

FILED

NOTICE OF FORECLOSURE SALE

2020 MAR 16 PM 2:47

Notice is hereby given of a public nonjudicial foreclosure sale.

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

*Betty Crane*  
CLERK FORECLOSURE SALE  
FRANKLIN COUNTY COURT  
FRANKLIN CO., TX.

Date: May 20, 2014

Grantor: John Case Properties, L.L.C.

Beneficiary: Alliance Bank (successor in interest to First National Bank of Mount Vernon)

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 295, Page 562, 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 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: **April 7, 2020**

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 1:00 p.m.

Place: Franklin County Courthouse in Mt. 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 refileing 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 John Case Properties, L.L.C. The deed of trust is dated May 20, 2014, and is recorded in the office of the County Clerk of Franklin County, Texas, in Volume 295, Page 562 of the Deed 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 May 20, 2014 promissory note in the original principal amount of \$763,000.00, executed by John Case Properties, LLC, and payable to the order of Alliance Bank (successor in interest to First National Bank of Mount Vernon); (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). Alliance Bank 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, Alliance Bank, Attention: Monica Ames, telephone (903) 439-6732.

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, 2020.



DOUGLAS 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 tract or parcel of land situated in the GABRIEL KEITH SURVEY, A-261, Franklin County, Texas; being out of that certain tract 18 acre tract described in deed to Eppie Harris and Elmer D. Hon, recorded in Volume 101, Page 107, Deed Records Franklin County, Texas and being more particularly described as follows:

**BEGINNING** at a ½ inch iron pipe set for corner in the East R.O.W. line of State Highway 37 and S 1 deg. 17 min. W 340.0 feet from the point of intersection of the North boundary line of said 18 acre tract and said East R.O.W. line;

**THENCE** S 89 deg. 28 min. E – 360.0 feet to a ½ inch iron pipe set for corner;

**THENCE** S 1 deg. 17 min. W – 60.0 feet to a ½ inch iron pipe set for corner;

**THENCE** N 89 deg. 28 min. W – 360.0 feet to a ½ inch iron pipe set for corner in the East R.O.W. line of State Highway 37;

**THENCE** N 1 deg. 17 min. E – 60.0 feet with said R.O.W. line to the point of beginning, containing 0.496 acres, more or less.

### TRACT TWO:

All that certain tract or parcel of land situated in the Gabriel Keith Survey, A-261, located about 0.95 miles S 45° W from the town square in the City of Mt. Vernon, Franklin County, Texas; being part of that certain 0.450 acres described in a Deed from Tom Ramsay, Trustee to Bill M. Rhoades and wife, Karon L. Rhoades, dated March 16, 2001, recorded in Vol. 45, Page 360, Official Public Records of Franklin County, Texas; and being more particularly described as follows:

**BEGINNING** at a ½" rebar set on the South East corner of said 0.450 acre tract being on the West boundary line of 2.92 acres described in a Deed to Shidell Apartments dated November 19, 1986, recorded in Vol. 207, page 110, Deed Records and being on the North East corner of a 0.496 acre tract described in a Deed to Johnny Mack Love dated January 6, 2004, recorded in Vol. 99, Page 691, Official Public Records;

**THENCE** N 88° 17' 41" W along the South boundary line of said 0.450 acre tract and the North boundary line of said 0.496 acre tract a distance of 200.55 feet to a ½" rebar for a corner;

**THENCE** N 1° 42' 19" E a distance of 53.00 feet to a ½" rebar set on the North boundary line of said 0.450 acre tract and being on the South boundary line of a 0.255 acre tract described in a Deed to Robin D. Wallace dated September 13, 2004, recorded in Vol. 115, Page 514, Official Public Records;

**THENCE** S 88°17' 41" E along the North boundary line of said 0.450 acre tract and the South boundary line of said 0.255 acre tract a distance of 200.85 feet to a ½" rebar set on the North East corner of said 0.450 acre tract being on the South East corner of said 0.255 acre tract and being on the West boundary line of said 2.92 acre tract;

**THENCE** S 1° 22' 51" W along the East boundary line of said 0.450 acre tract and the West boundary line of said 2.92 acre tract a distance of 53.00 feet to the PLACE OF BEGINNING and containing 0.244 acres of land.