

Notice of Foreclosure Sale

2020 1608

January 5, 2021

Deed of Trust ("Deed of Trust"):

Dated: December 9, 2020  
Grantor: RICHARD ANDREW GARCIA and KIMBERLY ANN PEREZ  
Trustee: W. Calloway Huffaker  
Lender: MICHAEL WALKER  
Recorded in: Volume 435, Page 336 of the real property records of Lynn County, Texas  
Legal Description: The East One-half (E/2) of Lot Twenty-three (23), and All of Lot Twenty-four (24), Block 18, in the Roberts Addition of the Original Town of Tahoka, Lynn County, Texas.  
Secures: Vendor's Lien Note ("Note") in the original principal amount of \$59,500.00, executed by RICHARD ANDREW GARCIA and KIMBERLY ANN PEREZ ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, January 5, 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 10:00 a.m. and not later than three hours thereafter.  
Place: The Foreclosure Sale will be conducted at public venue in the area designated by the Lynn County Commissioner's Court pursuant to Section 51.002 of the Texas Property Code as the place where foreclosure sales are to take place, or if no place is designated by the Commissioner's Court, the sale the sale will be conducted at the place where the Notice of Trustee's Sale was posted.  
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 Michael Walker'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, Michael Walker, 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 Michael Walker's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Michael Walker'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 Michael Walker 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 Michael Walker. 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.**



Huffaker & Harris, LLP  
W. Calloway Huffaker, State Bar No. 10187800  
Hunter Harris, Texas Bar No. 24087672  
Email: hunter@hhlawtx.com  
Amanda J. Chisholm, Texas Bar No. 24041193  
Email: amanda@hhlawtx.com  
P.O. Box 968, Tahoka, TX 79373  
Tel. (806) 998-4863 | Fax. (806) 998-5328

Attorneys for Michael Walker

