

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

Notice is hereby given that a public sale at auction of the Property (as that term is defined and described below) will be held at the date, time and place specified in this notice.

**Certain Terms and Information**

**Date of Sale:** Tuesday, March 3, 2020

**Time of Sale:** The earliest time at which the sale shall occur is 1:00 o'clock p.m., Groveton, Texas time. The sale shall begin at that time or not later than three hours after that time.

**Place of Sale:** At the area at the Trinity County Courthouse in the city of Groveton, Texas designated by the Commissioner's Court of Trinity County, Texas where foreclosure sales are to take place. Such designation has been recorded in the Official Records of Trinity County, Texas.

**Information Regarding the Deed of Trust Lien That Is the Subject of this Sale:**

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|-------------------------------|--|
| <b>Name of Document:</b>      | Deed of Trust (referred to herein as the "Deed of Trust").               |
| <b>Date:</b>                  | May 1, 2006  |
| <b>Grantors:</b>              | Donald Millstid and Rachel Millstid, husband and wife                    |
| <b>Lender:</b>                | David Schriefer and Nancy Schriefer, husband and wife                    |
| <b>Trustee:</b>               | BOBBY L. PHILLIPS  |
| <b>Recording Information:</b> | Volume 768, Page 329 in the Plat Records of Trinity County, Texas.       |
| <b>Property Description:</b>  | Lots 1 and 2 of section H Harbor Point Subdivision Trinity County, Texas |

**Indebtedness Secured:**

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|--|---|
| <b>Name of Document:</b>                     | Deed of Trust, Security Agreement – Financing Statement         |
| <b>Date:</b>                                 | May 1, 2006   |
| <b>Face Amount:</b>                          | FOURTY SIX THOUSAND NINE HUNDRED FIFTY AND NO/100 (\$46,950.00) |
| <b>Makers:</b>                               | Donald Millstid and Rachel Millstid, husband and wife           |
| <b>Lender:</b>                               | David Schriefer and Nancy Schriefer, husband and wife           |
| <b>Current Owner and Holder of the Note:</b> | David Schriefer and Nancy Schriefer, husband and wife           |

### **Postponement Rights**

The Deed of Trust permits the Lender to postpone, withdraw or reschedule the sale for another day. In that case, the Trustee, or, if appropriate, the 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 refiled may be after the date originally scheduled for this sale.

### **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 Promissory 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 his, her, it's or their ability to pay cash on the day the Property is sold.

The sale will be made expressly subject to any liens, security interests, encumbrances and other title matters set forth in the Deed of Trust, so prospective bidders are reminded that by law the sale will necessarily be made subject to all liens, security interests, encumbrances and other prior matters of record affecting the Property, if any, to the extent that they remain in full force and effect and have not been subordinated to the Deed of Trust.

The sale shall not cover any 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 Current Owner and Holder of the Note has the right to direct the Trustee or, if appropriate, the Substitute Trustee, to sell the Property in one or more parcels and/or to sell all or only part of the Property.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold in its "as is, and 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, or if appropriate, Substitute 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 if appropriate, Substitute Trustee.

**Type of Sale**

The sale is a nonjudicial deed-of-trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by Grantor.

The real property and 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 section 9.604(a) of the Texas Business and Commerce Code.

**Default in Indebtedness Secured**

Default has occurred in the payment of the Indebtedness Secured by the Deed of Trust and in the performance of the covenants, agreements and conditions set forth in the Deed of Trust. The maturity of the Indebtedness Secured by the Deed of Trust has been accelerated and such Indebtedness Secured is now wholly due and payable.

**Request to Act and Conduct Sale**

The Current Owner and Holder of the Indebtedness Secured has requested that I, as Substitute Trustee under the Deed of Trust, sell the Property, the proceeds of such sale to be applied in accordance with the provisions of the Deed of Trust.

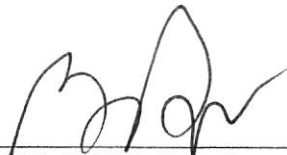
**Notice and Time of Sale**

Therefore, at the date, time and place set forth above, the undersigned, as Substitute Trustee, will sell the Property to the highest bidder pursuant to the terms of the Deed of Trust.

Questions concerning the sale may be directed to the undersigned or to the Lender, David Schriefer and Nancy Schriefer, husband and wife, 21435 Park Bend Dr., Katy, Texas 77450.

Notice is also given that before the sale the Lender may appoint another person as substitute trustee to conduct the sale.

IN WITNESS WHEREOF, this Notice of Substitute Trustee's Sale has been executed on this 7<sup>th</sup> day of February, 2020.



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BOBBY L PHILLIPS, Trustee