


**NOTICE OF SUBSTITUTE TRUSTEE'S
FORECLOSURE SALE**

FILED
AT 1:45 O'CLOCK
DEC 08 2023
AMY FINCHER
County Clerk, County Court at Law
Angelina County, Texas
By: 

Notice is hereby given of a public nonjudicial foreclosure sale.

Deed of Trust:

Dated: November 26, 2019
Grantor: Warrior Field Services, LLC
Beneficiary: Austin Bank, Texas N.A.
Original Trustee: Michael L. Gunnels
Substitute Trustee: Donald W. Cothorn
Recording information:

Recorded on November 26, 2019, Doc #2019-00388853, in the
Official Public Records of Angelina County, Texas (the "Deed of
Trust")

Secures payment of: Promissory Note dated November 26, 2019, in the original
principal amount of \$240,000.00, payable to Austin Bank, Texas
N.A. (the "Lender"), and executed by Warrior Field Services, LLC
("Borrower") (the "Indebtedness").

Property to be sold: The real property located in Angelina County, Texas, and
described as follows:

The Real Property located in Angelina County, Texas, with an address
commonly known as 7.684 acres on Hwy 69N, Lufkin, TX 75901, and
described more particularly in the attached Exhibit "A" which is attached to
the Deed of Trust (the "Property").

Substitute Trustee: Donald W. Cothorn

Substitute Trustee's
Address: 2320 Dueling Oaks Drive, Tyler, Texas 75703
Phone: 903-579-7531
Email: dcothorn@kabfm.net

Foreclosure Sale:

Date of Sale: January 2, 2024

Time: The sale of the Property will be held between the hours of 12:00
noon and 4:00 p.m., local time; and the earliest time at which the
Foreclosure Sale will begin is 12:00 noon, and not later than three
(3) hours thereafter, and will be completed no later than 4:00 p.m.

Place of Sale: In Angelina County, Texas, at the Angelina County Courthouse Annex, 606 East Lufkin Ave., Lufkin, Texas, in the hall outside of the Commissioners' Courtroom adjacent to the Atrium; or if it is impractical to hold foreclosure sales in the preceding area due to designated holidays during which the Angelina County offices are closed or if the Courtroom is being used is being used for elections, then at the front steps of the main entrance to the Angelina County Courthouse is designated as the alternate place for conducting foreclosure sales, 215 East Lufkin Ave., Lufkin, Texas; or if the preceding areas are no longer designated areas, then at the area most recently designated by the County Commissioners' Court.

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 Austin Bank, Texas N.A.'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 Indebtedness and in the performance of the obligations of the Deed of Trust. Because of that default, Austin Bank, Texas N.A., the owner and holder of the Note, and the Lender and Beneficiary under the Deed of Trust, has requested the Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Austin Bank, Texas N.A.'s election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Austin Bank, Texas N.A.'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, the Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Austin Bank, Texas N.A. 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 unpaid ad valorem taxes and 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 Austin Bank, Texas N.A. 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. Any purchaser acquires the Real Property “at purchaser’s own risk.”

Pursuant to section 51.0075(a) of the Texas Property Code, Substitute 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 Substitute Trustee.

The undersigned has been appointed Substitute Trustee by Austin Bank, Texas N.A. by an instrument recorded in the Official Public Records of Angelina County, Texas.



Donald W. Cothorn, Substitute Trustee
2320 Dueling Oaks Drive
Tyler, Texas 75703
Phone: 903-579-7531
Fax: 903-581-3701
Email: dcothorn@kabfm.net

NOTICE

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.

EXHIBIT "A"

Tract One:

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas, out of the J. D. GANN SURVEY, ABSTRACT NO. 291 (J. B. PALBADOR SURVEY, ABSTRACT NO. 36) and being all of that certain 1.125 acre tract described as Tract Two in a deed from Polk Oil Company, Inc. to Polk Holdings, Ltd. dated August 20, 2012 and recorded in Instrument No. 2012-00295988 of the Deed Records of Angelina County, Texas, to which reference is hereby made for any and all purposes and the said tract or parcel being described by metes and bounds as follows, to-wit:

BEGINNING at the Southeast corner of the aforesaid referred to 1.125 acre tract and the Northeast corner of that certain 0.199 acre tract (0.284 acre) conveyed in a deed from Polk Holdings, Ltd to Brookshire Brothers, Inc. Dated June 6, 2016 and recorded in Instrument No. 2016-00340708 of the Deed Records of Angelina County, Texas, a 1/2" rod found for corner in the West right-of-way line of U.S. Highway No. 69, said rod witnessed by a power pole bearing S 20° W 12.1 feet;

THENCE S 89° 51' 12" W (called S 89° 51' 12" W) with the South boundary line of the said 1.125 acre tract, the North boundary line of that certain 1.266 acre tract described in a deed from Polk Holdings, Ltd. to Brookshire Brothers, Inc. dated June 12, 2014 and recorded in Instrument No. 2014-00317959 of the Deed Records of Angelina County, Texas, at 65.44 feet pass on line a 1/2" rod found for the Northwest corner of the said 0.199 acre tract (0.284 acre) and the Northeast corner of the said 1.266 acre tract, at 351.79 feet (called 351.79 feet) the Southwest corner of the said 1.125 acre tract and the Northwest corner of the said 1.266 acre tract, a 1/2" rod found for corner in the East boundary line of that certain 3.436 acre tract described in a deed from Polk Oil Company, Inc. To Jerry Pat Allen, et ux dated November 17, 1989 and recorded in Volume 782 on Page 94 of the Deed Records of Angelina County, Texas;

THENCE N 14° 31' 38" W (called N 14° 40' 16" W) with the West boundary line of the said 1.125 acre tract and the East boundary line of the said 3.436 acre tract, at 141.16 feet (called 141.16 feet) the Northwest corner of the said 1.125 acre tract and the Southwest corner of that certain 6.559 acre tract described in a deed from Polk & Mankin Limited Partnership to Carl Ray Polk, Sr., et ux dated May 6, 2016 and recorded in Instrument No. 2016-00339506 of the Deed Records of Angelina County, Texas, a 1/2" pipe set for corner;

THENCE S 89° 59' 09" E (called East) with the North boundary line of the said 1.125 acre tract and the South boundary line of the said 6.559 acre tract, at 367.91 feet (called 368.24 feet) the Northeast corner of the said 1.125 acre tract and the Southeast corner of the said 6.559 acre tract, a 1/2" rod found for corner in the West right-of-way line of the aforesaid U.S. Highway No. 69;

THENCE two calls with the East boundary line of the said 1.125 acre tract and the West right-of-way line of the said U.S. Highway No. 69 (right-of-way varies) as follows:

- (1) S 07° 55' 51" E 17.03 feet (called S 18° 02' 18" E 17.03 feet), a broken concrete right-of-way monument found for corner;
- (2) S 08° 06' 58" E (called S 08° 06' 25" E), at 120.00 feet (called 120.00 feet) the point and place of beginning and containing 1.12 acres of land, more or less.

EXHIBIT "A"

Tract Two:

Being Non-Exclusive Access Easement Rights as described in that certain Reciprocal Access Easement dated October 2, 2012, by and between Polk Oil Company, Inc. and Polk Holdings, Ltd., and recorded in Clerk's File No. 2012-00298652 of the Official Records of Angelina County, Texas.

Tract Three:

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas, out of the J. D. GANN SURVEY, ABSTRACT NO. 291 (J. B. PALBADOR SURVEY, ABSTRACT NO. 36) and being all of that certain 6.559 acre tract described in a deed from Polk & Mankin Limited Partnership to Carl Ray Polk, Sr., et ux dated May 6, 2016 and recorded in Instrument No. 2016-00339506 of the Deed Records of Angelina County, Texas, to which reference is hereby made for any and all purposes and the said tract or parcel being described by metes and bounds as follows, to-wit:

BEGINNING at the Southeast corner of the aforesaid referred to 6.559 acre tract and the Northeast corner of that certain 1.125 acre tract described as Tract Two in a deed from Polk Oil Company, Inc. To Polk Holdings, Ltd. dated August 20, 2012 and recorded in Instrument No. 2012-00295988 of the Deed Records of Angelina County, Texas, a 1/2" rod found for corner in the West right-of-way line of U.S. Highway No. 69;

THENCE N 89° 59' 09" W (called West) with the South boundary line of the said 6.559 acre tract and the North boundary line of the said 1.125 acre tract, at 367.91 feet (called 367.72 feet) the Southwest corner of the said 6.559 acre tract and the Northwest corner of the said 1.125 acre tract, a 1/2" pipe set for corner in the East boundary line of that certain 3.436 acre tract described in a deed from Polk Oil Company, Inc. To Jerry Pat Allen, et ux dated November 17, 1989 and recorded in Volume 782 on Page 94 of the Deed Records of Angelina County, Texas;

THENCE N 14° 31' 38" W (called N 14° 40' 16" W) with the West boundary line of the said 6.559 acre tract and the East boundary line of the said 3.436 acre tract, at 727.55 feet (called 727.54 feet) the Northwest corner of the said 6.559 acre tract and the Northeast corner of the said 3.436 acre tract, a 1/2" rod, at a fence corner, found for corner witnessed by a 1/2" rod found for the Northwest corner of the said 3.436 acre tract bearing N 76° 22' 21" W 24.85 feet;

THENCE three calls with the North boundary line of the said 6.559 acre tract and with a fence (land to the North is that certain 5.3 acre tract described in a deed from Joe O'Quinn to J.E. Driskell, et ux dated February 7, 1946 and recorded in Volume 115 on Page 477 of the Deed Records of Angelina County, Texas - South boundary line calls to be with a branch - South edge of branch is just North of fence and North boundary line of Polk 6.559 acre tract property line) as follows:

- (1) S 76° 22' 21" E 85.94 feet (called S 76° 41' 32" E 86.60 feet), a 1/2" rod found for corner at a fence angle;
- (2) N 83° 51' 13" E 201.52 feet (called N 83° 39' 47" E 200.59 feet, a 1/2" rod found for corner at a fence corner;
- (3) N 74° 00' 08" E (called N 73° 59' 28" E), at 131.07 feet (called 131.03 feet) the Northeast corner of the said 6.559 acre tract, a 1/2" rod found for corner, at a fence corner, in the curving West right-of-way line of the aforesaid U.S. Highway No. 69;

THENCE two calls with the East boundary line of the said 6.559 acre tract and the West right-of-way line of the said U.S. Highway No. 69 (right-of-way varies) as follows:

- (1) Southeasterly with a 03° 04' 50" curve to the right (Central Angle = 11° 28' 29" Radius = 1859.86 feet with Long Chord Bearing and Distance = S 13° 36' 53" E 371.86 feet (called S 13° 46' 41" E 371.84 feet)), at 372.48 feet a broken concrete right-of-way monument found for corner;
- (2) S 07° 55' 51" E (called S 08° 02' 18" E), at 384.09 feet (called 384.81 feet) the point and place of beginning and containing 6.56 acres of land, more or less.