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REMOVE POSTING BY: 

July 03, 2024

FILED FOR RECORD

At 11:10 O'Clock A M

JUN 10 2024

NOTICE OF TRUSTEE'S SALE

VANESSA BURZYNSKI
COUNTY CLERK, GRIMES COUNTY, TX
By Mary Ann Hargrave Deputy

Pursuant to Deed of Trust dated **December 29, 2017**, executed by **SHANNON COX TOFTE AND THOMAS FRANKLIN TOFTE** ("Mortgagor") Mortgagor conveyed to **PATRICK F. DOYLE, DENNIS R. BETTISON, ETHAN BAKER, JEFF ADAMS, DONNIE QUINTANILLA and JANA L. HARTNETT**, as Trustee(s) all of their right, title, and interest in and to that one certain parcel of real property situated in Grimes County, Texas and described as:

16.17 acres of land, more or less, lying and being situated in the FELIX MCCLUSKY SURVEY, A-325, Grimes County, Texas, being commonly referred to as Tracts 5 and 6, of Heritage Acres Estates Subdivision, Section II, an unrecorded subdivision, and being more fully described on Exhibit "A", attached hereto and made a part hereof.

to secure the payment of that one certain Promissory Note ("Note") dated December 29, 2017, in the original principal amount of \$203,990.00, executed by **SHANNON COX TOFTE AND THOMAS FRANKLIN TOFTE** and payable to the order of **TARA SMARR AND TETA FRANKLIN** ("Beneficiary") and any and all other indebtedness secured by the Deed of Trust executed by **SHANNON COX TOFTE AND THOMAS FRANKLIN TOFTE**.

The Deed of Trust was filed of record under Grimes County Clerk's File No. 00291489-RP; Vol. 1673, Page 768-778; all in the Official Real Property Public Records of Grimes County, Texas; and

The Deed of Trust is in default and the entire unpaid balance of the Note is due and payable, and Beneficiary intends to enforce the power of sale set forth in the above-referenced Deed of Trust; and

The Beneficiary has directed the Substitute Trustee to enforce the power of sale under the Deed of Trust for the purpose of collecting the indebtedness secured under it, after the giving of at least 21 consecutive days' notice and recording the Notice in the Grimes County Clerk's Office giving the time, place, and terms of said sale, and description of the property to be sold, pursuant to the Deed of Trust and the laws of the State of Texas;

Therefore, I, **MICHAEL ADAMS**, Trustee, hereby give notice, after due publication as required by the Deed of Trust and/or security instruments and the Texas Property Code, that I will, after due posting, publication, and filing of this Notice, and after having given written notice of at least 21 consecutive days by certified mail, return receipt requested, as well as regular mail, to each debtor obligated to pay the Note and indebtedness secured by the Deed of Trust, at the last known address of each such debtor, according to the records

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of Beneficiary, as required by the Deed of Trust and the laws of the State of Texas, sell the Property at public auction to the highest bidder or bidders for cash, between the hours of 1:00 p.m. and 4:00 p.m. on the first Tuesday in July, being **July 2, 2024**, at the south entrance of the Grimes County Courthouse located at 100 Main Street in Anderson, Grimes County, Texas, or as designated by the County Commissioners Court.

Pursuant to Section 51.002 of the Texas Property Code, the foreclosure sale will begin no earlier than 1:00 p.m. and no later than three hours after that time.

The sale conducted pursuant to this Notice will be made subject to any valid and existing liens and any other title encumbrances affecting title to the property described above or any part of the property that are proved superior to the liens and other rights of Beneficiary under the security instrument or other recorded instruments.

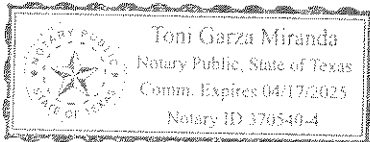
Signed on June 6, 2024.

DOYLE LAW FIRM, PLLC
6710 Stewart Road, Suite 300
Galveston, Texas 77551
Telephone: 409/744-9783
Fax: 409/744-9786

By: [Signature]
MICHAEL ADAMS, Trustee

THE STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

This instrument was acknowledged before me on the 6th day of June, 2024, by **MICHAEL ADAMS**, Trustee, and in the capacity therein stated.



[Signature]
Notary Public in and for the State of Texas

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 THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 16.17 ACRES OF LAND IN THE FELIX MCCLUSKY SURVEY, A-315, GRIMES COUNTY, TEXAS, COMMONLY REFERRED TO AS TRACTS 5 AND 6 OF HERITAGE ACRES ESTATES SUBDIVISION, SECTION 2, (UNRECORDED), AS RECORDED IN A DEED TO JAMES C. MOODY II ET AL IN VOLUME 1217, PAGE 318 OF THE REAL PROPERTY RECORDS OF GRIMES COUNTY, TEXAS; (R.P.R.G.C.T.); SAID HERITAGE ACRES ESTATES # ALSO BEING A CALLED 397 ACRE TRACT DESCRIBED IN A DEED TO DARRELL HALL, RECORDED IN VOLUME 288, PAGE 582 OF THE DEED RECORDS OF GRIMES COUNTY, TEXAS; (O.R.G.C.T.)

BEGINNING AT A 5/8 INCH IRON ROD FOUND ON THE OCCUPIED EAST RIGHT OF WAY (R.O.W.) LINE OF COUNTY ROAD 131, MARKING THE NORTHWEST CORNER OF A CALLED 7.997 ACRE TRACT; (LOT 7) DESCRIBED IN A DEED TO ANGELUS EXTREMUS CORPORATION, RECORDED IN VOLUME 1206, PAGE 781 OF THE R.P.R.G.C.T.; AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT.

THENCE: N 08°12'67" E, ALONG THE OCCUPIED EAST R.O.W. LINE OF COUNTY ROAD 131 FOR A DISTANCE OF 433.41 FEET TO 10 INCH POST OAK FOR AN ANGLE IN THE WEST LINE OF THE HEREIN DESCRIBED TRACT;

THENCE: N 09°32'18" E, CONTINUING ALONG THE OCCUPIED EAST R.O.W. OF COUNTY ROAD 131 FOR A DISTANCE OF 184.90 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF A CALLED 6.133 ACRE TRACT; (LOT 4); DESCRIBED IN A DEED TO JENELL SMITH RECORDED IN VOLUME 1137, PAGE 684 OF THE R.P.R.G.C.T. AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

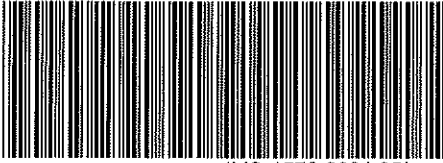
THENCE: S 60°11'23" E, ALONG THE SOUTH LINE OF TRACT 4 (BASIS OF BEARINGS) FOR A DISTANCE OF 1012.66 FEET TO A 1/2 INCH IRON ROD FOUND ON THE WEST LINE OF SAID PEACEFUL PLACE ESTATES SUBDIVISION, PHASE 1, AS RECORDED IN VOLUME 710, PAGE 312 OF THE R.P.R.G.C.T.; MARKING THE SOUTHEAST CORNER OF SAID TRACT 4, AND THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: S 69°47'24" W, ALONG THE WEST LINE OF PEACEFUL PLACE ESTATES SUBDIVISION, AT 350.07 FT. PASS A 1/2 INCH IRON ROD FOUND, CONTINUING FOR A TOTAL DISTANCE OF 789.03 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE NORTHEAST CORNER OF THE ABOVE MENTIONED TRACT 7 AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: N 80°11'36" W, ALONG THE NORTH LINE OF SAID TRACT 7 AND SOUTH LINE OF THE HEREIN DESCRIBED TRACT FOR A DISTANCE OF 997.18 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 16.17 ACRES OF LAND AS SURVEYED ON THE GROUND UNDER MY SUPERVISION IN APRIL OF 2014.

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Therefore, the Company does not represent that the acreage or square footage calculations are correct. References to quantity are for informational purposes only.

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VG-1576-2024-65

**Grimes County
Vanessa Burzynski
Grimes County Clerk**

Instrument Number: 65

Foreclosure Posting

Recorded On: June 10, 2024 11:10 AM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$7.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 65
Receipt Number: 20240610000008
Recorded Date/Time: June 10, 2024 11:10 AM
User: Mary H
Station: Clerk03

Record and Return To:

DOYLE LAW FIRM PLLC
6710 STEWART ROAD STE 300
GALVESTON TX 77551



**STATE OF TEXAS
Grimes County**

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Grimes County, Texas

Vanessa Burzynski
Grimes County Clerk
Grimes County, TX

Vanessa Burzynski