

AUG 12 2021

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

BOBBIE DAVIS
COUNTY CLERK, PANOLA COUNTY, TEXAS
BY [Signature] DEPUTY

**THE STATE OF TEXAS §
 §
COUNTY OF PANOLA §**

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on October 29, 2020, **Kenneth Pierce aka Kenneth Mark Pierce and Brenda Pierce aka Brenda Jean Pierce ("Grantor")** executed and delivered a Deed of Trust, Security Agreement, Financing Statement and Assignment of Rents (the "Deed of Trust") conveying to **David Zalman**, as Trustee, the hereinbelow described property to secure **Prosperity Bank**, in the payment of all indebtedness (collectively the "Note") therein described, the Deed of Trust being filed and under Panola County Clerk's File No. 228979 in the Official Public Records of Real Property of Panola County, Texas to which reference is hereby made for all purposes; and

WHEREAS, default has occurred in the payment of the Note and the same is now wholly due, and **Prosperity Bank** (the "Beneficiary"), the owner and holder of the Note, has requested the undersigned to sell the Property to satisfy the Note; and

WHEREAS, the above named Trustee and any previously appointed Substitute Trustee was removed under and in accordance with the Deed of Trust and the Beneficiary designated and appointed **L. David. Smith, Terri Worley, Lisa DeLong, Robert LaMont, Sheryl LaMont, Ronnie Hubbard, Sharon St. Pierre and Allan Johnston** any of whom may act independently as Substitute Trustee to enforce the Trust, and any of whom may conduct the sale of the Property and may be contacted as indicated on the signature block below.

NOW, THEREFORE, pursuant to the authority conferred upon me by the Deed of Trust, **I, L. David Smith**, hereby give notice that I or one of the other Substitute Trustees whose names and

addresses are set out below, will sell the Property at public auction to the highest bidder, for cash, on **Tuesday, September 7, 2021**. The earliest time at which the sale will occur shall be at **10:00 o'clock A.M.** and it may take place not later than three hours after said time, and the sale shall take place in the area which has been designated as the area for foreclosures to take place, being the steps of Panola County Courthouse such steps being located on the East Side of the Panola County Courthouse. 110 S. Sycamore Street, Carthage, Texas, or any other area which has been designated by the Panola County Commissioner's Court as the area for foreclosures to take place. This conveyance will be made subject to any exceptions referenced in the Deed of Trust to the extent the same are still in effect and shall not cover any part of the Property that has been released from the liens of the Deed of Trust. The Property that will be sold at the foreclosure sale includes the following described real property, together with all improvements and fixtures thereon and appurtenances thereto and all equipment located on or used in connection with the Property:

- (1) **TRACT 1:** All that certain tract or parcel of land situated in the Edwin Smith Survey, A-601, in Panola County, Texas and being out of the Douglas Harris called 82.18 acres as described in Deed from W.L. Cotton Company, and recorded in Volume 144, Page 435, Deed Records, Panola County, Texas and being more particularly described by metes and bounds in Exhibit A attached to the Deed of Trust, Security Agreement, Financing Statement and Assignment of Rents executed by Kenneth M. Pierce and Brenda Pierce (Grantors) recorded under Panola County Clerk's File No. 228979 of the Official Real Property Records of Panola County, Texas (herein referred to as the "Deed of Trust").
- (2) **TRACT 2:** All that certain 269.24 acres tract located in the Edwin Smith Survey, A-601, and the David Blackenship Survey, A-48, Panola County, Texas and being more particularly described by metes and bounds in Exhibit A attached to the Deed of Trust.

THE SALE OF THE PROPERTY IS "AS-IS" AND "WHERE-IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY

WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. THE SUBSTITUTE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE COMPLIANCE WITH THE LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

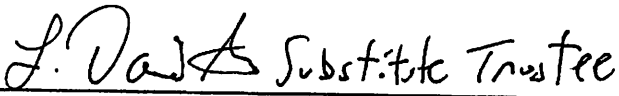
SUBSTITUTE TRUSTEES

NOTICE IS HEREBY PROVIDED THAT ONE OF THE FOLLOWING NAMED SUBSTITUTE TRUSTEES WHOSE ADDRESS AND CONTACT INFORMATION FOR PURPOSES HEREOF IS AS FOLLOWS MAY CONDUCT THE SALE:


L. David. Smith, Terri Worley, Lisa DeLong, Robert LaMont, Sheryl LaMont, Ronnie Hubbard, Sharon St. Pierre and Allan Johnston
c/o L. David. Smith
2618 Kittansett Circle
Katy Texas 77450
Telephone: 281-788-3666
Email: ldslaw7@gmail.com

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 this 9th day of August, 2021.



L. David. Smith, Substitute Trustee
2618 Kittansett Circle
Katy Texas 77450
Telephone: 281-788-3666
Email: ldslaw7@gmail.com



sheryl LaMont 8-12-21