

FILED FOR RECORD
IN MY OFFICE
AT 1:13 O'CLOCK P M

SEP 04 2020

NOTICE OF FORECLOSURE SALE

BOBBIE DAVIS
COUNTY CLERK, PANOLA COUNTY, TEXAS

1. **Property to Be Sold.** The property to be sold is described as follows: BY J. McDonald DEPUTY

All that certain lot or parcel of land situated in Panola County, Texas, and being a part of the Cornelius Crenshaw Survey, A-131 and Willis Vaughn Survey A-694 and being all of **Lot No. 9 and the South one-half of Lot No. 8 of the Sullivan Addition**, and shown by plat bearing Panola County Clerk's File No. 56380 and also being the same lot described in Deed from D. M. Sullivan, et ux, to J. E. Sullivan, dated April 5, 1950, and recorded in Vol. 297, Page 216, Deed Records of Panola County, Texas, and also described by reference in deed dated April 15, 1965, from Glynn Bates and wife, Ouida Jean Bates, to Edmon Birmingham, recorded in Vol. 478, Page 183 of said Deed Records, to which records reference is here made for all pertinent purposes.

LESS & EXCEPT: That certain 0.088 of an acre described in deed dated February 24, 1987 from Edmon Birmingham to State of Texas recorded in Vol. 808, Page 695 of the Deed Records of Panola County, Texas.

2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust, dated December 5, 2016, recorded in Volume 1899, Page 266, Official Public Records of Panola County, Texas, executed by Thomas Bradley Pearson, Grantor, to Robert A. Sherman, Trustee, for the benefit of Todd Kirkland and Kathy Kirkland (the "Deed of Trust"), securing the payment of that one certain promissory note in the original principal amount of \$45,000.00 (the "Note").

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

Date: October 6, 2020

Time: The sale will begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale will be completed no later than 4:00 p.m.

Place: Panola County Courthouse in Carthage, Texas, at the following location: 110 South Sycamore Street, Carthage, Texas, at area designated by the Panola County Commissioners Court.

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 their bid immediately in cash, or by cashier's check or certified funds, if their bid is accepted.

The 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 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. The sale shall not cover any part 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. The sale will be made subject to all property taxes which may be owed on the property.

Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, 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 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 any substitute trustee.

5. ***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 the promissory note in the original principal amount of \$45,000.00, executed by Thomas Bradley Pearson, and payable to the order of Todd Kirkland and Kathy Kirkland. Todd Kirkland and Kathy Kirkland are the current owners and holders of the Note and the current beneficiary of the Deed of Trust.

6. ***Default and Request to Act.*** Default has occurred under the Deed of Trust, and the beneficiary has requested me, as 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: September 4, 2020.



Robert A. Sherman, Trustee
312 West Sabine Street
Carthage, Texas 75633
(903) 693-2206