

## Notice of Foreclosure Sale

Deed of Trust ("Deed of Trust"):

Dated: August 31, 2015

Grantor: Salvador Chavarria and Teresa Chavarria

Trustee: Jeff W. Actkinson

Lender: Tommy Tatum and Dianne Tatum

Recorded in: Document Number 56274 Volume 116, Page 582 of the real property records of Parmer County, Texas

Legal Description: The South 10' of Lot 3 and All of Lot 4, of Block 5, of Staley Addition to the city of Friona, Parmer County, Texas

Secures: Promissory Note ("Note") in the original principal amount of \$70,000, executed by Salvador Chavarria and Teresa Chavarria ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

Property: The real property, improvements, and personal property described in and mortgaged in the Deed of Trust, including the real property described in the attached Exhibit A, and all rights and appurtenances thereto.

Foreclosure Sale:

Date: Tuesday, February 7, 2023

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 am and not later than three hours thereafter.

Place: Parmer County Courthouse entrance steps

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 Tommy Tatum and Dianne Tatum'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, Tommy Tatum and Dianne Tatum, 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 Tommy Tatum and Dianne Tatum's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Tommy Tatum and Dianne Tatum'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 Tommy Tatum and Dianne Tatum 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 Tommy Tatum and Dianne Tatum. 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.**



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FILED 29 DAY OF December  
20 22 AT 10:22 A.M.  
COUNTY CLERK  
PARMER COUNTY, TEXAS  
Nayna Chacoy  
COUNTY CLERK DEPUTY