

NOTICE OF TRUSTEE’S SALE

T.S. #: 24-72081

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.

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

Date: 5/6/2025
Time: The earliest time the sale will begin is 1:00 PM , or within three (3) hours after that time.
Place: San Augustine County Courthouse, Texas, at the following location:
223 N. Harrison, San Augustine, Tx 75972, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioners Court, pursuant to section 51.002 of the Texas Property Code.

Property To Be Sold - The property to be sold is described as follows:

See Legal Description Attached as Exhibit “A”,

Commonly known as: 4442 FM 1992 San Augustine, TX 75972

Instrument to be Foreclosed – The instrument to be foreclosed is the Deed of Trust dated 11/18/2022 and recorded in the office of the County Clerk of San Augustine County, Texas, recorded on 11/28/2022 under County Clerk’s File No 76016, in Book and Page of the Real Property Records of San Augustine County, Texas.

Grantor(s): Richard Gerald Weathersby, II and Kristen P. Weathersby
Original Trustee: Robert M. Galperin, Esq.
Substitute Trustee(s): Ronnie Hubbard, Sheryl La Mont, and/or Kristin A. Zilberstein, Esq.
Original Mortgagee: Live Oak Banking Company
1741 Tiburon Drive
Wilmington, NC 28403
Current Mortgagee: Live Oak Banking Company

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 mortgagee 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.

FILED FOR RECORD
April 10th 25
AT 3:45 O'CLOCK PM
MARGO NOBLE, COUNTY CLERK
SAN AUGUSTINE COUNTY
SAN AUGUSTINE TEXAS
BY [Signature] DEPUTY

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Posted

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

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

Pursuant to the Deed of Trust, the mortgagee has the right to direct the Trustee 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 trustee reserves 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 trustee or any substitute trustee.

Obligations Secured - The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including by not limited to (1) the promissory note in the original principal amount of \$946,000.00, executed by Richard Gerald Weathersby, II and Kristen P. Weathersby, and payable to the order of Live Oak Banking Company

1741 Tiburon Drive

Wilmington, NC 28403; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of Trustor(s) to the current holder of the Obligations to the mortgagee under the deed of trust.

The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, with interest and late charges thereon, as provided in the note(s), advances, under the terms of the Deed of Trust, interest thereon, fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. The amount may be greater on the day of sale.

Questions concerning the sale may be directed to the undersigned or to the Mortgagee:

Live Oak Banking Company

1741 Tiburon Drive

Wilmington, NC 28403

Phone: (910) 218-7935

Default and Request to Act - Default has occurred under the deed of trust, and the mortgagee has requested me, as Trustee, to conduct this sale. Notice is given that before the sale the mortgagee may appoint another person substitute trustee to conduct the sale.

Dated: 4/10/2025



Ronnie Hubbard, Sheryl LaMont, Trustee

For sale information visit: or Contact .
ZBS Law, LLP
30 Corporate Park, Suite 450
Irvine, CA 92606
602-282-6188

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EXHIBIT "A"

Legal Description to a 12.250 acre tract in the E.M. Weeks Survey, A-603 of San Augustine County, Texas being out of and part of a called 30.00 acre tract described in a Partial Release of Lien conveyed to Barry D. Bennefield, et ux, from AgriLand, PCA dated October 15, 2003 and recorded in Volume 45 Page 248 of the Real Property Records of said County Said 12.250 acre tract is located approximately 10.4 miles Southwest of the Court House of San Augustine County, adjoins the Right-of-Way of and lies West of Farm-to-Market Highway #1992 and is further described by a metes and bounds description to-wit:

BEGINNING: at a 5/8" iron rod found in the West Right-of-Way of said Highway for the Southeast corner of this tract, the Southeast corner of said 30.00 acre tract, the Southeast corner of a 7.02 acre tract as shown on survey plot recorded in Volume 164 Page 166 of the Deed Records of said County, and the Northeast corner of the remaining portion of a called 25 acre tract described in Volume 277 Page 76 of the Deed Records of said County,

THENCE: S 86°46'08" W 629.71' (S 87:44' E 631.41') to a 5/8" iron rod found in the South boundary line of said 30.00 acre tract being in the South boundary line of this tract, the Southeast corner of a 14.04 acre tract, as shown on survey plat recorded in Volume 164 Page 166 of the Deed Records of said County, the Southwest corner of said 7.02 acre tract, and in the boundary line of said remaining portion;

THENCE: S 86°50'52" W 527.55' to a 5/8" iron rod found for the Southwest corner of this tract, the Southwest corner of said 30.00 acre tract, the Northwest corner of said remaining portion, and in the East boundary line of a tract owned by United States of America;

THENCE: N.02°50'09" W 466.48' to a 1/2" iron rod with cap stamped "Chief Surveying" set for the Northwest corner of this tract, the Southwest corner of the remaining portion of said 30:00 acre tract, and in the East boundary line of said USA tract;

THENCE: N 84°36'55" E 998.43' severing said 30.00 acre tract, said 14.04 acre tract, and said 7.02 acre tract to a 1/2" iron rod with cap stamped "Chief Surveying" set for the most Northerly Northeast corner of this tract;

THENCE: S 04°52'01" E 129.97' continuing to sever said 30.00 acre tract and said 7.02 acre tract to a 1/2" iron rod with cap stamped "Chief Surveying" set for an angle corner of this tract;

THENCE: S 37°51'06" E-71,81" continuing to sever said.30.00 acre tract and said 7.02 acre tract to a 1/2" iron rod with cap stamped "Chief Surveying" set for an angle corner of this tract,

THENCE: N 79°17'59" E 90.57' continuing to sever said 30.00 acre tract and said 7.02 acre tract to a 1/2" iron rod with cap stamped "Chief Surveying" set for the most Easterly Northeast corner of this tract, in the East boundary line of said 30.00 acre tract, in the East boundary line of said 7.02. more tract, being in the West Right-of Way of said Highway, and being approximately 3' Southerly from a curve to the right;

THENCE: S 07°04'35" E 328.21' with said Right-of-Way to the POINT OF BEGINNING of this tract containing 12.250 acres of land.

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CERTIFICATE OF POSTING

My name is Sheryl LaMont, and my address is 1604 N 10th St, Longview, TX 75601. I declare under penalty of perjury that on April 10, 2025 I filed at the office of the San Augustine County Clerk and caused to be posted at the San Augustine County courthouse this notice of sale.

Declarant's Name: Sheryl LaMont

Date: April 10, 2025