

2023.034

**NOTICE PURSUANT TO §51.02, TEXAS PROPERTY CODE:**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**A CERTAIN PROTECTIVE RIGHTS IS 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 the attached Exhibit "A" as described in Moore County Deed Records, Book 0758 Page 0917 to 0930. ("Property Address"):

2. *Instrument to be Foreclosed is an Instrument recorded in Moore County, Book 0758 Page 0917 to 0930.* The instrument to be foreclosed is the Deed of Trust and Fixture Filing recorded as an instrument recorded in the public deed records, Moore County, Texas at Book 0758 Page 0917 to 0930.

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. The sale will be completed by no later than 1:00 p.m.

Place: At the Moore County Courthouse located at (Main Original Building), 7<sup>th</sup> Street and Dumas Ave, Dumas, Moore County, Texas, First Floor in center area of hall or as designated by the County Commissioner's Court area of the Courthouse pursuant to Section 51.002 of the Texas Property Code, and if no area is designated then adjacent to the area where this notice is posted.

BRENDA McKANNA  
COUNTY CLERK

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Notice of Foreclosure Sale

MOORE COUNTY, TEXAS

BY *Terese Henry*

The Deed of Trust and Fixture Filing 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 and Fixture Filing 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 refiled 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 and Fixture Filing permitting the beneficiary thereunder to have the bid credited to the Promissory Note up to the amount of the unpaid debt secured by the Deed of Trust and Fixture Filing 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 and Fixture Filing, 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 and Fixture Filing. 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 and Fixture Filing. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any. The Property will be sold "As Is".

Pursuant to the Deed of Trust and Fixture Filing, 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 and Fixture Filing. 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. *Type of Sale.* The sale is a nonjudicial deed-of-trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust and Fixture Filing.


The real property and personal property encumbered by the Deed of Trust and Fixture Filing will be sold at the sale in accordance with the provisions of the Deed of Trust and Fixture Filing and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

6. *Obligations Secured.* The Deed of Trust and Fixture Filing provides that it secures the payment of the indebtedness and obligations therein described (the "Obligation") in the Promissory Note dated on or about March 5, 2015, executed by Charles Blake Stringer and payable to the order of Zions First National Bank as of March 5, 2015. Notwithstanding anything in this document to be contrary, should any party in receipt of this document be a debtor in a bankruptcy proceeding or have received a discharge proceeding subject to the provisions of the United States Bankruptcy Code (Title II USC, the "Code") this document is merely intended to be written notice that a formal demand has been made in compliance with a contractual agreement and/or state law. This letter 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. Any and all claims asserted against such debtor will be properly asserted in compliance with the Code in the respective bankruptcy proceeding of the debtor.

7. *Default and Request to Act.* Default has occurred under the Deed of Trust and Fixture Filing, 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: July 10, 2023.

SUBSTITUTE TRUSTEE:



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Mark J. Petrocchi  
2200 Forest Park Boulevard  
Fort Worth, Texas 76110  
Telephone (817) 926-2500  
Telecopier (817) 926-2505

# EXHIBIT "A"

Real estate located in the County of Moore and State of Texas, to-wit:

Tract 1

- All of Section Two Hundred Five (205), Block Forty-Four (44), Houston and Texas Central Railway Company (H&TC Ry. Co.) Survey, Moore County, Texas.

Tract 2

- All of Section Two Hundred Sixteen (216), Block Forty-Four (44), Houston and Texas Central Railway Company (H&TC Ry. Co.) Survey, Moore County, Texas.

Tract 3

- All of Section Thirty-Four (34), Block Forty-Four (44), Houston and Texas Central Railway Company (H&TC Ry. Co.) Survey, Moore County Texas.

Tract 4

- All of Section Two Hundred Twenty-Three (223), Block 3-T, Texas and New Orleans Railway Company (T&NO Ry. Co.) Survey, Moore County, Texas.

Tract 5

- All of Section One Hundred Eighty-Five (185), Block 3-T, Texas and New Orleans Railway Company (T&NO Ry. Co.) Survey, Moore County, Texas.

Tract 6

- Section One Hundred Ninety-Eight (198), Block Forty-Four (44), Houston and Texas Central Railway Company (H&TC Ry. Co.) Survey, Moore County, Texas, Save and except a 3.53 acre tract described in Volume 45, page 257, Deed Records of Moore County, Texas; and save and except a 10.25 acre tract described in Volume 235, page 613, Deed Records of Moore County, Texas; and Save and except a 2.773 acre tract described in Volume 577, page 612, Official Public Records of Real Property of Moore County, Texas.

**Tract 7**

The East Half (E/2) of Section One Hundred Seventy-Six (176), Block Forty-Four (44), Houston and Texas Central Railway Company (H&TC Ry. Co.) Survey, Moore County, Texas, containing 318.19 acres of land, more or less.

**Tract 8**

All of Section Two Hundred Eighteen (218), Block Forty-Four (44), Houston and Texas Central Railway Company (H&TC Ry. Co.) Survey, Moore County, Texas.

**Tract 9**

The Northwest Quarter (NW/4) of Section Two Hundred Nineteen (219), Block Forty-Four (44), Houston and Texas Central Railway Company (H&TC Ry. Co.) Survey, Moore County, Texas.

**Tract 10**

The North Half (N/2) of Section Two Hundred Three (203), Block Forty-Four (44), Houston and Texas Central Railway Company (H&TC Ry. Co.) Survey, Moore County, Texas.

## **WATER RIGHTS**

All water, water rights, ditches and ditch rights, any permits, licenses, certificates or shares of stock evidencing any such water or ditch rights, and any such rights acquired in the future, which entitle Trustor to use water for any purpose upon the Real Property described.