

NOTICE OF FORECLOSURE SALE

August 6, 2021

AUG 06 2021
 AT 10:50 O'CLOCK a M
 CARLA KERN
 County Clerk, Mitchell County, Texas
 By Agüerra Deputy

Deed of Trust ("Deed of Trust"):

Dated: July 31, 2015

Grantor: SPENCER CANNON

Trustee: ROYCE D. CLAY

Lender: THE CITY NATIONAL BANK OF COLORADO CITY,
TEXASRecorded in: Volume 828, Page 551 of the real property records of Mitchell
County, Texas

Legal Description: Marshall #1 Blk 9 Lot E65' Lt 1 & W11' IT2 also being described as being the East Sixty-five Feet (E. 65') of Lot One (1) and the West Eleven Feet (W. 11') of lot Two (2), in Block Nine (9) of Marshall's Addition No. 1 to the town of Colorado City, as said Block is shown upon map of record in Volume 2, page 182, Deed Records, Mitchell County, Texas and being the same property described in Deed from Billy Joe Wood to Homer Cannon and wife, Ruby Cannon, July 14, 1969, as recorded in Volume 265, page 58, Deed Records of Mitchell County, Texas.

Secures: Home Equity Extension of Credit ("Note") in the original principal amount of \$39,000.00, executed by SPENCER CANNON ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, September 7, 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: East Door of the Mitchell County Courthouse in Colorado City, Texas, being the area at the Mitchell County Courthouse designated by the Commissioner's Court of Mitchell County, Texas where foreclosure sales are to take place.

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, obtained an Order from the 32nd Judicial District Court of Mitchell County on August 3, 2021, under Cause 17720, and 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

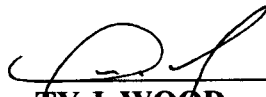
further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

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



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