

FILED FOR RECORD

Notice of Foreclosure Sale

July 13, 2021

JUL 13 2021

At 10:15 O'CLOCK A M
 CARLA KERN
 County Clerk, Mitchell County, Texas
 By [Signature] Deputy

Deed of Trust ("Deed of Trust"):

Dated: February 17, 2009

Grantor: **SAMUEL LENDERMON and MISTY LENDERMON**Trustee: **ROYCE D. CLAY**Lender: **THE CITY NATIONAL BANK OF COLORADO CITY, TEXAS**

Recorded in: Volume 751, Page 38 of the real property records of Mitchell County, Texas

Legal Description: Lot Twelve (12) and the North Thirty feet (N.30') of Lot Eleven (11) of the R. T. Manuel Highland Park Subdivision of Block No. One Hundred Sixty-seven (167) of Joseph E. Brown's Extension to the original town of Colorado (now Colorado City), Mitchell County, Texas and shown on map of said Subdivision recorded in Volume 29, Page 546 Deed Records of Mitchell County, Texas.

Secures: Real Estate Lien Note ("Note") in the original principal amount of \$85,500.00, executed by **SAMUEL LENDERMON and MISTY LENDERMON** ("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

Foreclosure Sale:

Date: Tuesday, August 3, 2021

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. and not later than three hours thereafter.

Place: 349 Oak Street, Colorado City, Texas at the east door of the Mitchell County Courthouse being the place designated by the

Mitchell County Commissioner's Court as the place for the holding of judicial and non-judicial foreclosure sales.

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 **THE CITY NATIONAL BANK OF COLORADO CITY, TEXAS'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, **THE CITY NATIONAL BANK OF COLORADO CITY, TEXAS**, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of **THE CITY NATIONAL BANK OF COLORADO CITY, TEXAS's** election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with **THE CITY NATIONAL BANK OF COLORADO CITY, TEXAS'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 **THE CITY NATIONAL BANK OF COLORADO CITY, TEXAS** 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 **THE CITY NATIONAL BANK OF COLORADO CITY, TEXAS**. 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

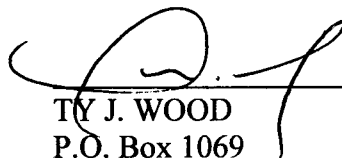
the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

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.

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.



Ty J. Wood
Attorney for Mortgagee



TY J. WOOD
P.O. Box 1069
COLORADO CITY, TX 79512
Telephone (325) 728-8400
Telecopier (325) 728-8101