

**NOTICE OF FORECLOSURE SALE**

FILED FOR RECORD IN  
Freestone County  
Linda Jarvis  
COUNTY CLERK  
ON: Aug 05, 2016 AT 12:17P  
as Notice of Trustee Sale

Notice is hereby given of a public nonjudicial foreclosure sale.

Total Fees : 2.00  
Receipt Number - 137545  
By: Melissa Munoz, Deputy

1. **Property To Be Sold.** The property to be sold is described as follows:  
  
See Exhibit A attached hereto and made a part hereof for all intended purposes.
2. **Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date,

time, and place:

Date: Tuesday, September 6, 2016

Time: The sale shall begin no earlier than 1:00 p.m. or no later than three hours thereafter. The sale shall be completed no later than 10:00 a.m.

Place: The area of the Freestone County Courthouse in Fairfield Texas, designated by the Commissioner's Court pursuant to Section 51.002 of the Texas Property Code as a 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 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. Such reposting or refiling may be after the date originally scheduled for this sale.

3. **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 cash on the date 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. 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 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 beneficiary has the right to direct the trustee or substitute trustee to sell the property in one or more parcels and/or sell all or only part of the property.

Pursuant to 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 condition of the property.

Pursuant to the Texas Property Code, the trustee or substitute 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 sale.

**A debtor who is serving on active military duty may have special rights or relief related to this notice under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. app. Section 501 et seq.) and state law, including section 51.015 Texas Property Code. 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.

4. Type of Sale. The sale is a nonjudicial Deed of Trust lien foreclosure sale being conducted pursuant to the power of sale granted by that one certain Deed of Trust executed by Michael G. Jones and Sherry N. Jones, dated December 11, 2009, and recorded in Document Number 00906170 of the Deed of Trust Records of Freestone County, Texas.

5. Obligations Secured. The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligation") in the original principal amount of \$83,000.00, and payable to the order of Incommons Bank, N.A. Incommons Bank, N.A. is the current owner and holder of the Obligation and is the beneficiary under the Deed of Trust.

6. Default and Request To Act. Default has occurred under the Deed of Trust, and the beneficiary has requested me, as trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

DATED: August 3, 2016.



Blake Rasner  
Substitute Trustee  
Haley & Olson, P.C.  
510 North Valley Mills Drive, Suite 600  
Waco, Texas 76710  
Telephone: (254) 776-3336  
Facsimile: (254) 776-6823

## EXHIBIT A

**FIRST TRACT:** All that certain lot, tract or parcel of land, situated in Freestone County, Texas, being 4 acres of land a part of Simon Sanchez League, No.4 and being a part of a 52.7 acre tract deeded to T. S. Watson by deed from Hub Woodard and wife, dated October 27, 1927, recorded in Vol. 94, page 4, Deed Records of Freestone County, Texas, said 4 acres described by metes and bounds, as follows:

BEGINNING at an iron stake for the SW corner of Henry Durham's tract, being also the S. E. corner of the above mentioned 52.7 acre tract, of which this 4 acres is a part;

THENCE North 59-1/2 East 140 varas with the boundary line between said Henry Durham tract and said 52.7 acre tract to the South line of State Highway No.7;

THENCE with said Highway South line, North 76-1/4 West 255 varas to a stake therein for corner;

THENCE South 13-3/4 West 112-1/2 varas to a stake in the South line of the above mentioned 52.7 acre tract;

THENCE South 77 East 153 varas with said south line, to the place of beginning.

**SECOND TRACT:** All that certain lot, tract or parcel of land situated in Freestone County, Texas, being 3-1/3 acres of land, more or less, a part of the Simon Sanchez League No.4, and being a part of a 52.7 acre tract deeded to T. S. Watson by deed from Hub Woodard and wife, dated October 27, 1927, recorded in Vol. 94, page 4, Deed Records of Freestone County, Texas, said 3-1/3 acres described as follows to-wit:

BEGINNING at the southwest corner of the 4 acre tract heretofore sold to Saul Sliger, by T. S. Watson, by deed dated June 11<sup>th</sup>, 1932, and recorded in Vol. 118, page 571, Deed Records, Freestone County, Texas;

THENCE North 77 West with the South line of the said 52.7 acre tract 170 vrs. to the most westerly southwest corner of the said 52.7 acre tract;

THENCE N. 17-1/2 East with the West line of said 52.7 acre tract 115 vrs. a stake for corner in the South right-of-way line of U.S. Highway #84;

THENCE with said right-of-way line South 76-1/2 East 163 vrs. to the Northwest corner of said 4 acre tract;

THENCE South 13-3/4 West with the West line of said 4 acre tract 112-1/2 vrs. to the place of beginning, containing 3-1/3 acres of land, more or less.