


## NOTICE OF FORECLOSURE SALE

FILED FOR RECORD

June 9, 2020

JUN 09 2020  
 AT 1:15 O'CLOCK P.M.  
 CARLA KERN  
 County Clerk, Mitchell County, Texas  
 By  Deputy

Deed of Trust ("Deed of Trust"):

Dated: September 30, 2008

Grantor: **JOHN BARRETT**Trustee: **ROYCE D. CLAY**Lender: **THE CITY NATIONAL BANK OF COLORADO CITY, TEXAS**

Recorded in: Volume 747, Page 274 of the real property records of Mitchell County, Texas.

Legal Description: All of the East half (E/2) of Lot Seven (7) and the East half (E/2) of the South half (S/2) of Lot Eight (8) in the R.T. Manuel's Highland Park Subdivision of Block Two Hundred (200) of the Joseph E. Brown's Extension to the town of Colorado (now Colorado City), Mitchell County, Texas as shown upon plat of said R.T. Manuel's Highland Park Addition, recorded in Volume 29, Page 546 of the Deed Records of Mitchell County, Texas.

Secures: Real Estate Lien Note ("Note") in the original principal amount of \$35,000.00, executed by **JOHN BARRETT** ("Borrower") and payable to the order of Lender and assumed by **MICHAEL M. MOLINA** under that certain Assumption and Modification Agreement dated March 31, 2010 and recorded in Volume 759, Page 1030 of the Mitchell County, Texas public records.

Modifications and Renewals: Deed of Trust (as used herein, the terms "Note" and "Deed of Trust" mean the Note and Deed of Trust as so modified, renewed, and/or extended).

Foreclosure Sale:

Date: Tuesday, July 7, 2020

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.

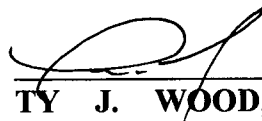
Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for

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.**



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**TY J. WOOD, Attorney for The CITY  
NATIONAL BANK OF COLORADO CITY,  
TEXAS**



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