Atascosa

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DIANE GONZALES
ATASCOSA COUNTY CLERK
BY _____ DEPUTY

**Notice of Foreclosure Sale**

Deed of Trust ("Deed of Trust"):

Dated: December 19, 2019

Grantor/Borrower: Thomas Ray Kelly

Trustee/Substitute Trustee: Judith A. Gray

Lender: E.E.A.C., Inc., a Texas corporation

Recorded in: Clerk's File Number 201279 of the real property records of Atascosa County, Texas

Property Legal Description: LOT 39, BLOCK 8, SHALIMAR VILLAGE SUBDIVISION, UNIT NO. 3, SITUATED IN ATASCOSA COUNTY, TEXAS ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 63, AND ON SHEET 83-A, NEW PLAT CABINET, OF THE PLAT RECORDS OF ATASCOSA COUNTY, TEXAS.

Obligation: Promissory Note ("Note") in the original principal amount of $15,000.00 executed by Thomas Ray Kelly ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, December 7, 2021

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 P.M. and not later than three hours thereafter.

Place: The Atascosa County Courthouse, Jourdanton, Texas, or any place designated by the Atascosa County Commissioner's Court.

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 E.E.A.C., Inc.'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, E.E.A.C., Inc., 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 E.E.A.C., Inc.'s election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with E.E.A.C., Inc.'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 E.E.A.C., Inc. 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 E.E.A.C., Inc. 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.

**THIS INSTRUMENT ALSO APPOINTS THE SUBSTITUTE TRUSTEES, MARICRUZ CARDENAS AND ROGER N. GRAY, 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.**

**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.**

Judith A. Gray, Attorney for E.E.A.C.
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