

2024.009

2024.009
BRENDA MCKANNA
COUNTY CLERK
2024 APR 11 PM 4:25
MOORE COUNTY, TEXAS
BY *[Signature]*
DEPUTY

NOTICE OF FORECLOSURE SALE

Notice is hereby given of a public non-judicial foreclosure sale.

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

Lot Nine (9), Block One (1), Hays Addition Unit One (1), City of Cactus, Moore County, Texas, commonly known as 105 Delana, Cactus, Texas 79013

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

Date: May 7, 2024

Time: The sale shall begin no earlier than 10:00 A.M. or no later than three hours thereafter. The sale shall be completed by no later than 1:00 P.M.

Place: Moore County Courthouse in Dumas, Moore County, Texas, at the designated area of the courthouse.

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 re-posted and re-filed in accordance with the posting and filing requirements of the Texas Property Code. Such re-posting or re-filing may be after the date originally scheduled for this sale.

3. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deeds of trust permitting the Beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debts 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 cash on the day the property is sold.

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.

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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

4. Type of Sale. The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by Jose Guadalupe Briones and wife, Ramona Briones. The deed of trust is dated October 25, 2013, and recorded in the office of the County Clerk of Moore County, Texas, in Vol. 738, Page 245, of the Official Public Records of Real Property of Moore County, Texas.

5. Obligations Secured. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to (1) one promissory note dated October 25, 2013, in the original principal amount of \$20,375.00, executed by Jose Guadalupe Briones and wife, Ramona Briones, and payable to the order of Kelly Hays; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of Jose Guadalupe Briones and wife, Ramona Briones to Kelly Hays. Kelly Hays is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiary:

Kelly Hays
P. O. Box 460
Dumas, TX 79029
Telephone: (806) 922-5345

6. Default and Request To Act. Default has occurred under the deeds of trust, and the beneficiary has requested me, Rick L. Russwurm, as 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: April 10, 2024



Rick L. Russwurm, Trustee
P. O. Box 492
Dumas, Texas 79029
Telephone: (806) 935-9272
Fax: (806) 935-9354