3.298 acre tract (calls S. 18° 31' 50" W., 316.45. feet) and with an east boundary line of the said 20.46 acre tract (calls S.18° 30' 43" W., 314.02 feet) to a 1/2" iron rod found being the northwest corner of the said 3.298 acre tract and being an ell corner of the said 20.46 acre tract for corner;

THENCE S. 75° 14' 54" E., 428.27 feet with the north boundary line of the said 3.298 acre tract (calls N. 74° 57' 52" W., 429.4 feet) and with a south boundary line of the said 20.46 acre tract (calls N. 75° 08' 57" W., 428.61 feet) to a 1/2" iron rod found being the northeast corner of the said 3.298 acre tract and being the most easterly southeast corner of the said 20.46 acre tract and being in the west boundary line of that certain 44.21 acre tract of and described in a Warranty Deed with Vendors Lien dated September 12, 2001 from Larry M. Lawrence to Glen M. Schwanke and Mary F. Schwanke and being of record in Document No. 143925, Official Public Records of Coryell County, Texas for corner;

THENCE S. 15° 28' 56" W., 339.35 feet departing the said 20.46 acre tract and with the east boundary line of the said 3.298 acre tract (calls N. 15° 28' 56" B., 339.98 feet) (bearing base) and with the said west boundary line (calls N. 15° 24' 03" E., 450.28 feet) to a fence corner post found being the southeast corner of the said 3.298 acre tract and being in the aforementioned north right-of-way line of State of Texas Highway No. 236 for corner;

THENCE N. 71° 53' 0.7" W., 445.47 feet departing the said 44.21 acre tract and with the south boundary line of the said 3.298 acre tract (calls S. 71 ° 52' 13" E., 446.69 feet) and with the said north right-of-way line to the Point of BEGINNING and containing 3.273 acres of land.

2. *Instrument to Be Foreclosed.* The instrument to be foreclosed is the *Deed of Trust* recorded as Document Number 294128, Public Records, Coryell County, Texas.

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

Date: November 1, 2022

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 1:00 p.m. and not later than three hours thereafter.

Place: Coryell County Courthouse in Gatesville, Texas, at the following location: At the north door of the Coryell County Courthouse in Coryell County, 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*. 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 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 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 "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*, the trustee or any substitute 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. This sale will be conducted subject to the right of rescission contained in section 51.016 of the *Texas Property Code*.

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 Pamela Kramer and Samantha M. Dalton. The real property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust.

6. *Obligations Secured.* The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not

limited to the promissory note in the original principal amount of \$90,950.00, executed by Pamela Kramer and Samantha M. Dalton, and payable to the order of First National Bank of McGregor, which 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, First National Bank of McGregor.

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.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE 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.

Dated September 27, 2022.



WALT FAIR, Substitute Trustee
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