

NOTICE OF SUBSTITUTE TRUSTEE'S 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:

A 0.696 acre tract of land, more or less, being a part of Lot 40 and all of Lot 41 of the Second Addition to the Krupka Subdivision, situated in the W. B. Dewees Survey, Abstract No. 18, in the City of Columbus, Colorado County, Texas, according to the plat recorded in Slide 38 of the Plat Records of Colorado County, Texas, and said tract being more particularly described by metes and bounds in the Deed of Trust, dated March 18, 2019, and recorded in Volume 777, Page 308 of the Official Records of Colorado County, Texas.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust dated March 18, 2015, signed by Robert A. Brown, Grantor and recorded on March 18, 2015 in Vol. 777, Pages 308 – 315 of the Official Records of Colorado County, Texas.

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

Date: June 4, 2019

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: At the foyer of the Colorado County Courthouse Annex in Colorado County, Texas, or if the preceding area is no longer the designated area, at the area most recently designated by the Colorado County Commissioner's Court.

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 refiled 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 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 "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 section 51.0075 of the Texas Property Code, the 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 any substitute trustee.

5. *Type of Sale.* The sale is a nonjudicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by Robert A. Brown.

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.

6. *Obligations Secured.* The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to (a) the promissory note in the original principal amount of \$275,900.00, executed by ROBERT A. BROWN, and payable to the order of Fayette Savings Bank, ssb, which has been assigned to Gary Braun; (b) all renewals and extensions of the note; and (c) any and all present indebtednesses of ROBERT A. BROWN to GARY BRAUN. GARY BRAUN is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.


Questions concerning the exact balance due on said note and/or the sale may be directed to the undersigned, or to the beneficiary:

GARY BRAUN, P.O. Box 159, Columbus, Texas 78934.

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 substitute trustee to conduct the sale.

Dated: May 10, 2019.



MICHAEL T. TREFNY,
SUBSTITUTE TRUSTEE for DAVID J. ZAPALAC
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KIMBERLY MENKE
COUNTY CLERK O.R.