

#104

FILED FOR RECORD

At 1:47 O'Clock P M

NOV 06 2024

REMOVE POSTING BY:
December 04, 2024

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

NOTICE OF FORECLOSURE SALE

1. **Property to be Sold.** The property to be sold is described as follows:

All that certain tract or parcel of land, being Lot 11 and Lot 12, Block 9, Foxfire Subdivision, a subdivision in Grimes County, Texas, according to the map or plat thereof recorded in Volume 393, Page 829, Real Property Records of Grimes County, Texas.

2. **Instrument to be Foreclosed.** The instrument to be foreclosed is as follows:

Deed of trust recorded in Volume 1135, Page 293, Official Public Records of Grimes County, Texas.

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

Date: December 3, 2024

Time: The sale will begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale will be completed by no later than 4:00 p.m.

Place: Grimes County Courthouse in Anderson, Texas, at the following location: south entrance of the Grimes County Courthouse located at 270 FM 149, Anderson, Texas 77830, or as designated by the County Commissioners' Court pursuant to Texas Property Code Section 51.002 as the place where foreclosure sales are to take place or as designated by the County Commissioners.

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. 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 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 their bid immediately in cash if their bid is accepted.

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 the deed of trust, the beneficiary has the right to direct the Trustee and substitute Trustee to sell the property in one or more parcels and/or to sell all or only part of the property.

Pursuant to Texas Property Section 51.009, 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 Texas Property Section 51.0075, the Trustee and substitute Trustee reserve 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 substitute Trustee.

5. **Type of Sale.** The sale is a non-judicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by Gary M. Ponton, Jr. and Crystal M. Ponton.

The real property and, if any, the personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by Texas Business and Commerce Code Section 9.604(a).

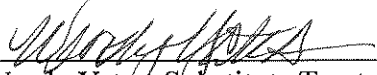
6. **Obligations Secured.** The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to the real estate lien note in the original principal amount of \$137,500.00 executed by Gary M. Ponton, Jr. and Crystal M. Ponton and payable to the order of John Hale and Karen Hale, and the modification and extension agreement in the original principal amount of \$117,044.01, executed by Gary M. Ponton, Jr. and Crystal M. Ponton and payable to the order of John Hale and Karen Hale, being the current owner and holder of the Obligations and the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned.

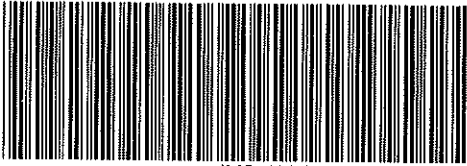
7. **Default and Request to Act.** Default has occurred under the deed of trust, and the beneficiary has requested me, as substitute Trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person as substitute Trustee to conduct the sale.

ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATE. IF YOU 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 MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.

Dated: November 4, 2024



Wendy Yates, Substitute Trustee
Upchurch & Yates, LLP
315 S. Park Street
Brenham, Texas 77833
Telephone: (979) 316-1306
Fax: (979) 316-1311



VG-1576-2024-104

Grimes County
Vanessa Burzynski
Grimes County Clerk

Instrument Number: 104

Foreclosure Posting

Recorded On: November 06, 2024 01:47 PM

Number of Pages: 4

" 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: 104
Receipt Number: 20241106000012
Recorded Date/Time: November 06, 2024 01:47 PM
User: Mary H
Station: Clerk03

Record and Return To:

UPCHURCH AND YATES LLP
2305 S DAY STREET
BRENHAM TX 77833



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