

FILED FOR RECORD

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MAY 16 2024

VANESSA JAMES, County Clerk
JACK COUNTY, TEXAS

BY _____ DEPUTY

Notice of Foreclosure Sale

May 16, 2024

Deed of Trust ("Deed of Trust"):

Dated: June 21, 2022

Grantor: Jesus Humberto Lira and Magdalena Mendez Lira

Trustee: Herman Berry White, IV

Lender: Big Creek Properties, LTD

Recorded in: Instrument Number 20220002412 of the real property records of Jack County, Texas

Legal Description: **A 15.00 acre tract of land in the J. J. Shelton Survey A-595, Jack County, Texas and being part of a tract of land described in deed to Big Creek Properties recorded in Volume 690, Page 520, Official Records, Jack County, Texas and being more particularly described as follows:**

BEGINNING at a two inch aluminum capped iron rod in the north right of way of F. M. Highway No. 1810 for the southeast corner of a tract of land described in deed to Elzie Lewis, Jr. recorded in Volume 678, Page 75, Official Public Records, Jack County, Texas and for the most southerly southwest corner of said Big Creek Properties tract;

THENCE North 01°01'13" East with the general course of a fence 580.11 feet to a four inch iron post for the northeast corner of said Lewis tract for an inner corner of said Big Creek Properties tract;

THENCE North 89°04'11" West with the general course of a fence 376.02 feet to a four inch iron post in the east line of the Charles O'Conner Survey A-454 and in the west line of said Shelton Survey for the northwest corner of said Lewis tract and for the most westerly southwest corner of said Big Creek Properties tract;

THENCE North 00°14'15" East with the general course of a fence and the east line of said O'Conner Survey and with the west line of said Shelton Survey 187.37 feet to an iron rod set in the west line of said Big Creek Properties tract;

THENCE South 89°05'47" East 1124.69 feet to an iron rod set for corner;

THENCE South 00°09'14" East 182.27 feet to a four inch iron post for corner;

THENCE South 00°50'44" West 603.73 feet to an iron rod set in the north right of way of said highway for corner;

THENCE North 87°42'00" West with the north right of way of said highway 751.88 feet to the POINT OF BEGINNING.

Secures: Real Estate Lien Note ("Note") in the original principal amount of \$195,000.00, executed by Jesus Humberto Lira and Magdalena Mendez Lira ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, July 2, 2024

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. and not later than three hours thereafter.

Place: Jack County Courthouse at 100 N. Main Street, Jacksboro, Texas 76458, at the following location: on the steps fronting the doors on the West side of the Courthouse, or as designated by the County Commissioners pursuant to Section 51.002 of the Texas Property Code.

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 Big Creek Properties, LTD'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, Big Creek Properties, LTD, 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 Big Creek Properties, LTD's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Big Creek Properties, LTD'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 Big Creek Properties, LTD 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 Big Creek Properties, LTD. 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.



Herman Berry White, IV
1602 Halsell Street
Bridgeport, Texas 76426
Telephone (940) 647-0000
Telecopier (888) 396-6271