

**NOTICE OF FORECLOSURE SALE**

Notice is hereby given of a public, nonjudicial foreclosure sale.

Total Fees : 8.00  
Receipt Number - 141918  
By, Melissa Santana, Deputy

1. **Property To Be Sold.** The property to be sold is described as follows:

All that certain lot, tract or parcel of land being 8.842 acres in the M. Casillas Survey, Abstract No. 168, Freestone County, Texas, being further described in "Exhibit A" attached hereto and made a part hereof for all purposes;

Together with all improvements, easements, furniture, fixtures, equipment, personal property, intangibles, rents, revenues, contracts, plans, accounts, permits, licenses, and all other property, interests, and rights of any kind or nature whatsoever described in the Deed of Trust.

2. **Instrument To Be Foreclosed.** The instrument to be foreclosed is the Deed of Trust ("Deed of Trust") recorded as Document Number 01105733 of the Official Public Records of Freestone County, Texas.

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

**Date:** Tuesday, July 4, 2017

**Time:** The sale shall begin at 1:00 p.m. or no later than three hours thereafter. The sale shall be completed no later than 4:00 p.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.

4. **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.

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.

5. **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 Rand, Foley & Rand, Inc. recorded as Document Number 01105733 of the Official Public Records of Freestone County, Texas.

The Deed of Trust may encumber both real and personal property. Formal notice is given of Independent Bank's election to proceed against and sell both the real property and the personal property described in the Deed of Trust consistent with Lender's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

6. **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 \$285,816.06 dated December 6, 2011 along with all other indebtedness, and payable to the order of The Donie Bank, a division of Alliance Bank Central Texas, and most recently modified, renewed and extended by that certain Modification, Rearrangement and/or Extension Agreement dated February 13, 2015. The Donie Bank, a division of Alliance Bank Central Texas, is the current owner and holder of the Obligation and is the beneficiary under the Deed of Trust.

7. **Default and Request To Act.** Default has occurred under the Obligation and/or Deed of Trust, and the beneficiary has requested me, as substitute trustee, to

conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

8. 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 immediately.**

DATED: June 12, 2017.

  
Shad Robinson  
Substitute Trustee

HALEY & OLSON, P.C.  
100 Ritchie Road  
Suite 200  
Waco, Texas 76712  
Telephone: (254) 776-3336  
Facsimile: (254) 776-6823

## "EXHIBIT A"

All that certain lot, tract or parcel of land, lying and being situated in Freestone County, Texas, part of the M. Cassilas Survey, A-168, being part of the same land conveyed from Jessie L. Miller, et al, to Mrs. Margie Walker by deed dated July 27, 1962, as recorded in Volume 320, Page 190, of the Freestone County Deed Records, also being part of the same land conveyed from Glen Walker, et ux, to C. E. Neal, Trustee, as recorded in Volume 349, Page 119, of the Freestone County Deed Records, and being more fully described by metes and bounds as follows:

BEGINNING at an iron pin set on the Northeast right-of-way line of State Highway #164, being on the most Southern or Southeast line of the J. Peterson Survey, A-520, also being the most Western corner of this tract and the original 30.311 acre tract conveyed from Walker to Neal;

THENCE leaving said highway and along said South line of the Peterson Survey N 61° 58' # 445.00 feet to an iron pin set on said line, being the West corner of a 20.007 acre tract which is also a part of said original 30.311 acre tract and being in the most Northern corner of this tract;

THENCE along the division line of this tract and said 20.007 acre tract S 57° 17' E 511.60 feet to an iron pin set in an angle point of said division line;

THENCE continuing along same division line S 88° 00' E 215.10 feet to an iron pin set for the most Western corner of a 1.462 acre tract conveyed from C. E. Neal, trustee, to Joe N. Carson, being on the South line of said 20.007 acre tract;

THENCE along the East line of this tract S 14° 47' E at 224.00 feet passing an iron pin in the Southwest corner of said Carson Tract and the Northwest corner of the 0.480 acre W. C. Walker lot, and at a total distance of 442.30 feet to an iron pin set on the curved North right-of-way line of State Highway #164, being the most Southern corner of this tract and said original 30.311 acre tract also the Southwest corner of said Walker lot;

THENCE along a 3° curve of said right-of-way line, an arc distance of 902.40 feet to a concrete Highway monument on said highway line, (the chord relative to said arc distance being N 70° 27' W 893.40 feet from said South corner of this tract to said highway monument);

THENCE continuing along the Northeast right-of-way line of said Highway #164, N 56° 38' W 370.10 feet to the place of BEGINNING and containing 8.842 acres of land.