

NOTICE OF FORECLOSURE SALE

FILED FOR RECORD
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KIMBERLY WISE
CO. CLERK, MARION CO.
DEPUTY

Notice is hereby given of a **Public Non-Judicial Foreclosure** sale.

1. **Debtor:** Mr. Michael Rasch and c/o his attorney, Michael D. Martin
Address: 580 6th Avenue
Avinger, Texas 75630

Debtor: Ms. Deanna Rasch and c/o her attorney, C. Lynn Daugherty
Address: 580 6th Avenue
Avinger, Texas 75630
2. **Noteholders & Lienholders:** Allen Dales and wife, Mary Dales
Address: 115 5th Avenue
Avinger, Texas 75630
3. **Lien:** First Lien Deed of Trust dated January 9, 2017 and recorded in Vol. 949, Page 134 in the Real Property Records of Marion County, Texas.
4. **Date, Time, and Place of Sale:** This sale is scheduled to be held at the following date, time and place:

Date: March 7, 2023

Time: The sale shall begin no earlier than 10:00 a.m. and no later than three (3) hours thereafter. The sale shall be completed by no later than 1:00 p.m. of the same day.

Place: Marion County Courthouse in Jefferson, Texas, at the following location: The Thomas Jefferson Park at 114 West Austin Street, Jefferson, Texas 75657.
5. **Property to be Sold:** The property to be sold (the "Property") is described as follows:

SURFACE ESTATE TITLE ONLY in and to the following described property:

All those certain lots, tracts, or parcels of land situated in Marion County, Texas, being Lots 296, 297, 319, 320, 321, and 322, Section 3, Deer Cove Subdivision, Marion County, Texas, and together with all permanent improvements thereon.

6. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the First Lien Deed of Trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the date the property is sold.

7. Conditions of Sale: The sale will be made expressly subject to unpaid ad valorem taxes and any title matters set forth in the First Lien Deed of Trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all other 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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

A purchaser at the sale of the Property "acquires the Property "AS IS" without any expressed or implied warranties" (except as to the warranties of title from the grantor identified in the Deed of Trust described above.) Any purchaser acquires the Property "at the Purchaser's own risk" Texas Property Code §51.009. Nothing set forth in this Notice is an express or implied representation or warranty regarding the Property, all of which are specifically disclaimed by the undersigned and by the beneficiary of the herein described Deed of Trust.

8. Type of Sale: The sale is a First Lien Deed of Trust foreclosure sale being conducted pursuant to the power of sale granted by the First Lien Deed of Trust executed by Michael Rasch and Deanna Rasch. The First Lien Deed of Trust is dated January 9, 2017 and is recorded in the office of the County Clerk of Marion County, Texas, at Vol. 949, Page 134, in the Official Public Records of Marion County, Texas.

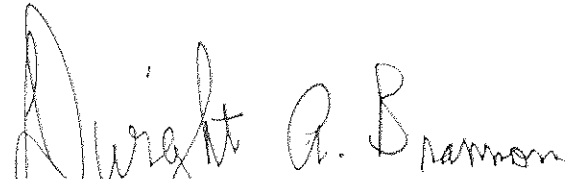
9. Obligations Secured: The First Lien Deed of Trust provides that it secures the payment of the indebtedness and obligation therein described (collectively the "Obligations") including, but not limited to, (1) the July 28, 2016 Promissory Note in the original principal amount of \$89,000.00 executed by Michael Rasch and Deanna Rasch and payable to the order of Allen Dales and wife, Mary Dales, of Avinger, Texas; (2) all renewals and extensions of the note; (3) all interest, late charges, fees and other expenses payable under said note on the herein described First Lien Deed of Trust; and

(4) all other debts and obligations described in the First Lien Deed of Trust. Allen Dales and wife, Mary Dales, of Avinger, Texas are the current owners and holders of the loan obligations (the note) and also are the beneficiaries under the Deed of Trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiaries, Allen Dales and Mary Dales, by telephone at 903-431-2874 or the Substitute Trustee, Dwight A. Brannon, Attorney at Law at 903-843-5253.

10. Default and Request to Act: Default has occurred due to the failure of payment of property taxes and in the failure to make the maturity date payment or balloon payment required by the First Lien Deed of Trust and Note, and the beneficiaries (Allen Dales and Mary Dales) have asked me, as Substitute Trustee, to conduct this sale. Notice is hereby given that before the sale the beneficiaries may appoint another person substitute trustee to conduct the sale.

DATED: February 9, 2023.



Dwight A. Brannon, Substitute Trustee
P. O. Box 670
Gilmer, Texas 75644
Tel: (903) 843-2523
Fax: (903) 943-6014

Notice to Members of the Armed Forces of the United States:

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.

I certify that the above Notice of Foreclosure was filed with the Marion County Clerk's Office and Posted on the designated posting board on the 9th day of February, 2023, within the Marion County Courthouse in Jefferson, Texas at 1:40, o'clock p.m.

Dwight A. Brannon
Dwight A. Brannon, Substitute Trustee

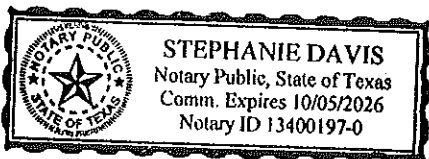
I certify that a copy of the foregoing filed and posted notice was served to Mr. Michael Rasch and Ms. Deanna Rasch, by depositing same in the United States Mail, regular mail and by certified mail, return receipt request, with proper postage affixed hereto, addressed to Mr. Michael Rasch at 580 6th Avenue, Avinger, Texas 75630, and to Ms. Deanna Rasch, c/o her attorney, C. Lynn Daughrity, at 301 St. John Street, Jefferson, Texas 75657, the last known addresses of said persons, on the 9th day of February, 2023.

Dwight A. Brannon
Dwight A. Brannon, Substitute Trustee

THE STATE OF TEXAS §

COUNTY OF UPSHUR §

This instrument was acknowledged before me on the 9th day of February, 2023 by Dwight A. Brannon, Substitute Trustee, in the capacity so stated.



Stephanie Davis
Notary Public, State of Texas
My Commission Expires: 10-05-2026