

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

Pursuant to authority conferred upon me by that certain Deed of Trust executed by DAWN M. SMITSON, of Freestone County, Texas, dated March 28, 2012, for the benefit of CITIZENS STATE BANK, BUFFALO, TEXAS, TEAGUE BRANCH, 722 Main Street, P. O. Box 709, Teague, Texas 75860, and duly recorded in Volume 1574, page 472, of the Official Records of Freestone County, Texas, I will as Substitute Trustee under said Deed of Trust, in order to satisfy the indebtedness secured thereby and at the request of the Lender/Holder of said indebtedness, default having been made in the payment thereof, sell on Tuesday February 2, 2016, (that being the first Tuesday of said month), at public auction to the highest bidder for cash before the courthouse door, as designated by the County Commissioner's Court of said county, of Freestone County, Texas, in Fairfield, Texas, between the hours of ten o'clock a.m. and four o'clock p.m. of that day, which time shall not be earlier than 11:00 a.m. and not later than 2:00 p.m., the following described property, to-wit:

Being 4.90 acres of land, more or less, situated in the William T. Barker Survey, A-64, Freestone County, Texas and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER THE LENDER/BENEFICIARY/HOLDER OF SAID INDEBTEDNESS NOR THE SUBSTITUTE TRUSTEE MAKE ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, NOR WITH RESPECT TO CONDITION,



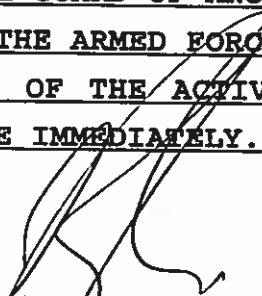
Prepared in the law office of Ricky Sims  
P.O. Drawer 299, Teague, Texas 75860  
(254) 739-2563



QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OF REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

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.

EXECUTED: December 9, 2015.

  
\_\_\_\_\_  
RICKY SIMS, Substitute Trustee  
720 Main Street, P. O. Drawer 299  
Teague, Texas 75860-0299  
254/739-2563  
#18426700



Prepared in the law office of Ricky Sims  
P.O. Drawer 299, Teague, Texas 75860  
(254) 739-2563



EXHIBIT A

William T. Barker Survey, Abstract No. 64  
Freestone County, Texas

All that certain lot, tract or parcel of land, part of the William T. Barker Survey, Abstract No. 64, Freestone County, Texas and being all of that certain called 2 acre tract described in a deed to J. Headlee Rankin and Annie Lou Rankin from Doyle William Isham on August 26, 1961 in Volume 305, Page 57, all of that certain called 0.68 acre tract described in a deed to J. Headlee Rankin and Annie Lou Rankin from R.H. Waldrop and Una Waldrop on March 8, 1958 in Volume 282, Page 311 and all of the residue of that certain called 3.7 acre tract described in a deed to J. Headlee Rankin and wife, Annie Lou Rankin from R.H. Waldrop and wife, Una Waldrop on July 30, 1957 in Volume 282, Page 310 of the Deed Records of Freestone County, Texas and being more completely described as follows, to-wit:

BEGINNING at a 1" iron pipe (found) at a fence corner for the Northwest corner of the above mentioned 2 acre tract, the Southwest corner of a called 5 acres save and except a ½ acre and a 0.46 acre tract conveyed to Joseph Paul Bodine, Jr. in Volume 1514, Page 594 and being in the Northeast line of Farm to Market Highway No. 1451;

THENCE North 80 deg. 01 min. 23 sec. East with the North line of the 2 acre tract and the South line of the Bodine tract, a distance of 643.24 ft. to a 1" iron pipe (found) at a fence corner for the Southeast corner of same, the Northeast corner of the 2 acre tract and being in the occupied West line of a called 556.57 acre tract conveyed to H.C. McMichael, Jr. in Volume 146, Page 57;

THENCE South 06 deg. 03 min. 30 sec. West with the East line of the 2 acre tract, the East line of the above mentioned 0.68 acre tract, the East line of the residue of the above mentioned 3.7 acre tract and the occupied West line of the McMichael tract, a distance of 433.79 ft. to a t-bar (found) at a fence corner for the Northeast corner of a called 1.243 acre tract conveyed to Adrian Diaz and Maria Isabel Diaz in Volume 1416, Page 453 and being the Southeast corner of the residue of the 3.7 acre tract;

THENCE South 76 deg. 35 min. 52 sec. West with the South line of the residue of the 3.7 acre tract and the North line of the 1.243 acre Diaz tract, a distance of 356.69 ft. to a t-bar (found) at a fence corner for the Northwest corner of same, the Southwest corner of the residue of the 3.7 acre tract and being in the Northeast line of said Farm to Market Highway No. 1451;

THENCE North 30 deg. 24 min. 13 sec. West with the West line of the residue of the 3.7 acre tract and the Northeast line of Farm to Market Highway No. 1451, a distance of 244.50 ft. to the p.c. of a curve to the left;

THENCE in a northwesterly direction with the West line of the residue of the 3.7 acre tract, the West line of the 0.68 acre tract, the West line of the 2 acre tract, the Northeast line of Farm to Market Highway No. 1451 and said curve to the left, a distance of 224.63 ft. which has a radius of 5,769.58 ft. and a long chord bearing and distance of North 31 deg. 23 min. 46 sec. West - 224.61 ft. to the place of beginning and containing 4.90 acres of land.

The bearings recited herein are based on the right-of-way of Farm to Market Highway No. 1451.

PREPARED IN THE LAW OFFICE OF RICKY SIMS, 720 MAIN STREET, P. O. BOX 299, TEAGUE, TEXAS 75860, FROM INFORMATION FURNISHED BY THE PARTIES AND NO EXAMINATION HAS BEEN MADE AND NO OPINION HAS BEEN GIVEN BY THE FIRM PREPARING THIS INSTRUMENT AS TO THE TITLE TO OR THE DESCRIPTION OF THE PROPERTY INVOLVED.

NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE

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.

1. **Date, Time, and Place of Sale.**

Date: January 05, 2016

Time: The sale will begin at 10:00AM or not later than three hours after that time.

Place THE FRONT STEPS OF THE FREESTONE COUNTY COURTHOUSE (SOUTH ENTRANCE) OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

2. **Terms of Sale. Cash.**

3. **Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated January 30, 2004 and recorded in Document VOLUME 01272, PAGE 00853; AS AFFECTED BY VOLUME 01334, PAGE 00008 real property records of FREESTONE County, Texas, with JOHN SHUGART AND JENNIFER SHUGART, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS") AS NOMINEE, mortgagee.

4. **Obligations Secured.** Deed of Trust or Contract Lien executed by JOHN SHUGART AND JENNIFER SHUGART, securing the payment of the indebtednesses in the original principal amount of \$111,023.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. WELLS FARGO BANK, N.A. is the current mortgagee of the note and Deed of Trust or Contract Lien.

5. **Property to Be Sold.** The property to be sold is described in the attached Exhibit A.

6. **Mortgage Servicer Information.** The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code § 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the Property referenced above. WELLS FARGO BANK, N.A., as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o WELLS FARGO BANK, N.A.  
3476 STATEVIEW BLVD  
FORT MILL, SC 29715

Lori Garner, by Ramiro Cuevas

LORI GARNER, SHARON ST. PIERRE, ROBERT LAMONT, SHERYL LAMONT, HARRIETT FLETCHER, DAVID SIMS, AURORA CAMPOS, RAMIRO CUEVAS, MATTHEW WOLFSON, PATRICK ZWIERS, KRISTOPHER HOLUB, AARTI PATEL, PHILIP PIERCEALL, TERRY WATERS, LOGAN THOMAS, OR BRUCE MILLER  
Substitute Trustee

c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP  
15000 Surveyor Boulevard, Suite 100  
Addison, Texas 75001

Certificate of Posting

My name is \_\_\_\_\_, and my address is c/o 15000 Surveyor Boulevard, Suite 100, Addison, Texas 75001. I declare under penalty of perjury that on \_\_\_\_\_ I filed at the office of the FREESTONE County Clerk and caused to be posted at the FREESTONE County courthouse this notice of sale.

Declarants Name \_\_\_\_\_  
Date: \_\_\_\_\_

FILED FOR RECORD IN  
Freestone County  
Linda Jarvis  
COUNTY CLERK  
ON: Dec 14, 2015 AT 11:23A  
as Notice of Trustee Sale

Total Fees : 8.00  
Receipt Number - 134249  
By, Penney Eubanks, Deputy



NOS0000005644794

**EXHIBIT "A"**

ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND SITUATED IN THE G, LUNA SURVEY ABSTRACT 18, FREESTONE COUNTY, TEXAS, BEING ALL OF A CALLED 11- 1/4 ACRE TRACT DESCRIBED BY DEED RECORDED IN VOLUME 378, PAGE 625 AND BEING ALL OF A CALLED 6 ACRE TRACT DESCRIBED BY DEED RECORDED IN VOLUME 646, PAGE 354 OF THE DEED RECORDS OF FREESTONE COUNTY, TEXAS. SAID TRACT OR PARCEL OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING ON A SET 1/2" IRON ROD FOR THE SOUTHEAST CORNER OF THIS TRACT AND THE SOUTHEAST CORNER OF THE ABOVE MENTIONED 11-1/4 ACRE TRACT LOCATED ON THE WEST MARGIN OF F.R. NO. 711;

THENCE S 57 DEG 14' 57" W 1074.22 FEET TO THE SOUTHWEST CORNER OF THIS TRACT LOCATED ON THE EAST LINE OF THE T & BV RY. COMPANY ROW; WITNESS: N 57 DEG. 14' 57" E 50.6 FEET, A SET 1/2" IRON ROD.

THENCE WITH SAID ROW N 17 DEG. 48' 51" W 841.13 FEET TO THE NORTHWEST CORNER OF THIS TRACT; WITNESS: S 58 DEG. 31' 37" W 50.4 FEET, A SET 1/2" IRON ROD.

THENCE N 58 DEG. 31' 37" E 895.73 FEET TO THE NORTHEAST CORNER OF THIS TRACT LOCATED IN SAID F.R. NO. 711; WITNESS: S 58 DEG. 31' 37" W 62.1 FEET, A FENCE CORNER POST.

THENCE WITH THE WEST LINE OF SAID ROAD S 30 DEG. 00' 00" E 793.65 FEET TO THE PLACE OF BEGINNING AND CONTAINING 18.18 ACRES OF LAND, MORE OR LESS.



NOS00000005644794