

FILED

**AFFIDAVIT OF POSTING**

2025 FEB 11 AM 10:03

BEFORE ME, the undersigned authority, on this day personally appeared BRANDON HARRY, a person well known to me who, after being first duly sworn did upon his/her oath swear that the following statements are true:

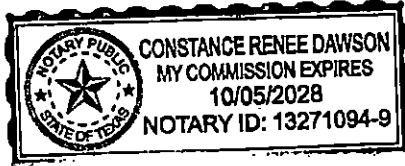
FRANKLIN COUNTY CLERK  
FRANKLIN COUNTY, TX

"I BRANDON HARRY, am a person over the age of eighteen (18) years competent to make this oath, have never been convicted of a felony or a crime of moral turpitude, and have personal knowledge of the facts set forth herein.

On February 11, 2025, acting on behalf of Alliance Bank ("Lender") with respect to the indebtedness evidenced by that certain Deed of Trust dated as of March 24, 2023, executed by Timothy W. Evans, Sandy L. Evans, Timothy B. Evans, and Tiffany Evans ("Debtors"), to Thomas C. Sellers, as trustee, for the benefit of Lender, recorded on March 27, 2023, in Volume 444, Page 305, of the Official Public Records of Franklin County, Texas, pursuant to that certain Residential Construction Loan Agreement, and other Loan Documents, executed on March 24, 2023, recorded on March 27, 2023, in Volume 444, Page 325, of the Official Public Records of Franklin County, Texas (the "Deed of Trust") encumbering certain real and personal property located in Franklin County, Texas, being more particularly described in the Deed of Trust (the "Property"), I and R. Heath Cheek both caused to be posted a written Notice of Foreclosure Sale, (a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes) in the courthouse of Franklin County, Texas, and (2) caused to be filed a copy of the written Notice of Foreclosure Sale described in item (1) above in the office of the County Clerk of Franklin County, Texas."

***[Signature Page Follows]***

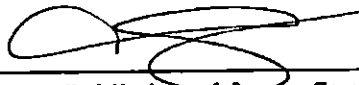
EXECUTED this 10 day of February 2025.



By: 

Printed Name: BRANDON HARRY

SUBSCRIBED AND SWORN TO before me, a Notary Public, by Brandon  
Harry, this 10 day of February 2025.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas  
Constance DAWSON  
\_\_\_\_\_  
Printed Name of Notary Public



### **NOTICE OF FORECLOSURE SALE**

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.

1. *Property to Be Sold.* The property (including any improvements) to be sold is located in Franklin County, Texas and is more fully described as follows:

#### **TRACT ONE:**

All that certain 63.33 acres of land, more or less, situated in Franklin County, Texas, being a part of the Abraham Stroud 640 Survey, lying about 3 miles Southwest from the Town of Mt. Vernon, and being the North part of a 200 acre tract deed to H.M. Lomenack by G.C. Clove and wife, on November 29, 1900, and being more particularly described by metes and bounds in EXHIBIT "A" attached hereto and made a part hereof for all purposes.

#### **TRACT TWO:**

All that certain tract parcel of land situated in the County of Franklin and State of Texas, and being a part of the Abraham Stroud Survey, A-419, and being a part of a 200 acre tract, more or less, conveyed by J. M. Dupree to J. W. Groom by deed dated August 8, 1919, and being known as Lot No. 5 In Partition Deed shown on record in Vol. 50, Page 418 of the Deed Records of Franklin County, Texas, and set aside to said Pat Groom, and being more particularly described by metes and bounds in EXHIBIT "A" attached hereto and made a part hereof for all purposes.

#### **TRACT THREE:**

All that certain lot, tract or parcel of land situated In Franklin County, Texas, about 3 miles SW from the Town of Mt. Vernon, and described as follows: Being a part of the Abraham Stroud 640 acre Survey, Patent No. 872, Vol. 4, and being a part of a 200 acre tract of land conveyed to H. M. Lomenack by C. C. Cloar and wire, by deed dated November 29, 1900, of record in Vol. T, Page 316, Deed Records of Franklin County, Texas, and being more particularly described by metes and bounds In EXHIBIT "A" attached hereto and made a part hereof for all purposes.

#### **TRACT FOUR:**

Being a part of the 200 acre tract, out of the Abraham Stroud Survey, Patent No. 872, Vol. 4, A-419, said part hereafter to be known as Partition Lot No. 4, and being more particularly described by metes and bounds in EXHIBIT "A" attached hereto and made a part hereof for all purposes.

#### **TRACT FIVE:**

Being one-half (1/2) acres of land, more or less, out of the A. Stroud Survey, A-419, and being out of a 40 acre tract of land designated as Lot 2 in Partition Deed between

J. W. Groom et al, said 40 acre tract conveyed to J. T. Groom and wife, Lorene Groom by Virgie Davis et al, dated January 4, 1940, recorded in Vol. 57, Page 161, Deed Records, and said 1/2 acre of land being more particularly described by metes and bounds in EXHIBIT "A" attached hereto and made a part hereof for all purposes.

**TRACT SIX:**

All that certain lot, tract or parcel of land situated in Franklin County, Texas, and described as follows, to wit: Being a part of the A. Stroud Survey and about 3 miles West of Mount Vernon, Texas, and being more particularly described by metes and bounds in EXHIBIT "A" attached hereto and made a part hereof for all purposes

which has an address of:

489 CR 1012  
Mount Vernon, TX 75457

The real property and personal property being sold is the same property described in the Deed of Trust (defined below).

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust dated as of March 24, 2023, executed by Timothy W. Evans, Sandy L. Evans, Timothy B. Evans, and Tiffany Evans ("Debtors"), to Thomas C. Sellers, as trustee, for the benefit of Alliance Bank ("Lender"), recorded on March 27, 2023, in Volume 444, Page 305, of the Official Public Records of Franklin County, Texas, pursuant to that certain Residential Construction Loan Agreement, and other Loan Documents, executed on March 24, 2023, recorded on March 27, 2023, in Volume 444, Page 325, of the Official Public Records of Franklin County, Texas (the "Deed of Trust").

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

Date: March 4, 2025.

Time: The sale will begin no earlier than 10:00 A.M. and no later than three hours thereafter.

Place: The sale will occur at that area of the Franklin County Courthouse located designated by the Commissioner's Court of Franklin County, Texas, for such sales, under Section 51.002 of the Texas Property Code, with the Property being sold to the highest bidder for cash. The Franklin County Courthouse is located at 200 N Kaufman St, Mt Vernon, TX 75457.

In the event Lender decides to postpone, withdraw, or reschedule the sale for another day, 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. The reposting 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 Lender thereunder to have the bid credited to the Note (defined below) 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 day the property is sold.

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

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.

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 foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust.

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, (a) the Promissory Note (the "Note"), dated March 24, 2023, having an original principal balance of \$1,289,000, executed by Debtor, and payable to the order of Lender, and (b) penalties and interest. In addition, the Note and the Deed of Trust provide for reimbursement to the holder of the Note of its reasonable attorneys' fees and expenses incurred in collecting this debt.

7. *Default and Request to Act.* Default has occurred under the Deed of Trust and the Note, and Lender has requested me, as substitute trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person as substitute trustee to conduct the sale.

EXECUTED to be effective as of February 10, 2025.



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SUBSTITUTE TRUSTEE

R. Heath Cheek

Or Sven Stricker

Or Brandon Härry

Or Jeff Byrnes

c/o Bell Nunnally & Martin LLP

2323 Ross Avenue, Suite 1900

Dallas, Texas 75201

**AFTER RECORDING, RETURN TO:**

**R. Heath Cheek**

**Bell Nunnally & Martin LLP**

**2323 Ross Avenue, Suite 1900**

**Dallas, Texas 75201**

**Telephone: (214) 740-1400**

## EXHIBIT A

### **TRACT ONE:**

All that certain 63.33 acres of land, more or less, situated in Franklin County, Texas, being a part of the Abraham Stroud 640 Survey, lying about 3 miles Southwest from the Town of Mt. Vernon, and being the North part of a 200 acre tract deed to H. M. Lomenack by G. C. Clove and wife, on November 29, 1900, and described as follows:

**BEGINNING** at the NW corner of said 200 acre tract, a post oak mkd X brs. N 2-3/4 vrs., another brs. N 41 West 4-1/2 vrs. mkd X;

**THENCE** East with the N. B. line of said 200 acre tract at 1242-1/2 vrs. a stake;

**THENCE** South at 161 vrs. past the ELL corner of said tract and at 287 vrs. a stake;

**THENCE** West 1242-1/2 vrs. a stake on the West boundary line of said tract;

**THENCE** North with said line 287 vrs. the place of beginning, containing 63.33 acres, more or less.

**BEING** the same land conveyed to Mrs. Jewel Campbell by deed dated July 26, 1938, from D. C. Morgan et al, of record in Vol. 55, Page 390, Deed Records of Franklin County, Texas. Being the same land described in deed from Sarah Campbell Davenport and Lawrence Davenport to Pat Groom, dated November 18, 1938, recorded in Vol. 57, Page 1, Deed Records, Franklin County, Texas.

### **TRACT TWO:**

All that certain tract parcel of land situated in the County of Franklin and State of Texas, and being a part of the Abraham Stroud Survey, A-419, and being a part of a 200 acre tract, more or less, conveyed by J. M. Dupree to J. W. Groom by deed dated August 8, 1919, and being known as Lot No. 5 in Partition Deed shown on record in Vol. 50, Page 418 of the Deed Records of Franklin County, Texas, and set aside to said Pat Groom, and being more fully described as follows:

**BEGINNING** at the SW corner of said 200 acre tract;

**THENCE** North 225 varas to the SW corner of Lot No. 4 set apart to Virgie Davis in said Partition Deed;

**THENCE** East with the South boundary line of said Lot No. 4, 1078-1/2 varas to the SE corner of said Lot No. 4;

**THENCE** South 225 varas to the SE corner of said 200 acre tract;

**THENCE** West with the South boundary line of said 200 acre tract 1078-1/2 varas to the place of beginning, containing 43 acres of land, more or less.

**BEING** same land described in deed from Virgie Davis et al, to Pat Groom, dated January 4, 1940, recorded in Vol. 57, Page 159, Deed Records, Franklin County, Texas.

### **TRACT THREE:**

All that certain lot, tract or parcel of land situated in Franklin County, Texas, about 3 miles SW from the Town of Mt. Vernon, and described as follows: Being a part of the Abraham Stroud 640 acre Survey, Patent No. 872, Vol. 4, and being a part of a 200 acre tract of land conveyed to H. M. Lomenack by C. C. Cloar and wife, by deed dated November 29, 1900, of record in Vol. T, Page 316, Deed Records of Franklin County, Texas, and more fully described as follows:

**BEGINNING** at the most Eastern Southeast corner of said Stroud Survey;

**THENCE** North with the E. B. line of said Survey 161 vrs. a stake on said line, same being the NE corner of said 200 acre tract;

**THENCE** West with the North line of said 200 acre tract 365 vrs. a stake;

**THENCE** South 161 vrs. to an ell corner of said Stroud Survey;

**THENCE** East 365 vrs. to the place of beginning, containing 10 acres, more or less.

**BEING** the same land described in deed from Alton B. Smith and wife, Mildred Smith to Pat Groom, dated October 8, 1945, recorded in Vol. 63, Page 151, Deed Records, Franklin County, Texas.

**TRACT FOUR:**

Being a part of the 200 acre tract, out of the Abraham Stroud Survey, Patent No. 872, Vol. 4, A-419, said part hereafter to be known as Partition Lot No. 4, and more particularly described as follows:

**BEGINNING** at the SW corner of Lot No. 3;

**THENCE** East with the S. B. line of Lot No. 3, 1078-1/2 vrs. a stake on the E. B. line of said Survey;

**THENCE** South 235-1/2 vrs. a stake on the E. B. line of said Survey;

**THENCE** West 1078-1/2 vrs. a stake on the West boundary line of said 200 acre tract;

**THENCE** North 235-1/2 vrs. to the place of beginning, containing 45 acres of land, more or less.

**SAME BEING** land described in Warranty Deed from J. W. Maples et ux, to V. L. Holder et ux, dated October 19, 1940, recorded in Vol. 57, Page 243, Deed Records, Franklin County, Texas.

**TRACT FIVE:**

Being one-half (1/2) acres of land, more or less, out of the A. Stroud Survey, A-419, and being out of a 40 acre tract of land designated as Lot 2 in Partition Deed between J. W. Groom et al, said 40 acre tract conveyed to J. T. Groom and wife, Lorene Groom by Virgie Davis et al, dated January 4, 1940, recorded in Vol. 57, Page 161, Deed Records, and said 1/2 acre of land more particularly described as follows:

**BEGINNING** at the SW corner of said 40 acre tract;

**THENCE** East 341 feet with S. B. line of said 40 acre tract a stake for corner;

**THENCE** in a Northwesterly direction to a stake on the W. B. line of said 40 acre tract at a point 137 feet North of said SW corner of 40 acre tract;

**THENCE** South 137 feet with W. B. line 40 acre tract to the place of beginning, containing one-half (1/2) acre of land, more or less.

**BEING** same land described in Warranty Deed from J. T. Groom et ux, to Virgil Holder et ux, dated June 5, 1963, recorded in Vol. 83, Page 611, Deed Records, Franklin County, Texas.

**TRACT SIX:**

All that certain lot, tract or parcel of land situated in Franklin County, Texas, and described as follows, to-wit:

Being a part of the A. Stroud Survey and about 3 miles West of Mount Vernon, Texas, and described as follows:

**BEGINNING** at a stake in the W. B. line of the said Stroud Survey and at the NW corner of a 500 acre tract conveyed by J. F. Johnson to W. T. Johnson;

**THENCE** East 307 vrs. Denton Creek in all East 529 vrs. a stake;

**THENCE** South 1054 vrs. a stake;

**THENCE** West 529 vrs. to a stake;

**THENCE** North 1054 vrs. to the place of beginning, and containing 100 acres of land, more or less.

**BEING** same land described in Warranty Deed from M. L. Edwards et al, Trustees of the Trust Fund of the First National Bank of Mt. Vernon, Texas, to Virgil Holder and Rouy Holder, dated March 12, 1948, recorded in Vol. 66, Page 385, Deed Records, Franklin County, Texas.