

NOTICE OF FORECLOSURE SALE

FILED FOR RECORD
AT 1:56 O'CLOCK P M

Notice is hereby given of a public nonjudicial foreclosure sale.

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

See **Exhibit A** attached hereto and made a part hereof as if copied herein verbatim.

JUL 16 2024
Jimmie Clark
Clerk, County Court, Sabine County
By Betsy Childers DEPUTY

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

Date: Tuesday, August 6, 2024

Time: The sale shall begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale shall be completed no later than 1:00 p.m.

Place: The area of the Sabine County Courthouse in Hemphill, Texas, designated by the Commissioner's Court pursuant to Section 51.002 of the Texas Property Code as a place where foreclosure sales are to take place.

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 refiling 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 date 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. 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 or substitute trustee to sell the property in one or more parcels and/or sell all or only part of the property.

Pursuant to 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 condition of the property.

Pursuant to the Texas Property Code, the trustee or 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 sale.

A debtor who is serving on active military duty may have special rights or relief related to this notice under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. app. Section 501 et seq.) and state law, including section 51.015 Texas Property Code. 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.

4. Type of Sale. The sale is a nonjudicial Deed of Trust lien foreclosure sale being conducted pursuant to the power of sale granted by that one certain Real Estate Deed of Trust executed by Sleepy Land Development LLC, dated March 12, 2015 and recorded in Document Number 150544 of the Official Public Records of Sabine County, Texas.

5. Obligations Secured. The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described in the original principal amount of \$475,000.00 executed by Sleepy Land Development LLC payable to the order of BancorpSouth Bank (collectively the "Obligation"). Cadence Bank is the current owner and holder of the Obligation and is the beneficiary under the Deed of Trust.

6. Default and Request To Act. Default has occurred under the Deed of Trust, and the beneficiary has requested me, as trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

DATED: July 15, 2024.



Blake Rasner
Substitute Trustee
Haley & Olson, P.C.
100 N. Ritchie Road, Suite 200
Waco, Texas 76712
Telephone: (254) 776-3336
Facsimile: (254) 776-6823
Email: brasner@haleyolson.com

EXHIBIT "A"

Legal Description To a 1.826 Acre Tract

Being a legal description to a 1.826 acre tract in the J.A. Burditt Survey, A-65 of Sabine County, Texas, being the Easterly portion of a 2.859 acre tract described in a Warranty Deed with Vendor's Lien from Ford S. Cartwright to James Todd and Susan Todd, dated May 2, 2007, recorded in Volume 256 Page 789 of the Official Public Records (OPR) of said County, and is thither described by metes and bounds as follows to-wit:

BEGINNING: At a point in the Take-Line of Toledo Bend Reservoir for the Northwest corner of this tract, the Northeast corner of a 1.033 acre tract surveyed this day by me, Wm. Mark Birdwell RPLS #5148, and in the North boundary line of said 2.859 acre tract; from which a 3/8" iron rod found in said Take-Line for the Northwest corner of said 1.033 acre tract and the Northeast corner of Rodger Tom Shoemaker, Tract #3, a called 2.8095 acre tract recorded in Volume 198 Page 603 OPR bears S 88°31'03" E 134.90' and a 1/2" iron rod with cap set in the West boundary line of this tract and the East boundary line of said 1.033 acre tract bears S 15°07'56" W 47.08';

THENCE: N 88°31'03" E 168.51' with said Take-Line to a 1/2" iron rod found for the Northeast corner of this tract, the Northeast corner of said 2.859 acre tract, and the Northwest corner of George M. Bragg Jr., Tract #4, a called 2.8095 acre tract recorded in Volume 126 Page 161 OPR;

THENCE: S 15°52'52" W 9238' to a 1" iron pipe found in said Take-Line and: the West boundary line of Tract #4 for an angle corner of this tract and the Northwest corner of Tract #4;

THENCE: S 14°45'37" W 480.17' to a 60D nail found between two 3/4" iron pipes for the Southwest corner of this tract, the Southwest corner of Tract #4, and an angle corner of Tract #3; from which a 5/8" iron rod found bears N 11°01'19" W 0.49';

THENCE: N 40°20'58" W 198.29' to a 1/2" iron rod with cap set for the Southwest corner of this tract, the Southeast corner of said 1.033 acre tract, and in the North boundary line of Tract #3; from which an iron stake found for the Southwest corner of said 1.033 acre tract and an interior angle corner of Tract#3 bears N 40°20'58" W 155.94';

THENCE: N 15°07'56" W 412.58' to the point of beginning containing 1.826 acres of land.

Legal Description To a
1.033 Acre Tract

Being a legal description to a 1.033 acre tract in the J.A. Burditt Survey, A-65, of Sabine County, Texas, being the Westerly portion of a 2.859 acre tract described in a Warranty Deed with Vendor's Lien from Ford S. Cartwright to James Todd and Susan Todd, dated May 2, 2007, recorded in Volume 256 Page 789 of the Official Public Records (OPR) of said County, and is further described by metes and bounds as follows to-wit:

BEGINNING: At a point in the Take-Line of Toledo Bend Reservoir for the Northeast corner of this tract, for the Northwest corner of a 1.826 surveyed this day by me, Wm. Mark Birdwell RPLS #5148, and in the North boundary line of said 2.859 acre tract; from which a $\frac{1}{2}$ " iron rod found in said Take-Line for the Northeast corner of said 1.826 acre tract and the Northwest corner of George M. Bragg Jr., Tract #4, a called 2.8095 acre tract recorded in Volume 126 Page 161 OPR bears N 88°31'03" E 168.51' and a $\frac{1}{2}$ " iron rod with cap set in the East boundary line of this tract and the West boundary line of said 1.826 acre tract bears S 15°07'56" W 47.08';

THENCE: S 15°07'56" W 412.58' to a $\frac{1}{2}$ " iron rod with cap set for the Southeast corner of this tract, the Southwest corner of said 1.826 acre tract, in the Northeast boundary line of Rodge Tom Shoemaker, Tract #3, a called 2.8095 acre tract recorded in Volume 198 Page 603 OPR, and in the South boundary line of said 2 859 acre tract; from which a 60D nail found between tow $\frac{5}{4}$ " iron pipe bears S 40°20'58" E 198.29';

THENCE: N 40°20'58" W 155.94' to an iron spike found for the Southwest corner of this tract, the Southwest corner of said 2.859 acre tract, and an angle corner of Tract #3;

THENCE: N 14°58'30" E 285.65' to a $\frac{3}{8}$ " iron rod found in said Take-Line for the Northwest corner of this tract, the Northwest corner of said 2.859 acre tract, and the Northeast corner of Tract #3;

THENCE: N 88°31'03" E 134.90' with said Take-Line to the point of beginning containing 1.033 acres of land.