

Notice of Trustee's Sale

1. *Property to Be Sold.* The property to be sold is described as follows: 109 W. McArthur, Rotan, Fisher County, Texas 79546 (the "Property")
2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust dated May 9, 2017, recorded under Fisher County Clerk's Document No. 170451 in the Official Records of Fisher County, Texas executed by Maria L. Moreno (the "Borrower") securing repayment of the promissory note of even date in the original principal \$36,933.40 payable to the current holder, Steve Drake, defined herein as the "Lender".
3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: December 4, 2018
Time: The sale will begin no earlier than 10 a.m. and be completed no later than three hours thereafter.
Place: Fisher County Courthouse in Roby, Texas, in the north foyer of the Fisher County Courthouse, or as designated for such non judicial sales by the Fisher County Commissioner's Court, as amended from time to time.

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. The reposting 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 day the property is sold. 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. Pursuant to the deed of trust, the beneficiary has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of 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. *Type of Sale.* The sale is a non-judicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust and security agreement and/or financing statement executed by the Borrower.
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 (a) the promissory note in the original principal amount of \$36,433.40 executed by the Borrower and payable to the order of the Lender; (b) all renewals and extensions of the note; (c) any and all present and future indebtedness of the Borrower as applicable to the current owner and holder of the Obligations and the beneficiary under the deed of trust.

All unpaid principal in the amount of \$37,377.63 is due and payable at this time together with all accrued and unpaid interest, attorneys' fees, costs and expenses as of the date of sale. From the date of this Notice of Sale, the note is bearing interest at the rate of Nine Percent (9%) per annum. Accrued interest, costs and fees to be determined as of date of sale. Please be advised that if the Trustee's Sale is completed, additional attorneys' fees and expenses shall be incurred by the Lender and added to the foreclosure bid at the time of sale.

Questions concerning the sale may be directed to the undersigned or to the beneficiary c/o Thomas C. Moody P.C., 6836 Bee Caves Rd., Ste. 280, Austin, Texas 78746 at 512-579-0979.

7. *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: November 6, 2018.



Thomas C. Moody

**FILED FOR RECORD
AT 2 O'CLOCK P M.**

NOV 6 2018

PAT THOMSON
COUNTY CLERK FISHER COUNTY, TEXAS
BY Becky [Signature] DEPUTY