

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.

Notice of Foreclosure Sale

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

All that certain lot, tract or parcel of land lying and being situated in Hunt County, Texas, and being fully described in the Exhibit "A" attached hereto and made a part hereof as though fully copied herein.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust executed by Tony Lamata, dated June 6, 2003, recorded in Volume 1021, Page 200, Official Public Records of Hunt 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 3, 2021

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

Place: North steps of the courthouse, including hallway area 20 feet inside the north door on second floor, located at 2507 Lee Street, Greenville, Texas.

The Deed of Trust permits the Beneficiaries 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 refileing may be after the date originally scheduled for this sale.

The Beneficiaries have duly appointed in writing, by an Appointment of Substitute Trustee dated June 17, 2021, filed of record under Document No. 2021-14996, Official Public Records of Hunt County, Texas, Larry W. Green, Jr., and his agents, any one of them, as Substitute Trustee under the Deed of Trust.

DEPUTY
21 JUL 12 PM 3:49
FILE FOR RECORD
JENNIFER LINDENWEIG
COUNTY CLERK HUNT CO TX

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 Beneficiaries 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 Beneficiaries have 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 and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by Tony Lamata.

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 indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to (a) Note in the original principal amount of \$40,000.00, executed by Tony Lamata, and payable to the order of Bob Layman and wife, Doris Layman, and (b) all renewals and extensions of the note. Bob Layman and wife, Doris Layman are the current holders of the Obligations and are the Beneficiaries under the Deed of Trust.

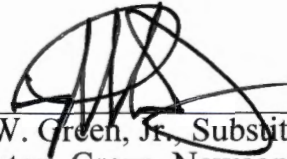
As of July 12, 2021, there was owed \$7,726.17 plus interest which as accrued under the terms of the Note and reasonable attorney fees reimbursable to the current holders under the Note and/or Deed of Trust.

Questions concerning the sale may be directed to the undersigned or to Beneficiaries at #7 Priscilla Lane Greenville, Texas 75402.

If you are a debtor in a bankruptcy proceeding subject to the provisions of the United States Bankruptcy Code (Title 11 of the United States Code) you should promptly notify the Trustee and the Beneficiaries at the addresses set forth in this Notice. If you provide the Trustee with the Bankruptcy Case Number, no further action will be taken to enforce the lien described in this Notice. In addition, all of Beneficiaries claims, demands, and accruals regarding the Obligations as defined in this Notice, whenever made, and whether for principal, interest, or otherwise, are intended to comply in all respects, both independently and collectively, with all applicable usury laws, and are accordingly limited so that all applicable usury laws are not violated.

7. *Default and Request to Act.* Default has occurred under the Deed of Trust, and the Beneficiaries have requested me, as Trustee, to conduct this sale. Notice is given that before the sale the Beneficiaries may appoint another person substitute Trustee to conduct the sale.

Dated: July 12, 2021.



Larry W. Green, Jr. Substitute Trustee
Pemberton, Green, Newcomb & Weis
2507 Washington Street
Greenville, Texas 75401
(903) 455-1876
(903) 455-1710 (facsimile)

Exhibit "A"

All that certain lot, tract or parcel of land situated in the John W. Scott survey, Abstract No. 1019, Hunt County, Texas, and being part of a called 80.00 acre tract of land described in a Deed from Wilson Wharton, et ux, to Bob Layman, et ux, as recorded in Volume 989, page 525 of the Official Public Records of Hunt County, Texas, and being part of a tract of land described in a Deed from Kenton E. Ross, et ux, to Wilson Wharton, et ux, as recorded in Volume 565, page 128 of the Official Public Records of Hunt County, Texas, and also being part of a tract of land described in Field Notes filed by M. Ramsey, Land Surveyor for F. H. Jenkins, and being more particularly described as follows:

BEGINNING at a ½" iron rod found for corner at the northeast corner of a called 40.00 acre tract of land described in a deed from Bob Layman, et ux, to Ronald W. Anderson, et ux, as recorded in Volume 1009, page 449 of the Official Public Records of Hunt County, Texas, said point also being within County Road No. 4429;

THENCE N. 89 deg. 28 min. 44 sec. W. across an open field and with the north line of said 40.00 acre tract of land and parallel with the North line of said 80.00 acre tract, passing a ½" iron rod found for witness at a distance of 20.00 feet and continuing for a total distance of 1896.39 feet to a ½" iron rod found for corner at the northwest corner of said 40.00 acre tract, said point also being in the east line of a tract of land described in a Deed from Bynah Stallings to Richard Westhafer, et ux, as recorded in Volume 453, page 794 of the R.P.R.H.C.T.;

THENCE N. 00 deg. 10 min. 09 sec. W. along a fence line and with the east line of said Westhafer tract, a distance of 149.35 feet to a ½" iron rod found for corner at the base of a 36" tree at the northeast corner of said Westhafer tract;

THENCE S. 89 deg. 37 min. 25 sec. W. along a fence line and with the north line of said Westhafer tract, a distance of 213.00 feet to a ½" bolt found for corner at a fence corner post at the northwest corner of said Westhafer tract;

THENCE N. 00 deg. 19 min. 02 sec. W. along a fence line and with the most northerly west line of said 80.00 acre tract, a distance of 282.14 feet to a ½" iron rod with cap stamped "Stovall & Assoc." set for corner;

THENCE S. 89 deg. 28 min. 44 sec. E. across an open field and parallel with the north line of said 80.00 acre tract, passing a ½" iron rod with cap stamped "Stovall & Assoc." set for witness at a distance of 2087.59 feet, and continuing for a total distance of 2107.59 feet to a ½" iron rod with cap stamped "Stovall & Assoc." set for corner within County Road No. 4429 and in the east line of said 80.00 acre tract;

THENCE S. 00 deg. 30 min. 33 sec. E. along said road and with the east line of said 80.00 acre tract, a distance of 428.18 feet to the point of beginning and containing 20.00 acres of land.