

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.

NOTICE OF FORECLOSURE SALE

1. *Property to Be Sold.* The property to be sold is described as follows:

The real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; and all easements, rights of way, and appurtenances; all water and water rights; and all other rights, royalties, and profits relating to the real property, including without limitation such rights as Grantor may have in all minerals, oil, gas, geothermal and similar matters, (the "Property") located in Hunt County, State of Texas:


Being a tract of land situated in the H.H. Hall Survey, Abstract No. 505, located in Hunt County, Texas, same being that tract of land described in deed conveyed to Donald W. Kuykendall, II and Melanie L. Kuykendall, recorded in County Clerk's File Number 2018-15293, Deed Records, Hunt County, Texas, and being more particularly described by metes and bounds as follows;

BEGINNING at a 3/8 inch iron rod found for corner, said corner lying along the Northwest line of Farm to Market 35, also being the South corner of a tract of land described in deed conveyed to FM 35 Ventures, LLC, recorded in County Clerk's File Number 2020-18076, Deed Records, Hunt County, Texas, and being the Northwest corner of said Kuykendall tract;

THENCE North 89 degrees 07 minutes 04 seconds East a distance of 946.16 feet to a metal fence post found for corner, said corner being the Northwest corner of Union Valley Ranch, an addition in Hunt County, Texas, according to the Map or Plot thereof recorded in Cabinet H, Slide 346, of the Map Records of Hunt County, Texas, also lying along the South line of a tract of land described in deed conveyed to Ross and Norma Morris, recorded in Volume 1133, Page 90, Deed Records, Hunt County, Texas;

THENCE South 01 degrees 31 minutes 30 seconds East a distance of 899.45 feet to a 1/2 inch yellow capped iron rod set for corner;

THENCE South 47 degrees 02 minutes 40 seconds West a distance of 34.10 feet to a 1/2 inch yellow capped iron rod set for corner, said corner lying along the Southwest line of said Union Valley Ranch, also lying along the

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Northeast line of said Farm to Market 35;

THENCE North 46 degrees 09 minutes 05 seconds West along the said Northeast line of Farm to Market 35 a distance of 1,310.41 feet to the POINT OF BEGINNING and containing 447,789 square feet or 10.28 acres of land.

The Property or its address is commonly known as 9427 FM 35; 9381 FM 35; 9445 FM 35; 9459 FM 35, Royse City, TX 75189. The Real Property tax identification number is 230898; 27404.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust (“Deed of Trust”)

Dated: December 22, 2023

Grantor: Donald W Kuykendall II and Melanie L Kuykendall

Lender: GUARANTY BANK & TRUST, N.A.

Recording Information: Recorded on December 29, 2023, as Document Number 2023-24841 in the Official Public Records of Hunt County, Texas.

Secures: Promissory Note (“Note”) dated December 22, 2023, in the original principal amount of \$343,750.00, executed by Donald W. Kuykendall II (“Borrower”) and payable to GUARANTY BANK & TRUST, N.A. (“Lender”) as modified or extended.

3. *Senior Lien Not to be Foreclosed.* Following the foreclosure sale scheduled for September 3, 2024, the Property will remain subject to the following Deed of Trust (“Senior Lien”)

Dated: October 5, 2018

Grantor: Melanie L Kuykendall and Donald W Kuykendall II

Lender: GUARANTY BANK & TRUST, N.A.

Recording Information: Recorded on October 5, 2018, as Document Number 2018-15294 in the Official Public Records of Hunt County, Texas.

Secures: Promissory Note (“Note”) dated October 5, 2018, in the original principal amount of \$200,000.00, executed by Melanie L Kuykendall and Donald W Kuykendall II (“Borrower”) and payable to GUARANTY BANK & TRUST, N.A. (“Lender”) as modified or extended.

4. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: September 3, 2024

Time: The sale will begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale will be completed by no later than 4:00 p.m.

Place: Hunt County Courthouse located at 2507 Lee Street, Greenville, Texas 75401, at the Common area at the base of the Central stairway on the 2nd floor inside the Courthouse, or the base of the North steps outside of the Courthouse in the event the Courthouse is closed or as designated by the County Commissioner's Court pursuant to section 51.002 of the Texas Property Code as the place where foreclosure sales are to take place.

The Deed of Trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee(s) under the Deed of Trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this sale.

5. *Terms of Sale.* The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the 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 their bid immediately in cash if their bid is accepted.

The 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 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. The sale shall not cover any part of the property that has been released of public record from the lien of the Deed of Trust. Prospective bidders are strongly encouraged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to the Deed of Trust, the beneficiary has the right to direct the Substitute Trustee(s) to sell the property in one or more parcels and/or to sell all or only part of the property.

Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (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 of the Texas Property Code, the Substitute Trustee(s) reserve the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the Substitute Trustee(s).

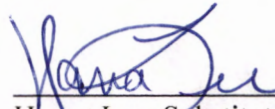
6. *Type of Sale.* The sale is a nonjudicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by Donald W Kuykendall II and Melanie L Kuykendall.

The real property and personal property encumbered by the Deed of Trust will be sold at the sale in accordance with the provisions of the Deed of Trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

Questions concerning the sale may be directed to Substitute Trustee Melissa Spinn Koelsch; West, Webb, Allbritton & Gentry, P.C.; 1012 Rio Grande St., Austin, Texas 78701; 979-694-7000, or the undersigned.

7. *Default and Request to Act.* Default has occurred under the Deed of Trust, and the Lender has requested the Substitute Trustee(s) to conduct this sale. Notice is given that before the sale, the Lender may appoint another person as substitute trustee to conduct the sale.

Dated: August 12, 2024



Hanna Lee, Substitute Trustee
West, Webb, Allbritton & Gentry, P.C.
1515 Emerald Plaza
College Station, Texas 77845
Telephone (979) 694-7000
Telecopier (979) 694-8000