

Notice of Foreclosure Sale

July 13, 2022

Deed of Trust ("Deed of Trust"):

Dated: May 1, 2018

Grantor: Juan Cervantes (aka Tony Cervantes) and Norma Cervantes, husband and wife

Trustee: Shonda K. Folsom

Lender: Kenneth and Patricia Eubanks

Recorded in: Volume 1723, Page 634 of the real property records of Howard County, Texas

Legal Description: The real property described in **Exhibit A** attached hereto and made a part hereof by reference

Secures: Home Equity Promissory Note ("Promissory Note") in the original principal amount of \$155799.74, executed by Juan Cervantes (aka Tony Cervantes) and Norma Cervantes, husband and wife ("Borrower"), and payable to the order of Lender

Modifications and Renewals:

Property: The real property, improvements, and personal property described in and mortgaged in the Deed of Trust, including the real property described in the attached **Exhibit A**, and all rights and appurtenances thereto

Foreclosure Sale:

Date: Tuesday, September 6, 2022

Time: The sale of the Property will be held between the hours of 10:00AM and 4:00 PM 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: The north steps of the Howard County Courthouse located at 300 Main Street, Big Spring, Texas 79720, or as designated by the Howard County Commissioners' Court for sales of property under Tex. Prop. Code §51.002 in that county.

POSTED
FILED at 1:08 P M O'clock 7/13/22
BRENT ZITTEKOPF, County Clerk, Howard County, Texas
By Justin Bennett Deputy

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 Lender'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 Promissory Note and in the performance of the obligations of the Deed of Trust. Because of that default, Lender, the owner and holder of the Promissory 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 Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Lender'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 Lender 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 Lender. 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.

THIS INSTRUMENT APPOINTS THE 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.

A handwritten signature in blue ink, appearing to read "Shonda Folsom", is written over a horizontal line. The signature is stylized and cursive.

Shonda Folsom
Attorney for Lender

Exhibit A
Legal Description

BEING a 0.5 acre tract out of the NW/4 of Section 1, Block 32, T-1-S, T&P Ry Co Survey,
Howard County, Texas, known as 3 Val Verde Rd., Big Spring, Texas 79720