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**Notice of Foreclosure Sale**

Deed of Trust ("Deed of Trust").

AUG 07 2020

Dated: May 2, 2016

Grantor: Texas Trial Attorneys Retirement Trust 041216

Trustee: Dwain Carnes

Substitute Trustee: Russell F. Plackemeier and/or W. Rhys O'Farrell

Lender: Dwain Carnes

Nicole Tanner  
 CLERK COUNTY, HILL COUNTY TEXAS  
 BY [Signature] DEPUTY

Recorded in: Instrument No. 00081588, Volume 1870, Page 336 of the real property records of Hill County, Texas.

Secures: Promissory Note ("Note") in the original principal amount of \$125,000.00, executed by Texas Trial Attorneys Retirement Trust 041216 ("Borrower") and payable to the order of Lender

Property: Lots 51, 52, 58, 59, 60, 61, 62, and 63, Lakeside Hills Annex Subdivision, Hill County, Texas according to the Plat recorded in Volume 438, Page 508, Deed Records Hill County, Texas; also known as 147 Post Oak, Whitney, Texas 76692.

Foreclosure Sale.

Date: Tuesday, September 1, 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 by no later than 4:00 P.M.

Place: THE EAST DOOR OF THE HILL COUNTY COURTHOUSE or in such location as designated by the County Commissioners of Hill County, 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. The reposting or refiled may be after the date originally scheduled for this sale.

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 assigned current Beneficiary bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold.

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 original Beneficiary/assigned current Beneficiary. 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 or substitute 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 "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, the Trustee or Substitute 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 or Substitute Trustee.

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 executed by Texas Trial Attorneys Retirement Trust 041216.

Default and Request to Act.

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, the owner and holder of the Note, has requested Trustee or Substitute Trustee to sell

the Property. Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Trustee or Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

**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: August 4, 2020

*Russell F. Plackemeier*

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Russell F. Plackemeier, Substitute Trustee  
518 9<sup>th</sup> Avenue North  
Texas City, Texas 77590  
409-948-3401  
409-945-9814 (Fax)