

Notice of Substitute Trustee's Sale

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.

Notice is hereby given that, subject to the terms and conditions set forth in this Notice, a public sale, at auction, of the Property (as that term is defined and described below) will be held at the date, time and place set forth in this Notice.

1. *Property to Be Sold.* The Property to be sold, including improvements (collectively, the "Property"), is described as follows:

Legal Description of the Property:

See Exhibit "A"

2. *Security Document Creating Lien That Is The Subject of Sale.*

Texas Home Equity Loan Security Document dated December 26, 2013, executed by Duke Pendergraft and Machel Pendergraft to James Lee Boyd, Trustee for the benefit of Abilene Teachers Federal Credit Union and filed in the Official Public Records of Jones County, Texas as Instrument No. 140003 (the "Security Document")

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: **August 1, 2023**

Time: The sale will begin no earlier than 10:00 a.m. or no later than three hours thereafter.

Place: The South Hall entrance on the First Floor of the Jones County Courthouse, or as otherwise designated by the Jones County Commissioner's Court pursuant to section 51.002 of the Texas Property Code.

The Beneficiary reserves the right to postpone, withdraw, or reschedule the sale for another day. In the event that the sale is postponed or rescheduled, notice of the date of any rescheduled Substitute Trustee's Sale will be reposted and re-filed in accordance with the posting and filing

POSTED NOTICE

DATE 6-22-23 **TIME** 3:25pm

JONES COUNTY CLERK, JONES CO., TX

BY: Chief Rozumko

requirements of the Texas Property Code. The reposting or re-filing may be after the date originally scheduled for this sale.

4. *Terms of Sale.* The sale will be conducted as a public auction to the highest bidder for cash, subject to permitting the Beneficiary to have its bid(s) credited to the amounts owing under the terms of the Note (as hereafter described) that is secured by the Security Document.

Those desiring to purchase the Property will need to demonstrate their immediate ability to pay by cash (which may be by cashier's check) at the time that the Property is sold.

The sale will be made expressly subject to any title matters set forth in the Security Document, but prospective bidders are reminded that by law the sale will necessarily be made subject to all 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 Security Document. The sale shall not cover any part of the Property that has been released of public record from the lien of the Security Document. Prospective bidders are strongly urged to examine the applicable Property records to determine the nature and extent of such matters, if any.

Pursuant to the Security Document, the Beneficiary has the right to direct the Trustee or Substitute Trustee to sell the Property in one or more parcels and/or to sell all or only part of the Property.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold in "as is" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the Security Document. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to section 51.0075 of the Texas Property Code, the undersigned, as Substitute Trustee, reserves the right to set reasonable conditions (in addition to the conditions set forth herein) for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the Substitute Trustee.

5. *Type of Sale.* The sale is a non-judicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Security Document and Court Order.

6. *Obligations Secured.* The Texas Home Equity Loan Security Document dated December 26, 2013, including all extensions, modifications, and renewals thereof provides that it secures the payment of the indebtedness and obligations therein described including, but not limited to the Promissory Note in the original principal amount of \$220,000 made payable to the order of Abilene Teachers Federal Credit Union. Abilene Teachers Federal Credit Union is the current owner and holder of the afore-mentioned Note and Security Document and is the beneficiary identified therein.

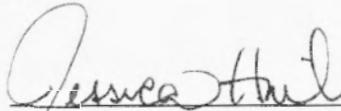
7. *Trustee/Substitute Trustee.* The undersigned has been appointed by the Beneficiary as Substitute Trustee under the terms of the Security Document and may be referred to herein as either the "Trustee" or "Substitute Trustee".

8. *Default and Request to Act.* Default has occurred in the payment of indebtedness due under the afore-mentioned Note that is secured by the Security Document. As a result, all of the unpaid balance of principal and accrued interest upon, the Note is now due and payable, along with all costs and expenses (including attorney's fees) that have been incurred by the Beneficiary and that are secured by the Security Document. The Beneficiary has requested the Substitute Trustee under the Security Document, to conduct this sale, the proceeds of such sale to be applied in accordance with the terms of the Security Document. Notice is hereby given that before the sale, the Beneficiary may appoint another person substitute trustee to conduct the sale.

THEREFORE, at the date, time and place set forth above, the appointed Substitute Trustee will sell the Property (including any improvements) at public auction to the highest bidder for cash (subject to the right of the Beneficiary to have its bid(s) credited to the amounts due under the Note) pursuant to the terms of the Security Document and applicable law.

Questions concerning the sale may be directed to the undersigned.

Dated: June 22, 2023.



Jessica Haile and/or Brandon Knighton
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EXHIBIT A

BEING 6.29 ACRES OUT OF THE NORTH 60 ACRES OF LAND OUT OF THE NORTHEAST QUARTER OF SECTION 2, BLOCK 15, T&P RR. CO. SURVEY, JONES COUNTY, TEXAS, SAID 60 ACRES BEING MORE PARTICULARLY DESCRIBED AS TRACT 1 IN VOLUME 138, PAGE 793, OFFICIAL PUBLIC RECORDS, JONES COUNTY, TEXAS, AND SAID 6.29 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER WHENCE A 1 1/2" PIPE FOUND FOR THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SAID SECTION 2 BEARS N00°38'35"E A DISTANCE OF 1020.79', SAID POINT BEING IN COUNTY ROAD 319 (NO DEDICATION FOUND) AND BEING THE NORTHEAST CORNER OF THIS TRACT;

THENCE S00°38'35"W WITH THE EAST LINE OF SAID SECTION 2 AND SAID 60 ACRE TRACT AND WITH SAID COUNTY ROAD 319 A DISTANCE OF 400.51' TO A POINT FOR THE SOUTHEAST CORNER OF SAID 60 ACRE TRACT AND THIS TRACT;

THENCE S84°45'32"W WITH THE SOUTH LINE OF SAID 60 ACRE TRACT AT A DISTANCE OF 36.20' PASS A POINT WHENCE A 4" CEDAR FENCE CORNER POST FOUND FOR REFERENCE ON THE WEST LINE OF SAID COUNTY ROAD 319 BEARS N05°14'28"W A DISTANCE OF 4.43' AND CONTINUE ON A TOTAL DISTANCE OF 744.62' TO A POINT FOR THE SOUTHWEST CORNER OF THIS TRACT WHENCE A 2 1/2" PIPE FENCE CORNER POST FOUND FOR REFERENCE BEARS N76°00'17"E A DISTANCE OF 12.97' AND FROM SAID POINT A 8" PIPE FENCE CORNER POST FOUND FOR THE SOUTHWEST CORNER OF NORTHEAST QUARTER OF SAID SECTION 2 BEARS S84°45'32"W A DISTANCE OF 1102.58';

THENCE N15°34'57"E A DISTANCE OF 451.08' TO A 2 1/2" PIPE FENCE CORNER POST FOUND FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE N89°39'04"E A DISTANCE OF 570.31' TO A 1/2" IRON ROD WITH CAP MARKED "COJER SURVEYING" SET FOR A CORNER OF THIS TRACT;

THENCE N24°19'35"E A DISTANCE OF 24.56' TO A 1/2" IRON ROD WITH CAP MARKED "COJER SURVEYING" SET FOR A CORNER OF THIS TRACT;

THENCE N79°35'51"E AT A DISTANCE OF 14.74' PASS AN IRON ROD SET ON THE WEST LINE OF SAID COUNTY ROAD 319 AND CONTINUE ON A TOTAL DISTANCE OF 45.16' TO THE POINT OF BEGINNING AND CONTAINING 6.29 ACRES OF LAND OF WHICH 0.31 ACRES LIES IN SAID COUNTY ROAD 319.