

NOTICE OF FORECLOSURE SALE

February 9, 2015

Deed of Trust:

Dated: MAY 7, 2013

Grantor: JOHN E. SMITH and wife, RITA J. SMITH

Trustee: NATHAN A. EAST

Lender: SYDONIA A. POENISCH

Recorded: May 13, 2013 under Clerk's File No. 329204, Official Public Records of Aransas County, Texas

Secures: Promissory Note ("Note") dated May 7, 2013 in the original principal amount of \$120,000.00, executed by JOHN E. SMITH and wife, RITA J. SMITH ("Borrower") and payable to the order of Lender

Original

Property: The real property, improvements, and personal property described as follows:

Lot Nos. TEN (10) and ELEVEN (11), Block No. ELEVEN (11), T. P. MCCAMPBELL, Aransas County, Texas according to the plat thereof recorded in Volume 1, Page 3, Plat Records, Aransas County, Texas; **LESS AND EXCEPT** that portion of Lot No. 11 having been re-platted in Volume 5, Page 296, Plat Records, Aransas County, Texas, otherwise known as 2317 and 2327 Smith Road, Aransas Pass, Texas 78336.

Trustee: NATHAN A. EAST

Trustee's

Address: Suite F, One Cedar Place, 101 Cedar Drive, Portland, Texas 78374
And P. O. Box 1333, Portland, Texas 78374

Foreclosure Sale:

Date: **Tuesday, March 3, 2015**

- Time: The sale of the Property will be held between the hours of 10:00 A.M. and three hours thereafter.
- Place: Aransas County Courthouse located at 301 N. Live Oak St., Rockport, Texas 78382 as designated by the County Commissioner's 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 Lender'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 Note and in the performance of the obligations of the Deed of Trust. Because of that default, Lender, the owner and holder of the Note, has requested Trustee to sell the Property.

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

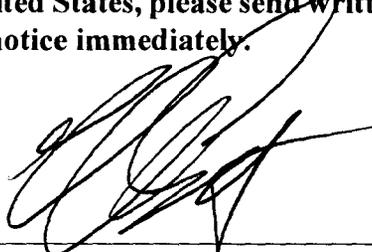
If Lender passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure Sale will be made expressly subject to any 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 Lender. 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.

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

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.



NATHAN A. EAST, Trustee

FILED

AT 2:33 P M.

FEB 09 2015

**VALERIE K. AMASON
COUNTY CLERK, ARANSAS CO., TEXAS**