

NOTICE OF FORECLOSURE SALE

FILED FOR RECORD
HOPKINS COUNTY, TEXAS
2020 APR 13 P 1:18
TRACY SMITH
COUNTY CLERK
BY _____ DEPUTY

Notice is hereby given of a public nonjudicial foreclosure sale.

1. Deed of Trust. The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the following described deed of trust:

- Date: May 12, 2016
- Grantor: Eric James Eigner
- Beneficiary: Legacy Land Bank, FLCA
- Substitute Trustee: Scott A. Ritcheson, and/or Douglas A. Ritcheson, and/or Charles E. Lauffer, Jr., and/or Lance Vincent
- Recording Information: Deed of Trust recorded under Clerk's File No. 20162279, in the Official Public Records of Hopkins County, Texas.

2. Property to be Sold. The property to be sold (the "Property") is described as follows:

All that certain lot, tract or parcel of land situated in Hopkins County, Texas, more particularly described on what is attached as Exhibit "A" and made a part hereof for all purposes.

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

- Date: **May 5, 2020**
- Time: The sale shall begin no earlier than 1:00 p.m. or no later than three (3) hours thereafter. The sale shall be completed by no later than 4:00 p.m.
- Place: Hopkins County Courthouse in Sulphur Springs, Texas, at the following location:

In the area of such Courthouse designated by the Hopkins County Commissioners' Court as the area where foreclosure sales shall take place, or, if no such area has been designated, then the Southwest

entrance door on the 1st floor of the Hopkins County Courthouse in Sulphur Springs, Texas.

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. Such reporting or refiling 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 cash on the date the property is sold.

The sale will be made expressly subject to unpaid ad valorem taxes and 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 other 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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

A purchaser at the sale of the Property “acquires the Property ‘AS IS’ without any expressed or implied warranties” (except as to the warranties of title from the grantor identified in the deed of trust described below). Any purchaser acquires the Property “at the purchaser’s own

risk.” Texas Property Code §51.009. Nothing set forth in this Notice is an express or implied representation or warranty regarding the Property, all of which are specifically disclaimed by the undersigned and by the beneficiary of the herein described deed of trust.

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 Eric James Eigner. The deed of trust is dated May 12, 2016, and is recorded in the office of the County Clerk of Hopkins County, Texas, under Clerk’s File No. 20162279, in the Official Public Records of Hopkins County, Texas.

6. Obligations Secured. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including, but not limited to, (1) the May 12, 2016 promissory note in the original principal amount of \$96,000.00, executed by Eric James Eigner, and payable to the order of Legacy Land Bank, FLCA; (2) all renewals and extensions of the note; (3) all interest, late charges, fees and other expenses payable under said note on the herein described deed of trust; and (4) all other debts and obligations described in the deed of trust (including all debts secured by any cross-collateralization clause in the deed of trust). Legacy Land Bank, FLCA is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiary, Legacy Land Bank, FLCA, Attention: Brittany Hammond, telephone (903) 885-9566.

7. Default and Request to Act. Default has occurred under the deed of trust, and the beneficiary has asked 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: April 9, 2020.



SCOTT A. RITCHESON, Substitute Trustee
821 ESE Loop 323, Suite 530
Tyler, Texas 75701
Tel: (903) 535-2900
Fax: (903) 533-8646

Notice to Members of the Armed Forces of the United States:

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"

BEING ALL THAT CERTAIN LOT, PARCEL OR TRACT OF LAND SITUATED IN THE HENRY N. QUIRK SURVEY, ABSTRACT NO. 779, HOPKINS COUNTY, TEXAS, BEING KNOWN AS THOSE TRACTS OF LAND DESCRIBED IN DEED TO CHARLES D. AND MARY S. WILCOX, RECORDED IN VOLUME 411, PAGE 722, OFFICIAL PUBLIC RECORDS, HOPKINS COUNTY, TEXAS AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD SET WITH YELLOW CAP STAMPED BG&A RPLS 5569 FOR CORNER ON THE SOUTH EDGE OF COUNTY ROAD 1114 AND THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO JUSTIN LOPEZ, RECORDED IN VOLUME 685, PAGE 581, OFFICIAL PUBLIC RECORDS, HOPKINS COUNTY, TEXAS, SAID POINT BEING THE RECOGNIZED NORTHWEST CORNER OF SAID WILCOX TRACT TWO AND THE APPARENT NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO EUGENE CLARK, RECORDED IN VOLUME 32, PAGE 216, REAL PROPERTY RECORDS, HOPKINS COUNTY, TEXAS, FROM WHICH A 60D NAIL FOUND FOR WITNESS IN THE BASE OF A TREE, THE SOUTHWEST CORNER OF SAID LOPEZ TRACT BEARS SOUTH 89 DEGREES 30 MINUTES 14 SECONDS WEST- 228.51 FEET;

THENCE NORTH 89 DEGREES 30 MINUTES 14 SECONDS EAST, WITH THE SOUTH EDGE OF SAID COUNTY ROAD 1114, A DISTANCE OF 737.22 FEET TO A 1/2 INCH IRON ROD SET WITH YELLOW CAP STAMPED BG&A RPLS 5569 FOR CORNER, SAID POINT BEING THE RECOGNIZED NORTHEAST CORNER OF SAID WILCOX TRACT ONE AND THE APPARENT NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO DEWAYNE WILCOX, RECORDED IN 185, PAGE 690, REAL PROPERTY RECORDS, HOPKINS COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 17 MINUTES 41 SECONDS EAST, ALONG THE APPARENT WEST LINE OF SAID DEWAYNE WILCOX TRACT, A DISTANCE OF 2744.68 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER, SAID POINT BEING THE RECOGNIZED SOUTHEAST CORNER OF SAID WILCOX TRACT ONE, THE APPARENT SOUTHWEST CORNER OF SAID DEWAYNE WILCOX TRACT AND IN THE APPARENT NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO ELDON RAY AND PATSY MAE MCWILLIAMS, RECORDED IN VOLUME 8, PAGE 17, REAL PROPERTY RECORDS, HOPKINS COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 50 MINUTES 28 SECONDS WEST, ALONG THE APPARENT NORTH LINE OF SAID MCWILLIAMS TRACT, A DISTANCE OF 468.70 FEET TO A 1/2 INCH IRON ROD FOUND FOR ANGLE POINT, SAID POINT BEING THE APPARENT NORTHWEST CORNER OF SAID MCWILLIAMS TRACT AND THE APPARENT NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO JOHNNY AND PATTIE EDWARDS, RECORDED IN VOLUME 889, PAGE 301, OFFICIAL PUBLIC RECORDS, HOPKINS COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 33 MINUTES 50 SECONDS WEST, ALONG THE APPARENT NORTH LINE OF SAID EDWARDS TRACT, A DISTANCE OF 268.54 FEET TO A 1/2 INCH IRON ROD SET WITH YELLOW CAP STAMPED BG&A RPLS 5569 FOR CORNER, SAID POINT BEING THE RECOGNIZED SOUTHWEST CORNER OF SAID WILCOX TRACT TWO AND THE APPARENT SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED AS SECOND TRACT IN DEED TO LEON E. AND EUGENE CLARK, RECORDED IN VOLUME 332, PAGE 304, DEED PROPERTY RECORDS, HOPKINS COUNTY, TEXAS, FROM WHICH A 10 INCH WOOD FENCE CORNER POST, THE SOUTHWEST CORNER OF SAID CLARK SECOND TRACT BEARS SOUTH 89 DEGREES 33 MINUTES 50 SECONDS WEST- 379.44 FEET;

THENCE NORTH 00 DEGREES 17 MINUTES 40 SECONDS WEST, ALONG THE APPARENT EAST LINE OF SAID CLARK SECOND TRACT, A DISTANCE OF 2741.64 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2,022,033.11 SQUARE FEET, MORE OR LESS OR 46.419 ACRES OF LAND, MORE OR LESS.