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NOTICE OF FORECLOSURE SALE

2022 MAY 16 PM 3:01

Notice is hereby given of a public nonjudicial foreclosure sale.

1. Deed of Trust. The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the following described deed of trust:

Foreclosure sale being
CLERK OF DISTRICT COURT
FRANKLIN COUNTY, TEXAS

Date: February 28, 2020

Grantors: James Elrod and Amy Elrod both d/b/a Franklin County Feed

Beneficiary: First National Bank of East Texas (f/k/a First National Bank of Gilmer)

Substitute Trustee: Scott A. Ritcheson, and/or Douglas A. Ritcheson, and/or Charles E. Lauffer, Jr., and/or Lance Vincent

Recording Information: Deed of Trust recorded in Volume 381, Page 877, of the Official Public Records of Franklin County, Texas.

2. Property to be Sold. The property to be sold (the "Property") is described as follows:

All those certain lots, tracts or parcels of land situated in Franklin County, Texas, being more particularly described in the Deed of Trust and on what is attached hereto as Exhibit "A" and made a part hereof for all purposes.

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

Date: **June 7, 2022**

Time: The sale shall begin no earlier than 1:00 p.m or no later than three (3) hours thereafter. The sale shall be completed by no later than 4:00 p.m.

Place: Franklin County Courthouse in Mount Vernon, Texas, at the following location:

In the area of such Courthouse designated by the Franklin County Commissioners' Court as the area where foreclosure sales shall take place, or, if no such area has been designated, then on the South steps to the Franklin County Courthouse in Mt. Vernon, Texas.

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. Such 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 cash on the date the property is sold.

The sale will be made expressly subject to unpaid ad valorem taxes and 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 other 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.

A purchaser at the sale of the Property "acquires the Property 'AS IS' without any expressed or implied warranties" (except as to the warranties of title from the grantor identified

in the deed of trust described below). Any purchaser acquires the Property "at the purchaser's own risk." TEXAS PROPERTY CODE §51.009. Nothing set forth in this Notice is an express or implied representation or warranty regarding the Property, all of which are specifically disclaimed by the undersigned and by the beneficiary of the herein described deed of trust.

5. Type of Sale. The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by James Elrod and Amy Elrod both d/b/a Franklin County Feed. The deed of trust is dated February 28, 2020, and is recorded in the office of the County Clerk of Franklin County, Texas, in Volume 381, Page 877 of the Official Public Records of Franklin County, Texas.

6. 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) the February 28, 2020 promissory note in the original principal amount of \$330,380.00, executed by James Elrod and Amy Elrod both d/b/a Franklin County Feed, and payable to the order of First National Bank of East Texas; (2) all renewals and extensions of the note; (3) all interest, late charges, fees and other expenses payable under said note on the herein described deed of trust; and (4) all other debts and obligations described in the deed of trust (including all debts secured by any cross-collateralization clause in the deed of trust). First National Bank of East Texas 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, First National Bank of East Texas, Attention: Jason Frazier, telephone (903) 537-2700, ext. 2407.

7. Default and Request to Act. Default has occurred under the deed of trust, and the beneficiary has asked 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: May 13, 2022.



SCOTT A. RITCHESON, Substitute Trustee
821 ESE Loop 323, Suite 530
Tyler, Texas 75701
Tel: (903) 535-2900
Fax: (903) 533-8646

Notice to Members of the Armed Forces of the United States:

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.

EXHIBIT "A"

TRACT ONE:

ALL that certain lot, tract or parcel of land situated in Franklin County, Texas, a part of the JOSEPH SLOAN SURVEY, A-425, and being that certain tract described in deed from Katherine Ford Gaddis to H.E. Ramsay dated January 24, 1973, recorded in Vol. 112, page 506, Deed Records, Franklin County, Texas, described as follows: BEGINNING at a point in the south line of Main St. as shown in original townsite Map of the City of Mt. Vernon, Vol. C, pg. 155, Minutes of Commissioner's Court of Franklin County, Texas, 4.45 ft. West of the NW corner of Block No. 22, the NE corner of the lot of the Hasty Court's Motel;
THENCE West along the South ROW of Main St. 120.16 ft. passing what was the original West line of Taylor St. at 45.55 ft. to NW corner lot owned by Lowry's Furniture Company;
THENCE South 271 ft. along a chain link fence passing what was originally Scott St. North and South lines to corner of St. Louis SWRR Co. a steel rail drive in the ground;
THENCE East 120.16 ft. passing what was Taylor St. West line at 74.61 ft. to SW corner of this lot and a common corner with St. Louis SWRR Co.;
THENCE North 271 ft. crossing South and North lines of what was Scott St. at 21 & 71 ft. and along the west line of Hasty Court's tract, to place of beginning;.

TRACT TWO:

ALL that certain tract of land being part of Block 22 of the original town of Mt. Vernon, described by metes and bounds as follows:
BEING part of Block 22 of the original town of Mt. Vernon, described by metes and bounds as follows:
BEGINNING at a point in the EB line of that certain lot, out of said Block 22 conveyed to T.M. Hasty by Deed dated August 19, 1938, of record in Vol. 55, page 396, Deed Records of Franklin County, Texas at the SW corner of a lot out of said Block No. 22 heretofore conveyed to A.A. Sims by M.L. Andrews;
THENCE East 10 feet;
THENCE South 70 feet;
THENCE West 10 feet to the EB line of said Hasty lot;
THENCE North with said EB line of Hasty lot 70 feet to the place of beginning.

TRACT THREE

BEING the West half of Block 22 according to the original Plat of Mt. Vernon of record in Vol. C, page 155, Minutes of the Commissioners Court of Franklin County, Texas and described by metes and bounds as follows:

BEGINNING at the NW corner of a lot out of said Block 22 sold by Harris St. Clair et ux, to Magnolia Petroleum Company;

THENCE South 200 feet of the SB line of said Block No. 22;

THENCE West with the SB line of said Block 22, 100 feet to its SW corner;

THENCE North with its WB line 200 feet to the SB line of West Street and State Highway No. 1;

THENCE East with said street and highway 100 feet to the place of beginning.

BEING the same land described in Warranty Deed from Kenneth J. Jagers et ux, Peggy H. Jagers, to Bill Stinson et ux, Ozelle Stinson, dated March 8, 1976, recorded in Vol. 131, page 187, Deed Records, Franklin County, Texas.