

FILED  
AT 1:35 O'CLOCK P M

SEP 10 2024

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

## Notice of Substitute Trustee's Sale

Notice is hereby given that a public sale at auction of the Property (as the 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, October 1, 2024
- Time of Sale:** The earliest time at which the sale shall occur is 10:00 a.m., Lufkin, Texas time. The sale shall begin at that time or not later than three hours after that time.
- Place of Sale:** Angelina County Courthouse Annex, located at 606 E. Lufkin Avenue, Lufkin, Texas in the hall outside of the Commissioner's Courtroom adjacent to the atrium, or IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE.

### Information Regarding the Deed of Trust Lien That Is the Subject of this sale:

- Name of Document:** Deed of Trust
- Date:** July 30, 2012
- Grantor:** Larry James Moreland and Misty Nichole Herrington
- Beneficiary:** Kenneth Lee Walker and Nita Walker
- Trustee:** Gregory L. Longino
- Recording Information:** Angelina County Clerk's Instrument Number 2012-00295239, Official Public Records, Angelina County, Texas.

### **Property Description:**

All that certain lot, tract or parcel of land lying and situated in Angelina County, Texas, and being Lot No. Two (2) of the GAINER LANE SUBDIVISION, an addition to the City of Huntington, Texas, of record in Cabinet E, Slide 186-A of the Map and Plat Records of Angelina County, Texas, record reference to which is here made for any and all purposes

### Indebtedness Secured:

- Name of Document:** Promissory Note
- Date:** July 30, 2012
- Face Amount:** \$145,000.00
- Maker:** Larry James Moreland and Misty Nichole Herrington
- Lender:** Kenneth Lee Walker and Nita Walker
- Current Owner and Holder of the Note:** Kenneth Lee Walker and Nita Walker

### 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 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 requirement of the Texas Property Code. The reposting or refiling may be after the date originally schedule 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 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, its 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 for 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**


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

Questions concerning the sale may be direct to the undersigned at 1616 S. Chestnut Ave., Lufkin, Texas 75901.

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

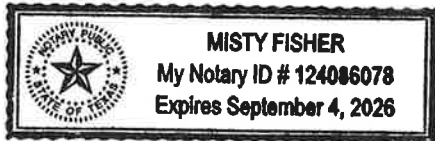
**Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.**

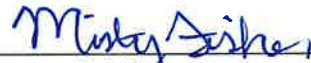
IN THE WITNESS WHEREOF, this Notice of Trustee's Sale has been executed on the 9th day of September, 2024.

  
Joshua L. McMahon IV, Substitute Trustee

THE STATE OF TEXAS   §  
  §  
COUNTY OF ANGELINA   §

This instrument was acknowledged before me on this 9th day of September, 2024, Joshua L. McMahon IV, Substitute Trustee, who acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.



  
Notary Public, State of Texas