

August

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 to be sold is described as follows:

Tract I: Being all of Lot Three (3), in Block A of the Rose Marie Addition to the City of Hearne, Robertson County, Texas, according to the Map of said Addition recorded in Volume 1, Page 67, Map records of Robertson County, Texas; and being the same property as described in Deed dated October 17, 1997, from James Allen Mushinski and wife, Tonya Joyce Mushinski also known as Tonya J. Tarver to Thomas Michael O'Neil and wife, Rita O'Neil, recorded in Volume 693, Page 534, Official Public Records of Robertson County, Texas.

Filed for Record in:
Robertson County
On: Jul 13, 2020 at 01:41P
By: Tract W000011

2. *Deed of Trust*

Dated: March 6, 2015 with an effective date of March 1, 2015

Grantor: Arturo Mata and wife, Claudia Mata

Trustee: Linda K. Grant

Lender: Thomas Michael O'Neil, and wife, Rita O'Neil

Recorded in: Vol.1258, page 103, of the real property records of Robertson County, Texas and

Secures: Real Estate Lien Note ("Note") in the original principal amount of \$32,500.00, executed by Arturo Mata and wife Claudia Mata ("Borrower") and payable to the order of Lender and later awarded as the separate property of Arturo Mata in the Final Decree of Divorce entered December 11, 2017 under Cause No. CV 37,528 in the 20th Judicial District Court of Milam County, Texas..

I, undersigned, County Clerk, do hereby certify that the above notice was duly posted on 13 day of July, 2020 at 2:00 am/pm
Stephanie M. Sanders, Robertson County Clerk

by Stephanie M. Sanders

3. *Foreclosure Sale:*

Date: Tuesday, August 4, 2020

Time: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 A.M and not later than three hours thereafter.

Place: Robertson County Courthouse in Franklin, Texas, at the following location: Front steps of the Courthouse.

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that Thomas Michael O'Neil and Rita O'Neil's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Thomas Michael O'Neil and Rita O'Neil, the owner and holder of the Note, has requested Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Thomas Michael O'Neil and Rita O'Neil's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Thomas Michael O'Neil and Rita O'Neil's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

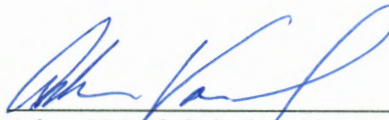
Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Thomas Michael O'Neil and Rita O'Neil passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure 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 Foreclosure 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. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Thomas Michael O'Neil and Rita O'Neil. 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 "AS IS," without any expressed or implied warranties, except as to the warranties (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(a) of the Texas Property Code, Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Trustee.



Adam Varvel, Substitute Trustee
102 E. Morgan St. - P.O. Box 1329
Franklin, Texas 77856
979-828-3265