

NOTICE OF FORECLOSURE SALE

MAR 08 2023
 AT 12:25 O'CLOCK P.M.
 CARLA KEEB
 County Clerk, Mitchell County, Texas
 By _____ Deputy

Deed of Trust ("Deed of Trust"):

Dated: September 25, 2019

Grantor: **JOHN DAVID McELROY and CHERITY HOPE HENDERSON**

Trustee: **TY J. WOOD**

Lender: **HEADY RENTALS, LLC**

Recorded in: Vol. 864, Page 199 of the real property records of Mitchell County, Texas

Legal Description: Lot 13, Block 8, T&P Loraine and the West 15 Feet of Lot 14, Block 8, T&P Addition to the town of Loraine, Mitchell County, Texas.

Secures: Promissory Note ("Note") in the original principal amount of \$30,000.00, executed by **JOHN DAVID McELROY and CHERITY HOPE HENDERSON** ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, April 4, 2023

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 in the lobby of the courthouse

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 **HEADY RENTALS, LLC'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, HEADY RENTALS, LLC, 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 HEADY RENTALS, LLC's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with HEADY RENTALS, LLC'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.

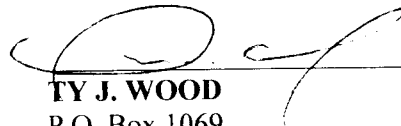
If HEADY RENTALS, LLC passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

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 HEADY RENTALS, LLC. 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.



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