

April

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:

Being all the North One-Half of Lots Five and Six (N-1/2 of 5 & 6), in Block Forty-Seven (47), City of Franklin, Robertson County, Texas, being a tract of land fronting 62.5' on Center Street and being 90' in depth, according to the map of said city as recorded in Volume 5, page 253, Deed Records of Robertson County, Texas; and being a portion of the land described in Deed dated March 15, 2001, from William E. (Bill) Shaw to Melvin Lewis Witherspoon, as recorded in Volume 775, page 668, Official Public Records of Robertson County, Texas.

2. *Deed of Trust*

Dated: April 14, 2009

Grantor: Johnnie Mae Witherspoon

Trustee: Linda K. Grant

Lender: Franklin Habitat for Humanity, Inc. a Texas Non-Profit Corporation
(Now known as Hearts for Homes of Robertson County, Inc.)

Recorded in: Vol. 1071, page 192 of the real property records of Robertson County, Texas.

Secures: Real Estate Lien Note 1 ("Note 1") in the original principal amount of \$50,000.00, and Real Estate Lien Note 2 ("Note 2") executed by Johnnie Mae Witherspoon ("Borrower") payable to the order of Lender.

Filed for Record in:
Robertson County
On: Mar 07, 2022 at 03:47P
By: Sarah Tepera

3. *Foreclosure Sale:*

Date: Tuesday, April 5, 2022

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 Hearts for Homes of Robertson County, Inc.'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, Hearts for Homes of Robertson County, Inc., 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 Hearts for Homes of Robertson County, Inc.'s election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Hearts for Homes of Robertson County, Inc.'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 Hearts for Homes of Robertson County, Inc. 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 Hearts for Homes of Robertson County, Inc. 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