



Freestone  
County  
Linda Jarvis  
Freestone County  
Clerk

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Instrument Number: 1900032

Foreclosure Posting

DECLARATION OF INVALIDITY OF FORECLOSURE SALE

Recorded On: January 04, 2019 10:36 AM

Number of Pages: 4

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" Examined and Charged as Follows: "

Total Recording: \$8.00

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\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 1900032  
Receipt Number: 20190104000004  
Recorded Date/Time: January 04, 2019 10:36 AM  
User: Melissa S  
Station: Clerk Station

**Record and Return To:**

THE LAW OFFICE OF CHAD MORGAN  
109 S MOUNT STREET  
  
FAIRFIELD TX 75840



STATE OF TEXAS  
COUNTY OF FREESTONE

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Freestone County, Texas.

Linda Jarvis  
Freestone County Clerk  
Freestone County, TX

*Linda Jarvis*

**Notice of Foreclosure Sale**

January 4, 2019

**Deed of Trust ("Deed of Trust"):**

**Dated:** October 31, 2013

**Grantor:** Kevin Myron Smith-Poole

**Trustee:** Hue L. Hillis, Jr.

**Lender:** Charles McIlhany and Mary McIlhany

**Recorded in:** Volume 1619, Page 617 of the real property records of Freestone County, Texas

**Legal Description:** Being a part of Lot Number Seven (7) and all of Lot Number Eight (8) in Block Number One-hundred Thirty-Seven (137) of the Town of Wortham, Freestone County, Texas and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

**Secures:** Real Estate Lien Note ("Note") in the original principal amount of \$73,500.00, executed by Kevin Myron Smith-Poole ("Borrower") and payable to the order of Lender

**Substitute Trustee:** CHAD MORGAN

**Substitute Trustee's Address:** 109 S. Mount Street, FAIRFIELD, TX, 75840

**Foreclosure Sale:**

**Date:** Tuesday, February 5, 2019

**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 1:00 PM and not later than three hours thereafter.

**Place:** Courthouse Steps, Freestone County Courthouse, 118 E. Commerce Street, Fairfield, Texas 75840

**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 Charles McIlhany and Mary McIlhany'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, Charles McIlhany and Mary McIlhany, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Charles McIlhany and Mary McIlhany's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Charles McIlhany and Mary McIlhany'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, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Charles McIlhany and Mary McIlhany 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 Charles McIlhany and Mary McIlhany. 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, 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 Substitute 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.

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.**



Chad Morgan  
Attorney for Mortgagee



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