

NOTICE OF FORECLOSURE SALE

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Property: 3370 FM 2109
HUNTINGTON, TEXAS 75949

Deed of Trust: DEED OF TRUST

Dated: JANUARY 12, 2023

Trustee: SCOTT L. LUNA

Address:

10850 RICHMOND AVENUE
SUITE 350
HOUSTON, TX, 77042

Substitute Trustee: DEANNA L. AGUILAR

Address:

5430 SANFORD ROAD
HOUSTON, TX, 77096

Grantor: ARAX PROPERTIES, LLC

Mortgagee: JAMES ARTHUR MILLER (hereafter "Lender")

Recording Information: INSTRUMENT NUMBER 122242197 of the Real Property Records of Angelina County, Texas.

Property Address: 3370 FM 2109
HUNTINGTON, TEXAS 75949

Legal Description: SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES

Note Secured by Deed of Trust: PROMISSORY NOTE

Date: JANUARY 12, 2023

Original Principal Amount: \$415,000.00

FILED
AT 2:41 O'CLOCK PM

SEP 19 2024

AMY FINCHER
County Clerk, County Court at Law
Angelina County, Texas
By 

Maker: ARAX PROPERTIES, LLC

Lender: JAMES ARTHUR MILLER

Property: All real property and improvements as described in and mortgaged in the Deed of Trust, including all rights and appurtenances thereto, with the exception of any Released Property.

Sale Location: THE ANGELINA COUNTY COURT HOUSE

606 E. Lufkin Avenue

Lufkin, Texas.

Sale Date: OCTOBER 1, 2024

Sale Time: The public auction of the Foreclosure Sale will take place between the hours of 10:00 AM and 4:00 PM local time. The earliest time the sale will begin is 9:00 AM, or within three hours from that time.

Terms of the Sale: This public Foreclosure Sale will sell all property "AS IS" at a public auction to the highest cash bidder, **with the exception of the Lender, who will be allowed to bid credit against the amount owed under the obligation secured by the lien in the Deed of Trust.**

Due to the default in payment of the Note and in performance of the obligations under the terms of the Deed of Trust, the Lender directed, by and through agents, the Substitute Trustee to administer the trust provisions.

The above described Deed of Trust encumbers real property. This document constitutes formal notice by the Lender to foreclose and sell the property, as described in Lender's right and remedies under the Deed of Trust and in accordance with the terms of Section 9.604(a) of the Texas Business and Commerce Code and the Deed of Trust.

Notice is hereby given that the Foreclosure Sale will commence at the Sale Location, Sale Date, and Sale Time indicated above. At that time, the Substitute Trustee will direct the sale of the property described in the Deed of Trust in the manner allowed by the Deed of Trust and applicable Texas law.

If there is any postponement or rescheduling of the Foreclosure Sale, additional notice will be reposted and refiled in accordance with the terms of the Deed of Trust and applicable Texas law.

Potential purchasers are reminded that this sale of property is made subject to the exceptions to conveyance and warranties of the Deed of Trust, all prior liens and defects to title, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust, and any rights of recession as set forth in the Texas Property Code. Potential purchasers should examine the property records describing the property within the Deed of Trust for further assurances.

Pursuant to Section 51.009 of the Texas Property Code, this property will be sold "AS IS" to the highest cash bidder. Please be aware that the sale of this property will not include any possession warranties, title warranties, warranties of quiet enjoyment or other warranties, except as expressly provided by the Deed of Trust. All potential purchasers should conduct examinations of the property records for further assurances.

Pursuant to Section 51.0075(a) of the Texas Property Code, the Substitute Trustee will establish conditions for the Foreclosure Sale as are deemed reasonable and in accordance with the Texas Property Code. Any conditions beyond what are listed in this document will be disclosed prior to the opening of bidding on the day of the 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.

THIS DOCUMENT ASSIGNS DEANNA L. AGUILAR AS THE SUBSTITUTE TRUSTEE IDENTIFIED TO CARRY OUT THE SALE OF PROPERTY IDENTIFIED IN THE SECURITY INSTRUMENT AS SET FORTH IN THIS NOTICE OF FORECLOSURE SALE. THE SIGNER OF THIS DOCUMENT IS THE DULY AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

s: Deanna L. Aguilar

DEANNA L. AGUILAR, Substitute Trustee

CERTIFICATE OF POSTING

I, DEANNA L. AGUILAR, declare under penalty or perjury that on the _____ day of September, 2024, I filed and posted this Notice of Foreclosure Sale in accordance with the requirements of ANGELINA COUNTY, TEXAS, and Texas Property Code sections 51.002(b)(1) and 51.002(b)(2).

/s/ Deanna L. Aguilar

Exhibit "A"

TRACT 1:

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND SITUATED IN ANGELINA COUNTY, TEXAS, OUT OF THE THOMAS C. MOORE SURVEY, ABSTRACT NO. 454 AND BEING (1) A PART OR PORTION OF THAT CERTAIN 9.285 ACRE TRACT DESCRIBED AS TRACT A IN A DEED FROM THOMAS JEFFERSON WILROY TO STACY A. WILROY DATED DECEMBER 8, 1995 AND RECORDED IN VOLUME 1038 ON PAGE 6 OF THE REAL PROPERTY RECORDS OF ANGELINA COUNTY, TEXAS, (2) A PART OR PORTION OF THAT CERTAIN 9.285 ACRE TRACT DESCRIBED AS TRACT B IN A DEED FROM THOMAS JEFFERSON WILROY TO STACY A. WILROY DATED DECEMBER 8, 1995 AND RECORDED IN VOLUME 1038 ON PAGE 6 OF THE REAL PROPERTY RECORDS OF ANGELINA COUNTY, TEXAS, AND (3) A PART OR PORTION OF THAT CERTAIN 9.285 ACRE TRACT DESCRIBED IN A DEED FROM T. J. WILROY TO STACY A. WILROY, ET UX DATED MARCH 29, 1993 AND RECORDED IN VOLUME 912 ON PAGE 83 OF THE REAL PROPERTY RECORDS OF ANGELINA COUNTY, TEXAS, TO WHICH REFERENCES ARE HEREBY MADE FOR ANY AND ALL PURPOSES AND THE SAID TRACT OR PARCEL BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING N 75°13'45" E 30.92 FEET FROM THE NORTHWEST CORNER OF THE AFORESAID REFERRED TO 9.285 ACRE TRACT (TRACT B - 1038/6) AND THE NORTHEAST CORNER OF THAT CERTAIN 13.92 ACRE TRACT DESCRIBED IN A DEED FROM PAUL BYNUM, ET AL TO MICHAEL L. FORREST, ET UX DATED SEPTEMBER 26, 1997 AND RECORDED IN VOLUME 1123 ON PAGE 63 OF THE REAL PROPERTY RECORDS OF ANGELINA COUNTY, TEXAS, A POINT FOR CORNER IN THE CENTERLINE OF THE F.M. HIGHWAY NO. 2109 (80 FEET WIDE RIGHT-OF-WAY), SAID POINT WITNESSED BY A 1 1/2" PIPE (AT A FOUND 1/2" ROD) FOR A REFERENCE PIPE FOR THE SAID 13.92 ACRE TRACT AND THE SAID 9.285 ACRE TRACT (TRACT B - 1038/6) BEARING S 42° 32' 17" W 45.25 FEET;

THENCE THREE CALLS WITH THE CENTERLINE OF THE SAID F.M. HIGHWAY NO. 2109 AS FOLLOWS:

(1) S 75° 13' 45" E (CALLED S 75° 15' 00" E) WITH THE NORTH BOUNDARY LINE OF THE SAID 9.285 ACRE TRACT (TRACT B - 1038/6), AT 54.95 FEET THE BEGINNING OF A 03° 00' 00" CURVE TO THE LEFT, A POINT FOR CORNER;

(2) SOUTHEASTERLY WITH THE SAID CURVE TO THE LEFT (CENTRAL ANGLE = 15° 30' 46" RADIUS = 1909.86 FEET WITH LONG CHORD BEARING AND DISTANCE = S 82° 54' 44" E 515.52 FEET) WITH THE NORTH BOUNDARY LINE OF THE SAID 9.285 ACRE TRACT (TRACT B 1038/6), THE NORTH BOUNDARY LINE OF THE AFORESAID REFERRED TO 9.285 ACRE TRACT (912/83), AND THE NORTH BOUNDARY LINE OF THE AFORESAID REFERRED TO 9.825 ACRE TRACT (TRACT A - 1038/6), AT 517.10 FEET THE END OF SAID CURVE, A POINT FOR CORNER;

(3) N 89° 17' 00" E (CALLED N 89° 17' 00" E) WITH THE NORTH BOUNDARY LINE OF THE SAID 9.825 ACRE TRACT (TRACT A - 1038/6), AT 120.46 FEET THE NORTHEAST CORNER OF THE SAID 9.825 ACRE TRACT (TRACT A - 1038/6) AND THE NORTHWEST CORNER OF THAT CERTAIN 13.927 ACRE TRACT DESCRIBED IN A DEED FROM ADDIE J. FORREST TO GARY FORREST DATED NOVEMBER 30, 1992 AND RECORDED IN VOLUME 898 ON PAGE 718 OF THE REAL PROPERTY RECORDS OF ANGELINA COUNTY, TEXAS, A POINT FOR CORNER;

• THENCE S 00° 22' 49" W (CALLED S 00° 22' 04" W) WITH THE EAST BOUNDARY LINES OF THE SAID 9.825 ACRE TRACT (TRACT A - 1038/6) AND THE WEST BOUNDARY LINE OF THE SAID 13.927 ACRE TRACT, AT 40 FEET CROSS THE SOUTH RIGHT-OF-WAY LINE OF THE AFORESAID F.M. HIGHWAY NO. 2109, AT 40.01 FEET PASS ON LINE A 1/2" ROD FOUND FOR REFERENCE (SAID ROD WITNESSED BY A 1 1/4" PIPE AT A FENCE CORNER BEARING S 06° 29' 37" W 0.65 FEET), AT 929.38 FEET A 1/2" PIPE SET FOR CORNER APPROXIMATELY 0.5 FEET NORTH OF A FENCE, SAID PIPE WITNESSED BY A 1 1/4" PIPE BEARING S 00° 22' 49" W 732.13 FEET, AND A 1/2" ROD BEARING S 00° 22' 49" W 732.62 FEET;

THENCE S 89° 57' 32" W 691.46 FEET, A 1/2" PIPE SET FOR CORNER;

THENCE N 00° 42' 37" E, 30 FEET EAST OF AND PARALLEL TO THE WEST BOUNDARY LINE OF THE AFORESAID 9.285 ACRE TRACT (TRACT B - 1038/6) AND THE EAST BOUNDARY LINE OF THE AFORESAID 13.92 ACRE TRACT, AT 964.80 FEET PASS ON LINE A 1/2" PIPE SET FOR REFERENCE IN THE SOUTH RIGHT-OF-WAY LINE OF THE AFORESAID F.M. HIGHWAY NO. 2109, AT 1006.04 FEET

THE POINT AND PLACE OF BEGINNING AND CONTAINING 15.00 ACRES OF LAND, MORE OR LESS, OF WHICH APPROXIMATELY 0.636 ACRE LIES WITHIN THE SAID F.M. HIGHWAY NO. 2109.

• TRACT 2:

BEING all of that certain tract or parcel of land lying and situated in Angelina County, Texas out of the C. MOORE SURVEY, ABSTRACT NO. 454 and being a part or portion of those certain tracts of land described as Tract No. 5 and Tract No. 6 in a deed from Mrs. Johnnie Applewhite, et al to Charles D. Robinson and wife, Bonnie M. Robinson dated December 15, 1984 as recorded in Volume 570 on Page 462 of the Deed Records of Angelina County, Texas to which reference is hereby made for any and all purposes and said tract being described by metes and bounds as follows, to-wit:

BEGINNING S 89°59'19" 237.94 feet from the southeast corner of the aforesaid referred to Tract No. 5, an iron rod set for corner;

THENCE continuing S 89°59' 19" W with the south boundary line of the said Tract No. 5 and the aforesaid referred to Tract No. 6, at 130.90 feet pass on line an Iron pin found for the south common corner of same, at 241.42 feet an iron rod set for corner;

THENCE N 00°00'41" W, 1652.25 feet pass on line an iron rod set for reference, at 1692.25 feet intersect the north boundary line of the said Tract No. 6, a point for corner on the centerline of F. M. Road No. 2109;

THENCE easterly with the north boundary line of the said Tract No. 6, the said Tract No. 5, the centerline of the aforesaid referred to F. M. Road No. 2109, and with a 3° curve to the left (R=1909.86, Delta=07°17'56" with a long Chord bearing S 83°12'40" E 243.13 feet), at 130.80 feet pass on line the common north corner of same, at 243.30 feet a point for corner;

THENCE S 00°00'41" E, at 40.00 feet pass on line an iron rod set for reference, at 1663.46 feet the point and place of beginning and containing 9.285 acres of land, more or less.

→ TRACT 3:

BEING all of that certain tract or parcel of land lying and situated in Angelina County, Texas out of the C. MOORE SURVEY, ABSTRACT NO. 454 and being a part or portion of that certain tract of land described as Tract No. 5 in a deed from Mrs. Johnnie Applewhite, et al to Charles O. Robinson and

wife, Bonnie M. Robinson dated December 15, 1984 as recorded in Volume 570 on Page 462 of the Deed Records of Angelina County, Texas to which reference is hereby made for any and all purposes and said tract being described by metes and bounds as follows, to-wit:

BEGINNING at the southeast corner of the aforesaid referred to Tract No. 5 an iron pin found for corner;

THENCE S 09°59' 19" W with the south boundary line of the said Tract No. 5, at 237.94 feet an iron rod set for corner;

THENCE N 00°00'41" W, at 1623.46 feet pass on line an iron rod set for reference, at 1663.46 feet intersect the north boundary line of the said Tract No. 5, a point for corner on the centerline of F.M. Road No. 2109;

THENCE two (2) calls with the centerline of the aforesaid referred to F. M. Road No, 2109 and with the north boundary line of the said Tract No. 5 as follows:

1) Easterly with a 3° curve to the left (R=1909.86 feet, Delta=03°51'23" with a long Chord bearing S 00°47'19" E 128.52 feet), at 128.54 feet a point for the end of said curve;

2) N 89°17'00" E, at 120.46 feet a point for the northeast corner of the said Tract No. 5;

THENCE S 00°22'04" W with the east boundary line of the said Tract No, 5, at 40.01 feet pass on line an iron pin found for reference, at 1662.24 feet the point and place of beginning and containing 9.285 acres of land, more or less.

→ TRACT 4:

BEING all of that certain tract or parcel of land lying and situated In Angelina County, Texas out of the C. MOORE SURVEY, ABSTRACT NO. 454 and being a part or portion of that certain tract of land described as Tract No. 6 in a deed from Mrs. Johnnie Applewhite, et al to Charles D. Robinson and wife, Bonnie M. Robinson dated December 15, 1984 as recorded in Volume 570 on Page 462 of the Deed Records of Angelina County, Texas to which reference is hereby made for any and all purposes and said tract being described by metes and bounds as follows, to-wit:

BEGINNING at the southwest corner of the aforesaid referred to Tract No. 6, an iron pin found for corner:

THENCE N 00°42'37" E with the west boundary line of the said Tract No. 6, at 1704.72 feet pass on line an iron pin found for reference, at 1745.96 feet a point for the northwest corner of same, said point also being on the centerline of F.M. Road No. 2109;

THENCE two (2) calls with the centerline of the aforesaid referred to F. M. Road No. 2109 and the north boundary line of the said Tract No. 6 as follows:

1) S 75°13'00" E 85.07 feet a point at the beginning of a 3° curve to the left;

2) Easterly with the aforesaid referred to 3° curve to the left (R=1909.86, Delta=04°20'42" with a Long Chord bearing S 77°23'21" E 144.80, feet), at 144.83 feet a point for corner;

THENCE S 00°00'41" E, at 40.00 feet pass on line an iron rod set for reference, at 1692.25 feet the point and place of beginning and containing 9.285 acres of land, more or less.

LESS AND EXCEPT FROM TRACTS 2-4:

Handwritten note: "In 2109" with an arrow pointing to the centerline of F.M. Road No. 2109 in the text above.

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND SITUATED IN ANGELINA COUNTY, TEXAS, OUT OF THE THOMAS C. MOORE SURVEY, ABSTRACT NO. 454 AND BEING (1) A PART OR PORTION OF THAT CERTAIN 9.285 ACRE TRACT DESCRIBED AS TRACT A IN A DEED FROM THOMAS JEFFERSON WILROY TO STACY A. WILROY DATED DECEMBER 8, 1995 AND RECORDED IN VOLUME 1038 ON PAGE 6 OF THE REAL PROPERTY RECORDS OF ANGELINA COUNTY, TEXAS, (2) A PART OR PORTION OF THAT CERTAIN 9.285 ACRE TRACT DESCRIBED AS TRACT B IN A DEED FROM THOMAS JEFFERSON WILROY TO STACY A. WILROY DATED DECEMBER 8, 1995 AND RECORDED IN VOLUME 1038 ON PAGE 6 OF THE REAL PROPERTY RECORDS OF ANGELINA COUNTY, TEXAS, AND (3) A PART OR PORTION OF THAT CERTAIN 9.285 ACRE TRACT DESCRIBED IN A DEED FROM T. J. WILROY TO STACY A. WILROY, ET UX DATED MARCH 29, 1993

AND RECORDED IN VOLUME 912 ON PAGE 83 OF THE REAL PROPERTY RECORDS OF ANGELINA COUNTY, TEXAS, TO WHICH REFERENCES ARE HEREBY MADE FOR ANY AND ALL PURPOSES AND THE SAID TRACT OR PARCEL BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING N 75°13'45" E 30.92 FEET FROM THE NORTHWEST CORNER OF THE AFORESAID REFERRED TO 9.285 ACRE TRACT (TRACT B - 1038/6) AND THE NORTHEAST CORNER OF THAT CERTAIN 13.92 ACRE TRACT DESCRIBED IN A DEED FROM PAUL BYNUM, ET AL TO MICHAEL L. FORREST, ET UX DATED SEPTEMBER 26, 1997 AND RECORDED IN VOLUME 1123 ON PAGE 63 OF THE REAL PROPERTY RECORDS OF ANGELINA COUNTY, TEXAS, A POINT FOR CORNER IN THE CENTERLINE OF THE F.M. HIGHWAY NO. 2109 (80 FEET WIDE RIGHT-OF-WAY), SAID POINT WITNESSED BY A 1 1/2" PIPE (AT A FOUND 1/2" ROD) FOR A REFERENCE PIPE FOR THE SAID 13.92 ACRE TRACT AND THE SAID 9.285 ACRE TRACT (TRACT B - 1038/6) BEARING S 42° 32' 17" W 45.25 FEET;

THENCE THREE CALLS WITH THE CENTERLINE OF THE SAID F.M. HIGHWAY NO. 2109 AS FOLLOWS:

(1) S 75° 13' 45" E (CALLED S 75° 15' 00" E) WITH THE NORTH BOUNDARY LINE OF THE SAID 9.285 ACRE TRACT (TRACT B - 1038/6), AT 54.95 FEET THE BEGINNING OF A 03° 00' 00" CURVE TO THE LEFT, A POINT FOR CORNER;

(2) SOUTHEASTERLY WITH THE SAID CURVE TO THE LEFT (CENTRAL ANGLE = 15° 30' 46" RADIUS = 1909.86 FEET WITH LONG CHORD BEARING AND DISTANCE = S 82° 54' 44" E 515.52 FEET) WITH THE NORTH BOUNDARY LINE OF THE SAID 9.285 ACRE TRACT (TRACT B 1038/6), THE NORTH BOUNDARY LINE OF THE AFORESAID REFERRED TO 9.285 ACRE TRACT (912/83), AND THE NORTH BOUNDARY LINE OF THE AFORESAID REFERRED TO 9.825 ACRE TRACT (TRACT A - 1038/6), AT 517.10 FEET THE END OF SAID CURVE, A POINT FOR CORNER;

(3) N 89° 17' 00" E (CALLED N 89° 17' 00" E) WITH THE NORTH BOUNDARY LINE OF THE SAID 9.825 ACRE TRACT (TRACT A - 1038/6), AT 120.46 FEET THE NORTHEAST CORNER OF THE SAID 9.825 ACRE TRACT (TRACT A - 1038/6) AND THE NORTHWEST CORNER OF THAT CERTAIN 13.927 ACRE TRACT DESCRIBED IN A DEED FROM ADDIE J. FORREST TO GARY FORREST DATED NOVEMBER 30, 1992 AND RECORDED IN VOLUME 898 ON PAGE 718 OF THE REAL PROPERTY RECORDS OF ANGELINA COUNTY, TEXAS, A POINT FOR CORNER;

THENCE S 00° 22' 49" W (CALLED S 00° 22' 04" W) WITH THE EAST BOUNDARY LINES OF THE SAID 9.825 ACRE TRACT (TRACT A - 1038/6) AND THE WEST BOUNDARY LINE OF THE SAID 13.927 ACRE TRACT, AT 40 FEET CROSS THE SOUTH RIGHT-OF-WAY LINE OF THE AFORESAID F.M. HIGHWAY NO. 2109, AT 40.01 FEET PASS ON LINE A 1/2" ROD FOUND FOR REFERENCE (SAID ROD WITNESSED BY A 1 1/4" PIPE AT A FENCE CORNER BEARING S 06° 29' 37" W 0.65 FEET), AT 929.38 FEET A 1/2" PIPE SET FOR CORNER APPROXIMATELY 0.5 FEET NORTH OF A FENCE, SAID PIPE

WITNESSED BY A 1 1/4" PIPE BEARING S 00° 22' 49" W 732.13 FEET, AND A 1/2" ROD BEARING S 00° 22' 49" W 732.62 FEET;

THENCE S 89° 57' 32" W 691.46 FEET, A 1/2" PIPE SET FOR CORNER;

THENCE N 00° 42' 37" E, 30 FEET EAST OF AND PARALLEL TO THE WEST BOUNDARY LINE OF THE AFORESAID 9.285 ACRE TRACT (TRACT B - 1038/6) AND THE EAST BOUNDARY LINE OF THE AFORESAID 13.92 ACRE TRACT, AT 964.80 FEET PASS ON LINE A 1/2" PIPE SET FOR REFERENCE IN THE SOUTH RIGHT-OF-WAY LINE OF THE AFORESAID F.M. HIGHWAY NO. 2109, AT 1006.04 FEET

THE POINT AND PLACE OF BEGINNING AND CONTAINING 15.00 ACRES OF LAND, MORE OR LESS, OF WHICH APPROXIMATELY 0.636 ACRE LIES WITHIN THE SAID F.M. HIGHWAY NO. 2109.