

Notice of Foreclosure Sale

August 9, 2024

Deed of Trust ("Deed of Trust"):

Dated: June 28, 2019

Grantor: Eliazar Villegas and Marcos Villegas

Trustee: Carey Stewart

Lender: Texas Bank

Recorded in: Instrument No. 2019-002037 of the real property records of Eastland County, Texas

Legal Description: Being 0.4125 acre tract of land out of Lot 4, Block XXXIV, City of Gorman, Second Revised Map, Eastland County, Texas as per the Official Plat of said Townsite of record in Slide 67, Plat Cabinet Records of Eastland County, Texas and being more particularly described by metes and bounds in EXHIBIT "A" attached hereto and made a part hereof for all purposes

which has an address of: 1018 N. Fisher St, Gorman, TX 76454

Secures: Promissory Note ("Note") in the original principal amount of \$84,600.00, executed by Eliazar Villegas and Marcos Villegas ("Borrower") and payable to the order of Lender

Substitute Trustees: Craig C. Lesok, Laura Browder, Terry Browder, Jamie Osborne

Substitute Trustees' Address: 226 Bailey Ave, Ste 101, Fort Worth, TX, 76107

Foreclosure Sale:

Date: Tuesday, September 3, 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 1:00 PM and not later than three hours thereafter.

Place: At the south entrance steps of the Eastland Courthouse, or if the preceding area is no longer the designated area, at the area

8.57.4

RECEIVED
COUNTY CLERK

AUG 12 2024

EASTLAND COUNTY, TEXAS
By OR Deputy



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most recently designated by the County Commissioner's 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 Texas Bank's 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, Texas Bank, the owner and holder of the Note, has requested Substitute Trustees to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Texas Bank's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Texas Bank'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 Texas Bank 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 Texas Bank. 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 Trustees.

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.

/s/ Craig C. Lesok

Craig C. Lesok
Attorney for Mortgagee
SBOT No. 24027446



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EXHIBIT "A"

BEING a 0.415 acre tract of land out of Lot 4, Block XXXIV, City of Gorman, Second Revised Map, Eastland County, Texas, as per the Official Plat of said Townsite filed of record in Slide 67, Plat Cabinet Records of Eastland County, Texas. Property having a physical address of 1018 N. Fisher, Gorman, Texas, 76454. Title vested in the name of Terry D. Clark and wife, Debra G. Clark by Release of Deed of Trust recorded in Volume 1503 Page 271, Official Public Records of Eastland County, Texas, and being more particularly described as follows;

Beginning at a 3/8" iron rod found at the Southwest corner of Terry D. Clark, et. ux. 0.415 acre tract, same being the Northwest corner of Bobby Standridge, et. ux. tract described in Volume 1269 Page 36, Official Public Records of Eastland County, Texas, said point also being located in the East line of Fisher Street, for the Southwest corner of this described tract and being located S 47° 50' 00" E 30.00 feet and N 42° 10' 00" E, 10.00 feet from the original Southwest corner of Lot 4, Block XXXIV, City of Gorman.

Thence N 42° 19' 00" E, 85.00 feet with the West line of this described tract and East line of Fisher Street, to a 2" pipe post found at the Northwest corner of Terry D. Clark, et. ux. 0.415 acre tract and Southwest corner of Standlee Darren Clark 3.122 acre tract described in Volume 1180 Page 139, Official Public Records of Eastland County, Texas, for the Northwest corner of this described tract.

Thence S 47° 50' 00" E, 212.50 feet with the North line of this described tract and North line of Terry D. Clark, et. ux. 0.415 acre tract, same being the North line of Lot 4 and South line of Lot 3, Block XXXIV, also being the South line of Standlee Darren Clark 3.122 acre tract, to a 1/2" rebar with survey cap # 5085 set at the Northeast corner of Terry D. Clark, et. ux. 0.415 acre tract, for the Northeast corner of this described tract.

Thence S 42° 19' 00" W, 85.00 feet with the East line of this described tract and East line of Terry D. Clark, et. ux. 0.415 acre tract, same being the West line of Carl Roderick Brinegar tract described in Volume 661 Page 510, Official Public Records of Eastland County, Texas, to a 1/2" rebar with survey cap # 5085 set at the Southeast corner of Terry D. Clark, et. ux. 0.415 acre tract, for the Southeast corner of this described tract.

Thence N 47° 50' 00" W, 212.50 feet with the South line of this described tract and South line of Terry D. Clark, et. ux. 0.415 acre tract, same being the North line of Bobby Standridge, et. ux. tract, to the place of beginning and containing 0.415 acres of land.