

Notice of Foreclosure Sale
September 6, 2019

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HOUSTON COUNTY
COUNTY CLERK
2019 SEP -6 PM 3:25
TERMI...ADDRES

Deed of Trust ("Deed of Trust"):

Dated: April 17, 2015
Borrower: **Casey Stunkard and Jamie Stunkard**
Trustee: R.C. (Chris) von Doenhoff
Lender: **Roy J. Duggan and Margie A. Duggan**
Recorded in: **1501982**, in the Image Records of Houston County, Texas
Legal Description: **5.12 acres of land out of and a part of the Marcus P. Mead Survey A-717, situated in Houston County, Texas;** and being more particularly described by metes and bounds in *Exhibit A* attached hereto and made a part hereof
Secures: Note in the original principal amount of \$77,000.00, executed by Casey Stunkard and Jamie Stunkard ("Borrower") and payable to the order of Lender
Property: The real property, improvements, and personal property described in and mortgaged in the Deed of Trust, including the real property described in the attached *Exhibit A*, and all rights and appurtenances thereto
Trustee's Address: 1121 East Houston, P.O. Box 1322, Crockett, Texas, 75835

Foreclosure Sale:

Date: Tuesday, **October 1, 2019**
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 10:00 A.M.
Place: Houston County Court House; East side
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 **Roy J. Duggan and Margie A. Duggan'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, **Roy J. Duggan and Margie A. Duggan**, the owner and holder of the Note, has requested Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of **Roy J. Duggan and Margie A. Duggan's** election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with **Roy J. Duggan and Margie A. Duggan'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, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If **Roy J. Duggan and Margie A. Duggan** 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 **Roy J. Duggan and Margie A. Duggan**. 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, 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 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.

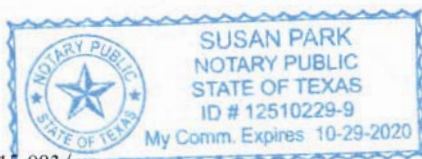
THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

R.C. (Chris) von Doenhoff, *Trustee*
1121 East Houston, P.O. Box 1322
Crockett, Texas 75835
936.544.2091; Fax: 936.544.2411
rvondoenhoff@yahoo.com

STATE OF TEXAS §

COUNTY OF HOUSTON §

This instrument was acknowledged before me on September 6, 2019, by R.C. (Chris) von Doenhoff, *Trustee*.


Notary Public of the State of Texas

RCvD/15-083/sp

BEING all that certain tract or parcel of land lying and situated in Houston County, Texas, out of the MARCUS P. MEAD SURVEY, ABSTRACT NO. 717 and being all that certain called 2.978 acre tract conveyed to Jerry Al Brown, et ux in the document recorded in Document No. 044360 of the Image Records of Houston County, Texas, and being all that certain called 2.2452 acre tract (FIRST TRACT) conveyed to Jerry Al Brown, et ux in the document recorded in Document No. 031479 of the said Image Records, to which references are hereby made for all purposes and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a point on the North right-of-way line of FM 228 for the Southwest corner of the aforesaid referred to 2.978 acre tract and the Southeast corner of a called 0.95 acre tract conveyed to James Calvin Ivey in the document recorded in Volume 794 on Page 509 of the Official Records of the said County, from which a ½" iron pipe found for reference bears S 09 deg. 14' 21" E 5.52 feet;

THENCE along the West boundary line of the said 2.978 acres tract and the West boundary line of the aforesaid referred to 2.2452 acre tract and the East boundary line of the said 0.95 acre tract, N 09 deg. 14' 21" W 542.17 feet a ½" iron pin found for the Northwest corner of the tract conveyed to James L. McFadden, et ux in the document recorded in Volume 1081 on Page 92 of the said Official Records;

THENCE along the common boundary line of the said 2.2542 acre tract and the said 5.6126 acre tract, N 80 deg. 44' 28" E, at 403.97 feet pass on line a ½" iron pin found for the reference, at 433.97 feet a point in the centerline of Berri Lane, for the Northeast corner of the said 2.2542 acre tract and the Southeast corner of the said 5.6126 acre tract;

THENCE along the common boundary line of the said 2.2542 acre tract and the said 2.978 and the said centerline of Berri Lane the following two (2) courses;

- 1.) S 09 deg. 36' 42" E 224.98 feet an angle point from which a ½" iron pin found for reference bears S 80 deg. 45' 19" W 30.00 feet;
- 2.) S 08 deg. 06' 03" E at 2.63.65 feet a point for corner at the intersection of the said centerline of Berri Road and the curving North ROW of the said FM 228 from which a ½" iron pin found for reference bears S 84 deg. 06' 40" E 30.78 feet;

THENCE across the said 2.978 acre tract and along the North ROW the said FM 228 the following two (2) courses:

- 1.) 128.93 feet along a 01 deg. 57' 32" curve to the left having a radius of 2924.79 feet, a central angel of 02 deg. 31' 33" and a long chord bearing S 74 deg. 31' 36" W a distance of 128.92 feet to a point for corner at the end of a curve from which a water meter bears S 31 deg. 08' W 15.3 feet;
- 2.) S 73 deg. 15' 49" at 304.64 feet the POINT AND PLACE OF BEGINNING and containing 5.12 acres of land, more or less, of which 0.337 acre lines within Berri Lane.

The bearings for this tract are based on the West boundary line of the said 2.2542 acre tract.