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NOTICE OF FORECLOSURE SALE

Notice is hereby given of a public nonjudicial foreclosure sale.

*Betty Crane*  
CLERK COUNTY COURT  
FRANKLIN COUNTY, TEXAS

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:

Date: August 8, 2005

Grantors: Willehelmus Coenen (a/k/a Wilhelmus Coenen) and Maria Johanna Coenen

Beneficiary: Legacy Land Bank, FLCA

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

Recording Information: Deed of Trust recorded in Volume 136, Page 783, 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, and being more particularly described on what is attached hereto as Exhibit "A" and made a part hereof for all purposes, together with a) all rights, easements, appurtenances, royalties, surface, sub-surface and/or mineral rights, b) all oil and gas rights, crops, timber, c) all diversion payments or third party payments made to crop producers, d) all water and riparian rights, wells, ditches, reservoirs and water stock, e) all improvements, structures, fixtures and replacements thereon.**

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

Date: **April 3, 2018**

Time: The sale shall begin no earlier than 10:00 a.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 reporting 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 Willehelmus Coenen and Maria Johanna Coenen. The deed of trust is dated August 8, 2005, and is recorded in the office of the County Clerk of Franklin County, Texas, in Volume 136, Page 783 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 August 8, 2005 promissory note in the original principal amount of \$570,000.00, executed by Willehelmus Coenen and Maria Johanna Coenen, and payable to the order of Legacy Land Bank, FLCA; (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). Legacy Land Bank, FLCA 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, Legacy Land Bank, FLCA, Attention: Brittany Hammond, telephone (903) 885-9566.

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: March 12, 2018.



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"

All those certain lots, tracts or parcels of land situated in Franklin County, Texas, and described as follows, to-wit:

### TRACT ONE:

Being a part of the John Barton Survey, and being Lot No. 5, set aside to Myrtle Wakefield in a partition in the case of Willie Wakefield vs. Myrtle Wakefield et al, No. 3768, in the District Court of Franklin County, Texas, as shown by a plat on Page 229 of Book N, Minutes of the District Court of Franklin County, Texas, and more fully described as follows:

**BEGINNING** at the S.W. corner of Lot No. 4, in said partition, set aside to the Estate of Buck Burns, deceased;

**THENCE** South 143.6 vrs. a stake;

**THENCE** East 892 vrs. a stake;

**THENCE** North 143.6 vrs. a stake;

**THENCE** West 892 vrs. to the place of beginning, containing 22.7 acres of land, more or less.

**BEING** the same land described in Warranty Deed from Myrtle Wakefield to F. F. Burns, dated April 25, 1935, recorded in Vol. 52, Page 219, Deed Records, Franklin County, Texas.

**AND ALSO** being the same "first tract" of land described in Warranty Deed from Agnes Burns to Wesley David Wafford, dated January 8, 1973, recorded in Vol. 112, Page 379, Deed Records, Franklin County, Texas.

### TRACT TWO:

Being 53.33 acres of land, more or less, and being a part of the John Barton Survey, and being more fully described as follows:

**BEGINNING** at 616 varas North of the Northern S.W. corner of said Barton Survey, a stake for corner, same being the N.W. corner of Lot No. 6 of this partition;

**THENCE** North with the W.B. line of said Barton Survey at 344.8 varas a stake for corner;

**THENCE** East at 881 varas to a stake in the center of road for corner;

**THENCE** South with said road at 346 varas a stake in said road and also on the N.B. line of Lot No. 6;

**THENCE** West at 850 varas with the N.B. line of said Lot No. 6 to a stake in the W.B. line of the said Barton Survey, the place of beginning.

**BEING** land set aside to F. F. Burns as share Number Five (5) in Certified Copy of Judgment styled Daisy Scott et al vs. The Unknown Heirs of Will Parchman, Dec'd., dated April 29, 1947, recorded Vol. 65, Page 424, Deed Records, Franklin County, Texas.

**AND ALSO** being the same "second tract" of land described in Warranty Deed from Agnes Burns to Wesley David Wafford, dated January 8, 1973, recorded in Vol. 112, Page 379, Deed Records, Franklin County, Texas.

### TRACT THREE:

Being 53.33 acres of land, more or less, and being a part of the John Barton Survey and being more fully described as follows:

**BEGINNING** at 365 varas North of the Northern S.W. corner of the said Barton Survey on W.B. line, a stake for corner;

**THENCE** East at 819 varas to the center of road a stake for corner, same being the Southern S.W. corner of Lot No. 8;

THENCE North with the said road and the Southern W.B. line of Lot No. 8 at 45 varas a stake in said road for corner;

THENCE East 464 varas with the Northern S.B. line of said Lot No. 8 to stake for corner;

THENCE North at 241 varas with the Northern W.B. line of Lot No. 8 to a stake in the S.B. line of Lot No. 7;

THENCE West at 461 varas with the S.B. line of said Lot No. 7 to a stake in the center of road for corner;

THENCE South with said road at 40 varas, a stake for corner, same being the S.E. corner of Lot No. 5;

THENCE West at 850 varas with the S.B. line of Lot No. 5 to a stake in the W.B. line of the said Barton Survey, same being the S.W. corner of Lot No. 5;

THENCE South with the W.B. line of said survey at 251 varas to the place of beginning.

BEING land set aside to R. L. Burns as share Number Six (6) in Certified Copy of Judgment styled Daisy Scott et al vs. The Unknown Heirs of Will Parchman, Dec'd., dated April 29, 1947, recorded Vol. 65, Page 424, Deed Records, Franklin County, Texas.

AND ALSO being a part of the land described in Warranty Deed from R. L. Burns et ux, Zora Burns, to F. F. Burns, dated Sept. 13, 1947, recorded Vol. 66, Page 65, Deed Records, Franklin County, Texas.

ALSO being a part of the land described in Warranty Deed from Zora Burns to F. F. Burns, dated May 15, 1948, recorded in Vol. 55, Page 475, Deed Records, Franklin County, Texas.

ALSO being part of the land described in Warranty Deed from Daisy B. Scott et al to F. F. Burns, dated November 26, 1958, recorded Vol. 84, Page 47, Deed Records, Franklin County, Texas.

ALSO being the same "third tract" of land described in Warranty Deed from Agnes Burns to Wesley David Wafford, dated January 8, 1973, recorded in Vol. 112, Page 379, Deed Records, Franklin County, Texas.

**TRACT FOUR:**

Being 27 acres of land, more or less, and being a part of the John Barton Survey and being more fully described as follows:

BEGINNING at 562 varas North of the Northern S.E. corner of the John Barton Survey, a stake on said E.B. line;

THENCE North 286 varas with said E.B. line to a stake, same being the S.E. corner of a Lot No. 7;

THENCE West 498 varas with the S.B. line of Lot No. 7 to a stake, same being the most Northern N.E. corner of Lot No. 6;

THENCE South 241 varas with the E.B. line of Lot No. 6, a stake for corner;

THENCE West 464 varas with the most Northern S.B. line of Lot No. 6 to middle of road, a stake for corner;

THENCE South with said road 45 varas a stake for corner, same also being the most Southern S.E. corner of Lot No. 6;



**THENCE** East 964 varas to the place of beginning.

**BEING** the same land described in Warranty Deed from Bessie Merritt et al to F. F. Burns, dated December 23, 1959, recorded Vol. 84, Page 148, Deed Records, Franklin County, Texas.

**AND ALSO** being the same "fourth tract" of land described in Warranty Deed from Agnes Burns to Wesley David Wafford, dated January 8, 1973, recorded in Vol. 112, Page 379, Deed Records, Franklin County, Texas.

**TRACT FIVE:**

All that certain tract or parcel of land situated in Franklin County, Texas, and being 53.33 acres out of the John Barton Survey, A-19, and described as follows, to-wit:

**BEGINNING** at 848 varas North of the Southern S.E. corner of said Barton Survey, a stake being the N.E. corner of Lot No. 8 of Burns Estate Land;

**THENCE** West to the middle of road at 940 varas a stake, same being the Northern N.W. corner of Lot No. 6;

**THENCE** North with said road at 312 varas to a stake, being the N.E. corner of Lot No. 5;

**THENCE** East at 900 varas to a stake in the EBL of the Barton Survey;

**THENCE** South with said line 310 varas to the place of beginning.

**BEING** Share Number Seven (7) set aside to Martha Wentworth as described in Partition Deed styled Daisy Scott et al vs. The Unknown Heirs of Will Parchman, deceased, dated April 29, 1947, recorded in Vol. 65, Page 426, et seq., of the Deed Records of Franklin County, Texas.

**AND ALSO** being the same land described in Warranty Deed from Martha Wentworth Langevin and Van Dora Reed to W. D. Wafford and Lilly Faye Wafford, dated November 26, 1973, recorded in Vol. 117, page 416, Deed Records, Franklin County, Texas.

**LESS HOWEVER:**

All that certain tract or parcel of land situated in the John Barton Survey, A-19, Franklin County, Texas, being out of that certain 53.33 acre tract described in Deed to W. D. Wafford dated Dec. 1973 recorded in Vol. 117, Page 416 Deed Records of Franklin County, Texas and being more particularly described as follows;

**BEGINNING** at a nail set for corner situated on the centerline of a Public Road, being on the SW corner of said 53.33 acre tract, and being on the NW corner of a 50 acre tract;

**THENCE** North with said centerline 277.00 feet to a nail set for corner;

**THENCE** East 787.0 feet to a 1/2 inch iron pipe set for corner;

**THENCE** South 277.0 feet to a 1/2 inch iron pipe set for corner situated on the SBL of said 53.33 acre tract;

**THENCE** West with the SBL of said 53.33 acre tract and the NBL of said 50 acre tract, 787.0 feet to the place of beginning containing 5.00 acres, more or less

**BEING** the same land described in Warranty Deed from W. D. Wafford a/k/a Wesley D. Wafford and wife, Lilly Faye Wafford a/k/a Lilly F. Wafford to Randy Wafford and wife, Amy Wafford, dated December 9, 1994, recorded in Vol. 239, Page 204, Deed Records, Franklin County, Texas.