

Notice of Foreclosure Sale
April 12, 2024

FILED FOR RECORD
2024 APR 12 AM 8:39

Deed of Trust ("Deed of Trust"):

Dated: May 16, 2016
Grantor: KIPPY JOINER
Trustee: ROBERT P. POST and/or ALLISON POST BRIGHT
Lender: TROY ANN FINANCIAL CORPORATION
Recorded in: Clerk's File Number 201607473, Official Public Records of Tom Green County, Texas.

CHRISTINA UBANDO
COUNTY CLERK
COUNTY OF TOM GREEN, TEXAS

Legal Description: TRACT ONE:

Being an area of 5.362 acres of land out of Block 6, UPTON AND COLLINS SUBDIVISION, Tom Green County, Texas, according to the Plat recorded in Volume 1, Page 140, Plat Records of Tom Green County, Texas, said 5.362 acre tract being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein.

TRACT TWO:

Being a 60.00 wide access easement (1.193 acre) out of Block 6, UPTON AND COLLINS SUBDIVISION, Tom Green County, Texas, according to the Plat recorded in Volume 1, Page 140, Plat Records of Tom Green County, Texas, said 60' access easement being more particularly described by metes and bounds in Exhibit "B" attached hereto and incorporated herein.

TRACT THREE:

Being an area of 97.459 acres of land out of Block 6, UPTON AND COLLINS SUBDIVISION, Tom Green County, Texas, according to the Plat recorded in Volume 1, Page 140, Plat Records of Tom Green County, Texas, and said 97.459 acre tract being more particularly described by metes and bounds in Exhibit "C" attached hereto and incorporated herein.

Secures:

Note 1:

Date: July 1, 2010

Original Amount: \$500,000.00

Borrower: Michael J. Agan, Kippy Joiner and J&J Services

Lender: Troy Ann Financial Corporation

Maturity Date: As therein specified.
Renewed and Extended: By Promissory Note dated July 1, 2011, in the principal amount of \$500,00.00

Note 2:

Date: February 4, 2010
Original Amount: \$250,000.00
Borrower: Michael J. Agan, Kippy Joiner and J&J Services
Lender: Troy Ann Financial Corporation
Maturity Date: As therein specified.
Renewed and Extended: By Promissory Note dated December 18, 2012, in the principal amount of \$250,000.00

Note 3:

Date: December 18, 2009
Original Amount: \$250,000.00
Borrower: J&J Services
Lender: Troy Ann Financial Corporation
Maturity Date: As therein specified.
Renewed and Extended: By Promissory Note dated December 18, 2012, in the principal amount of \$250,000.00

Assignment: The Note and the liens and security interests of the Deed of Trust were transferred and assigned to Alliance Vending & Food Service, LLC, a Texas limited liability company ("Beneficiary") by an instrument dated May 10, 2023, recorded in Clerk's File No. 202305688, Official Public Records of Tom Green County, Texas.

Foreclosure Sale:

Date: May 7, 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: Inside the main lobby by the front door of the Edd B. Keys building, San Angelo, Texas, as designated by the Commissioners Court of Tom Green County, Texas, and recorded in the Official Public Records of Tom Green County, Texas.

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 Lender'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, Beneficiary, the owner and holder of the Note, has requested Trustee to sell the Property.

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 Beneficiary 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 Beneficiary. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

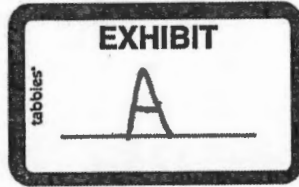
Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," **without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust.** Prospective bidders are advised to conduct an independent investigation of the nature and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



ROBERT P. POST, Trustee



BEING AN AREA OF 5.362 ACRES OF LAND OUT OF BLOCK 6, UPTON AND COLLINS SUBDIVISION, TOM GREEN COUNTY, TEXAS AS PER PLAT RECORDED IN VOLUME 1, PAGE 140, PLAT RECORDS OF TOM GREEN COUNTY, TEXAS AND SAID 5.362 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH CAP SET FOR THE NORTH NORTHEAST CORNER OF THIS TRACT AND BEING 554.10 FEET N. 89° 54' 22" W. FROM A 1/2" IRON ROD WITH CAP FOUND FOR THE NORTHEAST CORNER OF SAID BLOCK 6;

THENCE WITH THE NORTHERLY EAST LINE OF THIS TRACT, S. 03° 08' 10" W. 387.65 FEET TO A 1/2" IRON ROD WITH CAP SET FOR AN ELL CORNER OF THIS TRACT IN THE NORTH LINE OF A 60' ACCESS EASEMENT;

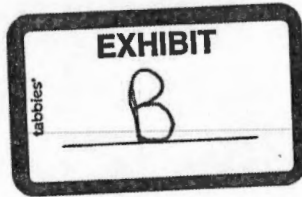
THENCE WITH THE NORTH LINE OF SAID ACCESS EASEMENT, N. 88° 57' 14" E. 89.43 FEET TO A 1/2" IRON ROD WITH CAP SET FOR AN ANGLE CORNER, S. 79° 08' 33" E. 493.76 FEET TO A 1/2" IRON ROD WITH CAP SET FOR THE NORTHEAST CORNER OF SAID ACCESS EASEMENT AND EAST NORTHEAST CORNER OF THIS TRACT;

THENCE WITH THE EASTERLY LINE OF THIS TRACT AND SAID ACCESS EASEMENT AND SAID BLOCK 6 AND THE WEST LINE OF RATLIFF ROAD, S. 80° 07' 00" W. 61.07 FEET TO A 1/2" IRON ROD WITH CAP FOUND FOR THE SOUTHEAST CORNER OF THIS TRACT AND SAID ACCESS EASEMENT;

THENCE WITH THE SOUTH LINE OF THIS TRACT AND SAID ACCESS EASEMENT, N. 79° 08' 33" W. 498.89 FEET TO A 1/2" IRON ROD WITH CAP SET FOR ANGLE CORNER OF THIS TRACT AND SAID ACCESS EASEMENT, S. 88° 57' 14" W. 315.98 FEET TO A 1/2" IRON ROD WITH CAP SET FOR THE SOUTHWEST CORNER OF THIS TRACT AND SAID ACCESS EASEMENT;

THENCE WITH THE WEST OF SOUTHWEST LINE OF THIS TRACT AND SAID ACCESS EASEMENT, N. 60° 29' 37" W. 114.03 FEET TO A 1/2" IRON ROD WITH CAP SET FOR AN ANGLE CORNER OF THIS TRACT AND NORTHWEST CORNER OF SAID ACCESS EASEMENT, N. 31° 09' 34" W. 460.60 FEET TO A 1/2" IRON ROD WITH CAP SET FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE WITH THE NORTH LINE OF THIS TRACT AND SAID BLOCK 6, S. 89° 54' 22" E. 593.93 FEET TO THE PLACE OF BEGINNING AND CONTAINING AN AREA OF 5.362 ACRES OF LAND.



Being a 60.00 wide Access Easement (1.193 Ac.) out of Block 6, Upton And Collins Subdivision, Tom Green County, Texas as per plat recorded in Volume 1, Page 140, Plat Records of Tom Green County, Texas and said 60' Access Easement being more particularly described by metes and bounds as follows;

Beginning at a 1/4" iron rod with cap set for the northeast corner of this Access Easement and being 477.54 feet S. 00° 07' 00" W. from a 1/4" iron rod with cap found for the northeast corner of said Block 6 and also being in the west line of Ratliff Road;

Thence with the east line of this Access Easement, said Block 6 and west line of said Ratliff Road, S. 00° 07' 00" W. 61.07 feet to a 1/4" iron rod with cap found for the southeast corner of this Access Easement;

Thence with the south line of this Access Easement, N. 79° 08' 33" W. 498.89 feet to a 1/4" iron rod with cap set for an angle corner, S. 88° 57' 14" W. 315.98 feet to a 1/4" iron rod with cap set for the southwest corner of this Access Easement;

Thence with the southwest line of this Access Easement, N. 60° 29' 37" W. 118.03 feet to a 1/4" iron rod with cap set for the northwest corner of this Access Easement;

Thence with the north line of this Access Easement, N. 88° 57' 14" E. 423.88 feet to a 1/4" iron rod with cap set for an angle corner, S. 79° 08' 33" E. 493.76 feet to the place of beginning and containing an area of 1.193 acre of land.



Being an area of 97.459 acres of land out of Block 6, Upton And Collins Subdivision, Tom Green County, Texas as per plat recorded in Volume 1, Page 140, Plat Records of Tom Green County, Texas and said 97.459 acre tract being more particularly described by metes and bounds as follows;

Beginning at a 3" fence corner found occupying the northwest corner of this tract and said Block 6 and being in the east right-of-way line of G. C. & S. F. R. R.;

Thence with the north line of this tract and said Block 6, S. 89° 54' 22" E. 2708.02 feet to a 1/4" iron rod with cap set for the northeast corner of this tract;

Thence with the east line of this tract, S. 31° 09' 34" E. 460.60 feet to a 1/4" iron rod with cap set for angle corner and northwest corner of a 60' Access Easement, S. 60° 29' 37" E. 118.03 feet to a 1/4" iron rod with cap set for angle corner and southwest corner of said Access Easement, S. 01° 28' 40" W. 292.18 feet to a 1/4" iron rod with cap set for angle corner, S. 89° 53' 00" E. 6.94 feet to a 2" fence corner found for angle corner and northwest corner of a certain 5.000 acre tract described and recorded in Volume 1207, Page 83, Official Public Records of Real Property of Tom Green County, Texas;

Thence with the west line of said 5.000 acre tract, S. 00° 07' 00" W. 269.43 feet to a 1/4" iron rod found for the southwest corner of said 5.000 acre tract;

Thence with the south line of said 5.000 acre tract, S. 89° 53' 00" E. 640.02 feet to a 1/4" iron rod with cap set for angle corner, S. 87° 16' 25" E. 166.21 feet to a 1/4" iron rod found for the southeast corner of said 5.000 acre tract and being in the west line of Ratliff Road;

Thence with the east line of said Block 6 and west line of said Ratliff Road, S. 00° 07' 00" W. 60.06 feet to a 1/4" iron rod found for the northeast of another 5.000 acre tract (South) described and recorded in Volume 1164, Page 690, Official Public Records of Real Property of Tom Green County, Texas;

Thence with the north line of said 5.000 acre tract (South), N. 87° 16' 25" W. 167.58 feet to a 1/4" iron rod with cap set for angle corner, N. 89° 53' 00" W. 657.88 feet to a 1/4" iron rod found for the northwest corner of said 5.000 acre tract (South);

Thence with the west line of said 5.000 acre tract (South), S. 00° 07' 00" W. 319.11 feet to a 2" fence corner found for the southwest corner of said 5.000 acre tract (South) and the south southeast corner of this tract;

Thence with the south line of this tract and said Block 6, N. 89° 54' 48" W. 3098.96 feet to a 3" fence corner found occupying the southwest corner of said Block 6 and of this tract;

Thence with the west line of this tract and said Block 6 and the east line of said G. C. & S. F. R. R., N. 02° 55' 13" E. 1394.41 feet to the place of beginning and containing an area of 97.459 acres of land.