

FILED FOR RECORD
HOPKINS COUNTY, TEXAS

NOTICE OF FORECLOSURE SALE

2018 OCT -3 P 12: 03

DEBBIE SHIRLEY
COUNTY CLERK

("Deed of Trust"):

Dated: November 15th, 2017

BY _____ DEPUTY

Grantor: JOHN KIRKPATRICK and wife, ASHLEY KIRKPATRICK

Trustee: JOEL B. SHEFFIELD

Substitute Trustee: JONATHAN A. NEWSOM

Lender: NANCY K. DIETERICH A/K/A NANCY DIETERICH

Recorded in: Instrument Number 20176110, Official Public Records of Hopkins County, Texas.

Secures: Note in the original principal amount of \$190,000.00, executed by JOHN KIRKPATRICK and wife, ASHLEY KIRKPATRICK ("Borrower") and payable to the order of Lender

Original Property: The real property, improvements, and personal property described in and mortgaged in the Deed of Trust, including the real property described in the attached Exhibit A, and all rights and appurtenances thereto

Foreclosure Sale:

Date: **Tuesday, November 6th, 2018**

Time: **The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 A.M., or no later than three hours thereafter.**

Place: **The Southwest entrance door to the first floor of the HOPKINS COUNTY COURTHOUSE in SULPHUR SPRINGS, TEXAS.**

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.

DATED: October 3rd, 2018.



JONATHAN A. NEWSOM
Law Office of Jonathan A. Newsom
113 Jefferson Street
Sulphur Springs, Texas 75482
(903) 885-2117
FAX (903) 885-2119
State Bar No. 24081067
Substitute Trustee