

**NOTICE OF FORECLOSURE SALE**

Notice is hereby given of a public non-judicial foreclosure sale.

**DEED OF TRUST:**

Date: June 9, 2014.

Grantors: Edward A. Gadbury and Martha E. Gadbury

Trustee: Marjo Pace, SVP

Substitute Trustee: Samuel S. Allen

Beneficiary: First American Bank

Recorded: Under Instrument Number 2014-001763 in the Official Public Records of Eastland County, Texas.

**LENDER:** First American Bank

**BORROWERS:** Edward A. Gadbury and Martha E. Gadbury.

1. Property To Be Sold. The Property to be sold is described as follows:

BEING a 2.38 acre tract of land out of and part of Lot 3 of the T. W. House Subdivision of the N/3, Harvey Kendrick Survey, Abstract No. 340, Eastland County, Texas, said land being formerly described as a 1.000 acre tract in a deed from E. G. Henderson, et. ux. to Jimmy Muriel Bruton, et. ux. recorded in Volume 1494 Page 161, Official Public Records of Eastland County, Texas, and a 0.961 acre tract and 0.419 acre tract in a deed from E. G. Henderson, et. ux. to Jimmy Muriel Bruton, et. ux. recorded in Volume 1640 Page 108 of the Official Public Records of Eastland County, Texas and being more particularly described as follows;

Beginning at a 1/2" rebar with survey cap # 5085 set in the East right of way line of Farm to Market Road 2461, for the Northwest corner of this described tract and the Northwest corner of Jimmy Muriel Bruton, et. ux. 0.419 acre tract, same being an interior corner of E. G. Henderson tract described Volume 585 Page 323, Deed Records of Eastland County, Texas and being located S 00° 36' 13" W 658.08 feet and S 89° 23' 47" E 20.00 feet from the Northwest corner of Lot 3, T. W. House Subdivision of the N/3, Harvey Kendrick Survey.

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RECEIVED 8:40 A M.  
CATHY JENTHO, COUNTY CLERK

NOV 13 2023

EASTLAND COUNTY, TEXAS  
By EN Deputy

Thence S 89° 23' 47" E, 223.84 feet along an existing fence line on the North line of this described tract and North line of Jimmy Muriel Bruton, et. ux. 0.419 acre tract, same being an interior line of E. G. Henderson remainder tract of Lot 3, to a 5/8" iron rod found at a fence corner post located at the Northeast corner of said Jimmy Muriel Bruton, et. ux. 0.419 acre tract, for the Northeast corner of this described tract.

Thence S 02° 28' 49" W, along an existing fence line on the East line of this described tract, at 82.04 feet passing the Southeast corner of said Jimmy Muriel Bruton, et. ux. 0.419 acre tract and the Northeast corner of Jimmy Muriel Bruton, et. ux. 0.961 acre tract, at 282.08 feet passing the Southeast corner of said Jimmy Muriel Bruton, et. ux. 0.961 acre tract and the Northeast corner of Jimmy Muriel Bruton, et ux. 1.000 acre tract, thence continuing along same course and with said existing fence line for a total distance of 479.32 feet to a 1/2" rebar with survey cap # 5085 set at the base of a pipe fence corner post, for the Southeast corner of this described tract and Southeast corner of said Jimmy Muriel Bruton, et ux. 1.000 acre tract and interior corner of E. G. Henderson remainder tract.

Thence N 89° 52' 46" W, 208.15 feet along an existing fence line on the South line of this described tract and the South line of Jimmy Muriel Bruton, et ux. 1.000 acre tract, same being an interior line of said E. G. Henderson remainder tract, to a 1/2" rebar with survey cap # 5085 set at the base of a pipe fence corner post found in the East right of way line of Farm to Market Road 2461 and Southwest corner of said Jimmy Muriel Bruton, et ux. 1.000 acre tract, for the Southwest corner of this described tract.

Thence N 00° 36' 13" E, 480.82 feet with the West line of this described tract and West line of said Jimmy Muriel Bruton, et ux. tracts, same being the East right of way line of Farm to Market Road 2461, to the place of beginning and containing 2.38 acres of land.

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

Date: December 5, 2023

Time: No earlier than 1:00 p.m., Central Standard Time, or not later than three hours after that time.

Place: **THE SOUTH ENTRANCE STEPS OF THE EASTLAND COUNTY COURTHOUSE, EASTLAND, TEXAS; OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE, OR AS DESIGNATED BY THE COUNTY**

**COMMISSIONERS COURT PURSUANT TO SECTION  
51.002 OF THE TEXAS PROPERTY CODE.**

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. Such reposting or refileing may be after the date originally scheduled for this sale.

3. 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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

4. Type of Sale and Obligations Secured. The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by a deed of trust dated June 9, 2014, together with all renewals and modifications and extensions thereto, executed by Edward A. Gadbury and wife, Martha E. Gadbury. The Deed of Trust is recorded under Instrument Number 2014-001763 in the Official Public Records of Eastland County, Texas.

5. Obligations Secured. The deed of trust provides that it secures the payment of that certain Promissory Note in the original principal amount of \$215,319.97 dated June 9, 2014 payable to First American Bank, 1002-1 West Pierce Street, Carlsbad, NM 88220; Attention: C.B. Hammett. This creditor is the current owner and holder of the deed of trust and the promissory note secured by it as well as any and all present and future indebtedness of Edward A. Gadbury and wife, Martha E. Gadbury to First American Bank. First American Bank is the current owner and holder of the promissory note and is the beneficiary under the said deed of trust.

Questions concerning the sale may be directed to Samuel S. Allen, attorney for First American Bank, at Jackson Walker L.L.P., 136 W. Twohig, Suite B., San Angelo, TX 76903, Phone no. 325.481.2558; or by contacting Mr. C.B. Hammett, First American Bank, 1002-1 West Pierce Street, Carlsbad, NM 88220; Phone No. 575.746.8015.

6. Default and Request to Act. The promissory note has matured and remains unpaid; therefore, default has occurred under the deed of trust, and the beneficiary has requested me, as substitute trustee, to conduct this sale. 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 Lender 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 Lender. 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.**

Dated: November 9, 2023.



Samuel S. Allen, Substitute Trustee