

POSTED

SEP 23 2022

TIME 3:50 PM
BY: *Michelle Kalkan*
SANDRA K. DUCKWORTH, COUNTY CLERK

LEWIS "SONNY" WHITE
CONSTABLE PCT#3
COUNTY OF NEWTON, STATE OF TEXAS
P.O. Box 431 Newton, Texas 75966
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lewis.white@co.newton.tx.us

Notice of Sale (Real Property)

Under and by virtue of an Order of Sale issued on September 14, 2022 in Cause Number CV2113975 issued out of 273rd Judicial District Court of Sabine County, Texas, on a Judgment rendered in said Court on the 5th. day of January, 2022, in favor of Jerry Nelson, Jr., with respect to the interests of Reezen Laurence Brandon and Carolyn Jane Brandon (as Judgment defendants) in the property described below and directed and delivered to me, as Constable or Sheriff of Sabine County, Texas, with the property is to be sold at auction as under execution in satisfaction of said judgment, and to me directed and delivered as Constable Pct. # 3 Newton County, have levied on September 20, 2022, at 12:00 pm. And will offer for sale and sell by public auction to the highest bidder on November 1, 2022.

November 1, 2022, same being the 1st Tuesday of the month at the Newton County Courthouse located at the NORTH DOOR OF THE COURTHOUSE AT 110 East Court St, Newton, Texas in the City of Newton between the hours of 10 am and 4:00 p.m., with the earliest the sale to begin at 10:00 a.m., any and all rights, title interest, and claim which the said defendants have in the following described property situated in Newton County, Texas, commonly known as Property ID 18647 and Property Id. 43630 in the records of Newton County Appraisal District, viz:

THREE TRACTS OF LAND LOCATED IN NEWTON COUNTY, TEXAS, ONE OF SUCH TRACTS BEING APPROXIMATELY 8.6 ACRES LOCATED IN ABSTRACT 537, SAMUEL WILLIAMS SURVEY, AND ABSTRACT 652, J.R. COUSINS SURVEY, A SECOND TRACT BEING APPROXIMATELY .520 ACRES LOCATED IN ABSTRACT 537, SAMUEL WILLIAMS SURVEY, AND A THIRD TRACT BEING APPROXIMATELY .210 ACRES, LOCATED IN ABSTRACT 537, SAMUEL WILLIAMS SURVEY, ALL BEING MORE PARTICULARLY DESCRIBED IN THE DEED TO REEZEN LAURENCE BRANDON AND CAROLYN JANE BRANDON, RECORDED UNDER VOL. 709, PAGE 229, DOCUMENT OR FILING NUMBER 166503, OFFICIAL PUBLIC RECORDS OF NEWTON COUNTY, TEXAS.

ON THE PROPERTY SOLD THERE ARE NO WARRANTIES EXPRESSED OR IMPLIED INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. YOU HAVE BOUGHT THE PROPERTY "AS IS .. "BUYERS ARE FURTHER ADVISED THAT THE PURCHASE OF THE PROPERTY AT THIS CONSTABLE'S SALE MAY NOT EXTINGUISH ANY LIENS OR SECURTIY INTEREST ON THE PROPERTY.

**ALL SALES ARE FINAL AT CLOSE OF AUCTION / ANY QUESTIONS NEED TO BE DIRECTED TO
CONSTABLE LEWIS "SONNY" WHITE CELL: 409-594-7153 ALL PAYMENTS MUST BE MADE
THROUGH THIS OFFICE TO ASSURE PROPER CREDIT TOWARDS THE JUDGEMENT, IN THE
FORM OF A CASHIER'S CHECK ONLY**

GIVEN UNDER MY HAND, this 23 day of September, 2022.

Constable, Precinct 3, Newton County, Texas

Lewis G. White III

Lewis G. White III

ORDER OF SALE (Real Property)- TRC 309,310, 631, 646(a)

THE STATE OF TEXAS :

Cause No. CV2113975

TO ANY SHERIFF OR ANY CONSTABLE WITHIN THE STATE OF TEXAS - GREETING:

WHEREAS on the 5th day of January 2022,

JERRY NELSON JR. PLAINTIFF

recovered in the 273rd Court of Sabine County, a judgment against Reezen Laurence Brandon, Carolyn Jane Brandon & the State of Texas, Comptroller of Public Accounts and The City of Hemphill, In rem only for the sum of \$693,421.30 with interest thereon from the 31st day of January, 2022, at the rate of 18 % per cent per annum on \$207,205.82 and 14% per annum on remainder, and costs of suit, less a credit as of 7/5/2022 of \$25,000.00 and whereas, the said judgment is a foreclosure of a Abstract of Judgments (tax/mortgage) lien on the following described property, to-wit:

Three tracts of land located in Newton County, Texas, one of such tracts being approximately 8.6 acres located in Abstract 537, Samuel Williams Survey, and Abstract 652, J.R Cousins Survey, a second tract being approximately .520 acres located in Abstract 537, Samuel Williams Survey, and a third tract being approximately .210 acres, located in Abstract 537, Samuel Williams Survey, all being more particularly described in the deed to Reezen Laurence Brandon and Carolyn Jane Brandon, recorded under Vol. 709, Page 229, Document or filing Number 166503, Official Public Records of Newton County, Texas (the "Newton County Property").

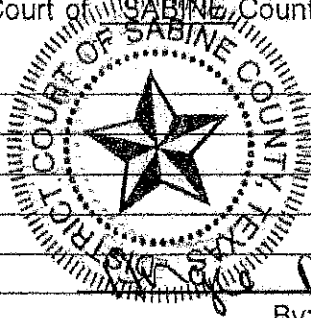
and said Abstract of Judgments (tax/mortgage) liens existed on the 5th day of March, 2020 and it is ordered and decreed by said judgment that said property be sold as under execution in satisfaction of said judgment. And if said property shall sell for more than sufficient to pay off and satisfy said sums of money, the excess should be paid over to the said State of Texas and then City of Hemphill for the amounts owed on account of their respective liens identified in the Judgment. Such order of sale shall have the force and effect of a writ of possession, and the officer executing same shall proceed by virtue of such order of sale to place the purchaser of said property in possession thereof within 30 days from date of sale.

THEREFORE, you are hereby commanded that you proceed to seize and sell the above described property, as under execution, and by virtue of this order of sale place the purchaser of the same in possession thereof within 30 days after the day of sale, and you apply the proceeds thereof to the payment and satisfaction of said sum of \$693,421.30

together with the interest that may be due thereon, and the further sum of \$ 873.00 costs of court, together with your legal fees and commissions for executing this writ. And if the said property shall sell for more than sufficient to pay off and satisfy said sums of money, then you are hereby directed to pay over the excess thereof to the defendant, Carolyn Jane Brandon & Reezen Laurence Brandon.

HEREIN FAIL NOT, but due return make hereof within 90 [30][60][90] days, showing how you have executed the same.

GIVEN under my hand and seal of the 273rd Court of SABINE County, at my office in Hemphill, Texas this 14th day of September, 2022.

Requested by: Robert B. Dunham		Lisa Pitre, District Clerk
4180 Delaware St Ste 301		Sabine County, Texas
Beaumont, TX 77706		(409)787-2912
Ph: (409) 434-4185		
		By: <u>Angie McCary</u> , Deputy Clerk

BILL OF COSTS

Copies	\$ 31	Court Security Fee	\$ 5
Clerk Fee	\$90	Records Preservation Fee	\$ 10
Court Reporter Fee	\$ 15	Records Management Fee	\$10
Sheriff Fee	\$ 500	Alternative Dispute Resolution	\$ 15
State Fee	\$ 50	Judiciary Support Fee	\$ 42
Law Library	\$ 35	12 th Court of Appeals	\$ 5
Court Records Preservation	\$ 10	Records Archive Fee	\$10
State Electronic Fee	\$ 30	Indigent Legal Service Fee	\$10
Judicial & Court Personnel Training	\$5	Total:	\$3,000

RETURN TO COURT

Officer's Return (if real estate is sold hereunder) Rule 647 - TRC

Came to hand the ___ day of _____, 20___ at _____, ___ M and executed the ___ day of _____, 20___ at _____, ___ M by seizing the land described in the foregoing Order of Sale.

And afterwards on the ___ day of _____, 20___, I advertised the same for sale at the Courthouse door of _____ County, on the ___ day of _____, 20___, being the first Tuesday of said month (*by an advertisement, in the English language, published once a week for 3 consecutive weeks preceding such sale, the first publication appearing not less than 20 days immediately preceding the day of sale, beginning on the ___ day of _____, 20___, in the _____, a newspaper published in the County of _____, stating in said advertisement the authority by virtue of which said sale was to be made, the time of levy, the time and place of sale, a brief description of the property to be sold, the number of acres, the original survey, its locality in the County, and the name by which the land is generally known), (by written advertisement posted for 20 successive days next before the day of sale of 3 public places in the County of _____, one of which is at the Courthouse door of said County); and also delivered/mailed to each of the within named defendants a copy of said notice of sale; and also mailed a copy of said notice of sale to _____ defendant's attorney of record in said cause.

And on said ___ day of _____, 20___, between the hours of 10 o'clock AM, and 4 o'clock PM at the Courthouse door of said County, in pursuance of said advertisement, sold said property at public sale to _____ to whom the same was struck off for the sum of \$ _____, that being the highest secure bid for the same; and the said _____ having paid the sum so bid by h___, I executed to h___ a deed for said lands and placed _____ in possession thereof. And after first satisfying the Sheriff's costs accruing under this writ, amounting to the sum of \$ _____, and itemized bill of which appears below, and the further amount of \$ _____, original Court costs, the remainder, being the sum of \$ _____ was paid to _____ whose receipt for the same is herewith presented, and this writ is hereby returned on this the ___ day of _____, 20___.

SHERIFF'S FEES

Levy \$ _____
Advertising. _____
Commissioners _____
Making Deed _____

Printers Fee. _____
TOTAL _____

Sheriff, Constable _____ County, Texas

By _____ Deputy

If no newspaper will publish said advertisement, then so state, strike out the first clause and leave the clause showing advertisement "posted", etc. If published in newspaper, strike out the clause in regard to posting.

Texas Rules of Court

RULE 622. EXECUTION

An execution is a process of the court from which it is issued. The clerk of the district or county court or the justice of the peace, as the case may be, shall tax the costs in every case in which a final judgment has been rendered and shall issue execution to enforce such judgment and collect such costs. The execution and subsequent executions shall not be addressed to a particular county, but shall be addressed to any sheriff or any constable within the State of Texas.

RULE 627. TIME FOR ISSUANCE

If no supersedeas bond or notice of appeal, as required of agencies exempt from filing bonds, has been filed and approved, the clerk of the court or justice of the peace shall issue the execution upon such judgment upon application of the successful party or his attorney after the expiration of thirty days from the time a final judgment is signed. If a timely motion for new trial or in arrest of judgment is filed, the clerk shall issue the execution upon the judgment on application of the party or his attorney after the expiration of thirty days from the time the order overruling the motion is signed or from the time the motion is overruled by operation of law.

RULE 628. EXECUTION WITHIN THIRTY DAYS

Such execution may be issued at any time before the thirtieth day upon the filing of an affidavit by the plaintiff in the judgment or his agent or attorney that the defendant is about to remove his personal property subject to execution by law out of the county, or is about to transfer or secrete such personal property for the purpose of defrauding his creditors.

RULE 629. REQUISITES OF EXECUTION

The style of the execution shall be "The State of Texas." It shall be directed to any sheriff or any constable within the State of Texas. It shall be signed by the clerk or justice officially, and bear the seal of the court, if issued out of the district or county court, and shall require the officer to execute it according to its terms, and to make the costs which have been adjudged against the defendant in execution and the further costs of executing the writ. It shall describe the judgment, stating the court in which, and the time when, rendered, and the names of the parties in whose favor and against whom the judgment was rendered. A correct copy of the bill of costs taxed against the defendant in execution shall be attached to the writ. It shall require the officer to return it within thirty, sixty, or ninety days, as directed by the plaintiff or his attorney.

RULE 631. EXECUTION FOR SALE OF PARTICULAR PROPERTY

An execution issued upon a judgment for the sale of particular chattels or personal property or real estate, must particularly describe the property, and shall direct the officer to make the sale by previously giving the public notice of the time and place of sale required by law and these rules.

RULE 632. EXECUTION FOR DELIVERY OF CERTAIN PROPERTY

An execution issued upon a judgment for the delivery of the possession of a chattel or personal property, or for the delivery of the possession of real property, shall particularly describe the property, and designate the party to whom the judgment awards the possession. The writ shall require the officer to deliver the possession of the property to the party entitled thereto.

RULE 309. IN FORECLOSURE PROCEEDINGS

Judgments for the foreclosure of mortgages and other liens shall be that the plaintiff recover his debt, damages and costs, with a foreclosure of the plaintiff's lien on the property subject thereto, and, except in judgments against executors, administrators and guardians, that an order of sale shall issue to any sheriff or any constable within the State of Texas, directing him to seize and sell the same as under execution, in satisfaction of the judgment; and, if the property cannot be found, or if the proceeds of such sale be insufficient to satisfy the judgment, then to take the money or any balance thereof remaining unpaid, out of any other property of the defendant, as in case of ordinary executions.

RULE 310. WRIT OF POSSESSION

When an order foreclosing a lien upon real estate is made in a suit having for its object the foreclosure of such lien, such order shall have all the force and effect of a writ of possession as between the parties to the foreclosure suit and any person claiming under the defendant to such suit by any right acquired pending such suit; and the court shall so direct in the judgment providing for the issuance of such order. The sheriff or other officer executing such order of sale shall proceed by virtue of such order of sale to place the purchaser of the property sold thereunder in possession thereof within thirty days after the day of sale.

RULE 646. FORFEITED DELIVERY BOND

In case of the non-delivery of the property according to the terms of the delivery bond, and nonpayment of the value thereof, the officer shall forthwith indorse the bond "Forfeited" and return the same to the clerk of the court or the justice of the peace from which the execution issued; whereupon, if the judgment remain unsatisfied in whole or in part, the clerk or justice shall issue execution against the principal debtor and the sureties on the bond for the amount due, not exceeding the stipulated value of the property, upon which execution no delivery bond shall be taken, which instruction shall be indorsed by the clerk or justice on the execution.

RULE 646a. SALE OF REAL PROPERTY

Real property taken by virtue of any execution shall be sold at public auction, at the courthouse door of the county, unless the court orders that such sale be at the place where the real property is situated, on the first Tuesday of the month, between the hours of ten o'clock, a.m. and four o'clock, p.m.