



UG-165-2019-2888

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 of Foreclosure Sale

1. *Property to Be Sold.* The property to be sold is described as follows:

See Exhibit "A" attached hereto and made a part hereof for all intents and purposes.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust recorded in File number 200731818 of the real property records of Chambers County, Texas.

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

Date: September 3, 2019

Time: The sale will begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale will be completed by no later than 4:00 p.m.

Place: 404 Washington Ave, Anahuac TX 77514; Inside the Courthouse on the Eastern-Most steps of the Second Level (Middle Floor); or the location designated by the County Commissioners' Court or as designated by the county commissioners.

The deed of trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the deed of trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling 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 the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

The 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 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. The sale shall not cover any part of the property that has been released of public record from the lien of the deed of trust. 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 deed of trust, the beneficiary has the right to direct the 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, where is" condition, without any express or implied warranties, except as to the warranties of title (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 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions 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 trustee or any substitute trustee.

5. *Obligations Secured.* The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to (a) the promissory note in the original principal amount of \$164,000.00, executed by Kevin Dean Boyer and Viviann Boyer, and payable to the order of Anahuac National Bank; and (b) all renewals and extensions of the note. Anahuac National Bank is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

6. Questions concerning the sale may be directed to the undersigned or to the beneficiary, Anahuac National Bank c/o Reid, Strickland & Gillette, PO Box 809, Baytown, TX 77522.

7. *Default and Request to Act.* Default has occurred under the deed of trust, and the beneficiary has requested me, as substitute trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

Dated: August 9, 2019

REID, STRICKLAND & GILLETTE, L.L.P.
Post Office Box 809 Baytown, Texas 77522-0809
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By: 

Stephen H. DonCarlos SBN: 05973600
Brandon E. Benoit SBN: 24050278

EXHIBIT "A"

ABSTRACT 8 TR 83A-3 M A CARROLL KB STRUCTURES, BEING 1.00 ACRE OUT OF, SITUATED IN CHAMBERS COUNTY, TEXAS, AND BEING A 12.3 ACRE TRACT OF LAND, MORE OR LESS, OUT OF AND A PART OF THE M. A. CARROLL SURVEY, ABSTRACT NO. 8, AND BEING OUT OF A 590 ACRE TRACT DESCRIBED IN DEED RECORDED IN VOLUME J, AT PAGE 577, OF THE DEED RECORDS OF CHAMBERS COUNTY, TEXAS, BEING OUT OF AN 18 ACRE TRACT CONVEYED TO G. W. COLLIER TO HOLLIS WILKINSON, SURVEYED BY D. T. BRANDON ON OCTOBER 7, 1986; SAID 12.3 ACRE TRACT, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN SPECIAL WARRANTY DEED, DATED AUGUST 13, 1998, RECORDED ON AUGUST 19, 1998, UNDER DOCUMENT NO. 5204B, VOLUME 379, PAGE 629, IN THE OFFICIAL RECORDS OF CHAMBERS COUNTY, TEXAS, FROM WESTERN UNITED LIFE ASSURANCE COMPANY TO KEVIN D. BOYER AND VIVIANN BOYER, ALSO BEING PARTICULARLY DESCRIBED BY CHAMBERS COUNTY PLAT MAP TAX ACCOUNT NUMBER 00008-08301-00300-120001.

Description of 12.3 acre tract:

Situated in Chambers County, Texas, and being a 12.3 acre tract of land, more or less, out of and a part of the M. A. CARROLL SURVEY, Abstract No. 8, and being out of a 590 acre tract described in Deed recorded in Volume J at Page 577 of the Deed Records of Chambers County, Texas, being out of an 18.3 acre tract conveyed by G. W. Collier to Hollis Wilkinson, surveyed by D. T. Brandon on October 7, 1986. Said 12.3 acre tract, more or less, being more particularly described as follows, to-wit:

BEGINNING at a 5/8 inch iron rod found in the South right of way line of Interstate Highway 10 for the Northwest corner of the aforementioned 18.3 acres and the Northwest corner of this 12.3 acre tract;

THENCE, South 00° 01' 30" East with the West line of this tract and the East line of the 10.5 acre J. Hill Estate Tract and the East line of the H. B. Amick Estate 42.7 acre tract a distance of 1237.48 feet to a 1/2 inch iron rod set in the Northerly line of a 6.0 acre tract surveyed out of the South end of said 18.3 acres on May 03, 1994, for the Southwest corner;

THENCE, South 88° 21' 47" East along the North line of the 6.0 acre tract and the South line of this tract a distance of 531.86 feet to a 1/2 inch iron rod set for the Northeast corner of said 6.0 acre tract and the Southeast corner of this tract;

THENCE, North 00° 01' 30" West with the Easterly line of this tract and the Westerly line of the Holbrook Tract a distance of 939.49 feet to a 2 inch iron pipe for a corner;

THENCE, North 88° 21' 47" West with a Northerly line of this tract and a Southerly line of the Holbrook Tract a distance of 411.84 feet to a corner;

THENCE, North 00° 01' 30" West with an Easterly line of this tract and a Westerly line of the Holbrook Tract a distance of 300.00 feet to an iron rod found at the Southerly right of way line of State Highway Interstate 10 for the Northeast corner of this tract;

THENCE, along a curve to the right in the said South line of Interstate 10 whose Delta angle = 00° 36' 28" a curvilinear distance of 120.00 feet having a chord of North 89° 47' 58" West - 120.00 feet to the "POINT OF BEGINNING" containing 12.3 acres of land, more or less.

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Heather H. Hawthorne, County Clerk

Recorded: *Kris Hampton*