

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**DATE:** October 3, 2022

**NOTE:** Promissory Note described as follows:

Date: April 30, 2010

Maker: Jimmy Wainscott, Jr., and Lisa Wainscott

Payee: The First National Bank of Aspermont, successor in interest to Hamlin National Bank, original payee

Original Principal Amount: \$68,736.54

**DEED OF TRUST:** Deed of Trust described as follows:

Date: April 30, 2010

Grantor: Jimmy Wainscott, Jr., and Lisa Wainscott

Trustee: Dan Byerly

Beneficiary: The First National Bank of Aspermont, successor in interest to Hamlin National Bank

Recorded: Document Number: 101147, recorded at Volume 317, Page 232, Official Public Records of Jones County, Texas

**LENDER:** The First National Bank of Aspermont, successor in interest to Hamlin National Bank

**BORROWER:** Jimmy Wainscott, Jr., and Lisa Wainscott

**PROPERTY:** Being that tract of real property located and situated in Jones County, Texas, and described in that Exhibit "A" attached hereto and incorporated herein for all purposes

Together with all improvements, easements, personal property, intangibles, rents, revenues, contracts, and rights appurtenant to the real property, as described in the Deed of Trust.

**SUBSTITUTE TRUSTEE:** Thomas W. Choate, pursuant to that Appointment of Substitute Trustee dated September 20, 2022, and recorded as Document Number: 222988 in the Official Public Records of Jones County, Texas

**POSTED NOTICE**

**DATE** 10-3-22 **TIME** 9:33 AM

*Debra J. Jennings*  
**JONES COUNTY CLERK, JONES CO., TX**

**BY:** \_\_\_\_\_

Substitute Trustee's Mailing Address:

P.O. Box 206  
Abilene, Texas 79604-0206

**DATE AND TIME OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:**

November 1, 2022, the first Tuesday of the month, to commence at 10:00 a.m., or within three (3) hours after that time, at the south entrance door of the Jones County Courthouse, Anson, Texas, or at such other place, if any, authorized and designated by the Commissioners Court of Jones County, Texas.

**PLACE OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:**

At the south entrance door of the Jones County Courthouse, in Anson, Texas

**NOTICE**

**NOTWITHSTANDING ANYTHING IN THIS DOCUMENT TO THE CONTRARY, SHOULD ANY PARTY IN RECEIPT OF THIS DOCUMENT BE A DEBTOR IN A BANKRUPTCY PROCEEDING OR HAVE RECEIVED A DISCHARGE SUBJECT TO OR PURSUANT TO THE PROVISIONS OF THE UNITED STATES BANKRUPTCY CODE (TITLE 11 USC, THE "CODE"), THIS DOCUMENT IS MERELY INTENDED TO BE WRITTEN NOTICE AS REQUIRED UNDER APPLICABLE STATUTE, INCLUDING, BUT NOT NECESSARILY LIMITED TO, THE TEXAS PROPERTY CODE. THIS NOTIFICATION IS NOT INTENDED AS AN ACT TO COLLECT, ASSESS OR RECOVER A CLAIM AGAINST SUCH DEBTOR, NOR IS IT INTENDED TO VIOLATE ANY PROVISIONS OF THE CODE. IF YOU ARE OR WERE A DEBTOR IN BANKRUPTCY, THIS NOTICE TO YOU IS BELIEVED TO BE REQUIRED BY LAW. YOU SHOULD CONSULT WITH AN ATTORNEY BEFORE REPLYING IN ANY WAY. ANY AND ALL CLAIMS AGAINST SUCH DEBTOR WILL BE PROPERLY ASSERTED IN COMPLIANCE WITH THE CODE IN THE RESPECTIVE BANKRUPTCY PROCEEDINGS OF SUCH DEBTOR.**

**Assert and protect your rights as a member of the armed forces of the United States. If you 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. {See Tex. Prop. Code §51.002(i).}**

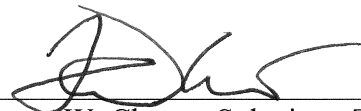
**RECITALS**

Default has occurred in the payment of the Note and in the performance of the obligations under the Deed of Trust that secures the Note. Because of this default, Lender, the owner and holder of the Note and the Deed of Trust lien under Texas Property Code section 51.002, has requested that Substitute Trustee sell the Property according to the terms of the Deed of Trust and applicable law.

The Deed of Trust may encumber both real and personal property. Formal notice is now given of Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust, consistent with Lender's rights and remedies under the Deed of Trust and Texas Business and Commerce Code section 9.604(a).

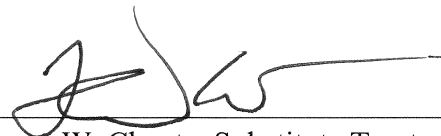
Therefore, notice is given that on the Date and Time of Substitute Trustee's Sale of Property and at the Place of Substitute Trustee's Sale of Property, Substitute Trustee, or any other substitute trustee Lender may appoint, will sell the Property by public sale to the highest bidder for cash or acceptable certified funds, according to the Deed of Trust and applicable law. The sale and conveyance of the Property will be subject to all matters of record applicable to the Property that are superior to the Deed of Trust and to any permitted exceptions to title described in the Deed of Trust. Substitute Trustee has not made and will not make any covenants, representations, or warranties about the Property other than providing the successful bidder at the sale with a deed to the Property containing any warranties of title required by the Deed of Trust. The Property will be sold AS IS, WHERE IS, AND WITH ALL FAULTS.

EXECUTED as of October 3, 2022.



Thomas W. Choate, Substitute Trustee  
P.O. Box 206  
Abilene, Texas 79604-0206

This Notice of Substitute Trustee's Sale was by me filed of record with the County Clerk of Jones County, Texas, on this the 3<sup>rd</sup> day of October, 2022, and was posted on the 3<sup>rd</sup> day of October, 2022, on the public notice board and/or with the County Clerk of Jones County, Texas, at the Jones County Courthouse at 9:33 o'clock a.m.

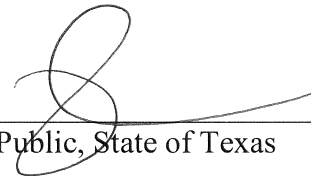
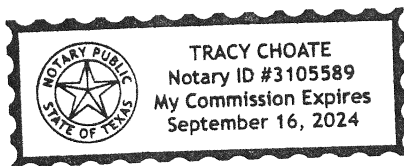


Thomas W. Choate, Substitute Trustee

STATE OF TEXAS §

COUNTY OF TAYLOR §

This instrument was acknowledged before me on this the 3<sup>rd</sup> day of October, 2022 by Thomas W. Choate, Substitute Trustee.



Notary Public, State of Texas

## EXHIBIT A TO NOTICE OF SUBSTITUTE TRUSTEE'S SALE

BEING one acre of land, a part of Subdivision 9 of Moore's Subdivision of Charles Gates Survey 353, Jones County, Texas, more particularly described as follows:

BEGINNING at a stake at the North right-of-way line of Farm Road 2142, said stake being 65' N 15 degrees W and 1133.7' S 75 degrees 40-1/2" W from the Southeast corner of Subdivision 9 of the Moore's Subdivision of Charles Gates Survey 353, being the Southeast corner of this tract;

THENCE S 75 degrees 40-1/2" W along the North right-of-way line of Farm Road 2142200' to a stake for the Southwest corner of this tract;

THENCE N 14 degrees 19-1/2" W perpendicular to the South boundary line of this tract 217.8' to a stake in the South boundary line of an alley for the Northwest corner of this tract;

THENCE N 75 degrees 40-1/2" E along the South boundary line of said alley and parallel to the South boundary line of this tract 200' to a stake for the Northeast corner of this tract;

THENCE S 14 degrees 19-1/2" E parallel to the West boundary line of this tract 217.8' to the point of beginning.