

## Notice of Foreclosure Sale

October 1, 2024

### Deed of Trust ("Deed of Trust"):

Dated: June 10, 2022

Grantor: Michael Allen Simmons

Trustee: John W. Carlson

Lender: Riverview Enterprises, Ltd.

Recorded in: Clerk's File No. 2022020076, Volume 0288, Page 0028, Official Public Records of Menard County, Texas

Legal Description: Being the surface estate only of Tract No. 53 of the Cave Wells Ranch Phase 2 Subdivision, consisting of 15.59 acres of land, more or less, lying and being situated in Menard County, Texas, as set forth and shown the plat recorded in Volume 2, Page 62, Plat Records of Menard County, Texas.

Secures: Promissory Note ("Note") in the original principal amount of \$61,684.30, executed by Michael Allen Simmons ("Borrower") and payable to the order of Lender

### Foreclosure Sale:

Date: Tuesday, October 1, 2024

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: Front steps of the Menard County Courthouse, 206 E. San Saba Ave, Menard, Texas 76859

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 Riverview Enterprises, Ltd.'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, Riverview Enterprises, Ltd., 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 Riverview Enterprises, Ltd.'s election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Riverview Enterprises, Ltd.'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 Riverview Enterprises, Ltd. 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 Riverview Enterprises, Ltd. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

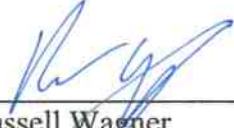
Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical 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.**

Signed this 21 day of September, 2024


  
\_\_\_\_\_  
Russell Wagner  
Substitute Trustee

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John W. Carlson  
Attorney for Mortgagee  
260 Thompson Drive, Suite 10  
Kerrville, Texas 78028  
Telephone (830) 896-4488  
Telecopier (830) 896-4474

Signed this 5 day of September, 2024

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Russell Wagner  
Substitute Trustee



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John W. Carlson  
Attorney for Mortgagee  
260 Thompson Drive, Suite 10  
Kerrville, Texas 78028  
Telephone (830) 896-4488  
Telecopier (830) 896-4474

Filed for Record in my Office  
the 4<sup>th</sup> day of September 2024  
at 3:20 o'clock PM  
Christy Caperton  
County Clerk, Menard County, Texas  
Ben. C. Rogers, Deputy