

## NOTICE OF FORECLOSURE SALE

1003 HWY 183 N, Brownwood, Brown County, Texas

### Deed of Trust ("Deed of Trust"):

Dated: September 11, 2015

Grantor: Douglas G. Scott, being on and the same person as Doug Scott, individually and d/b/a Scott's Western Wear

Trustee: John P. Guest

Substitute Trustee: Michael L. Smith

Lender: Citizens National Bank at Brownwood

Recorded in: Volume 175, Page 520, Official Public Records of Brown County, Texas

Secures: Promissory Note ("Note") in the original principal amount of \$450,000.00, executed by Douglas G. Scott ("Borrower") and payable to the order of Lender

### Modification of Deed of Trust ("Deed of Trust"):

Dated: March 14, 2018

Grantor: Douglas G. Scott, an unmarried individual

Trustee: John P. Guest

Substitute Trustee: Michael L. Smith

Lender: Citizens National Bank at Brownwood

Recorded in: Instrument No. 1801682, Official Public Records of Brown County, Texas

Secures: Promissory Note ("Note") in the original principal amount of \$402,469.26, executed by Douglas G. Scott ("Borrower") and payable to the order of Lender

Legal Description: Tract One:

All of that certain 0.7346 acre tract, or parcel of land being out of the HENRY KRABER SURVEY NO. 19, ABSTRACT NO. 584,

being situated in the City of Early, Brown County, Texas, more particularly described on Exhibit "A-1", attached hereto and made a part hereof for all purposes.

**Tract Two:**

Access Easement Agreement dated July 20, 2001 between R & B Brownwood Land Development Company and Gober-Rumfield, Inc. duly recorded in Volume 1404, Page 37, Real Property Records, Brown County, Texas.

**Tract Three:**

Being 0.137 acre tract of land in Brown County, Texas said tract being out of HENRY KRABER SURVEY NO. 19, ABSTRACT NO. 584, more particularly described on Exhibit "A-2", attached hereto and made a part hereof for all purposes.

**Property:** The real property and improvements described in and mortgaged in the Deed of Trust, including the real property described herein and all rights and appurtenances thereto.

**Trustee:** John P. Guest or Michael L. Smith as Substitute Trustee

**Foreclosure Sale:**

**Date:** Tuesday, December 4, 2018

**Time:** The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 and not later than three hours thereafter.

**Place:** Front steps of the Brown County Courthouse located at 200 South Broadway, Brownwood, Brown County, Texas.

**Terms of Sale:** The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that Citizens National Bank at Brownwood's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Citizens National Bank at Brownwood, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Citizens National Bank at Brownwood's election to proceed against and sell both

Sharon Ferguson, Brown County Clerk

Time \_\_\_\_\_

NOV 06 2018

By Deputy:

the real property and any personal property described in the Deed of Trust in accordance with Citizens National Bank at Brownwood's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Citizens National Bank at Brownwood passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure 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 Foreclosure 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. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Citizens National Bank at Brownwood. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (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(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

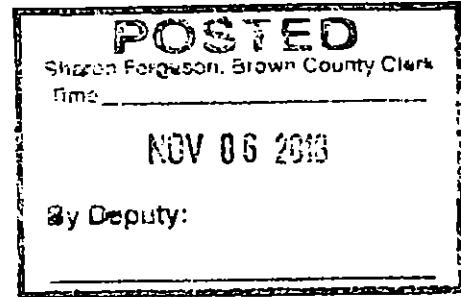
**Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.**

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.**

POSTED	Sharon Ferguson, Brown County Clerk
Time	
NOV 03 2013	
By Deputy:	

Michael L. Smith

Michael L. Smith  
Attorney for Citizens National Bank at Brownwood  
Haynes Law Firm, P.C.  
309 N. Fisk  
Brownwood, Texas 76801  
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Telecopier (325) 643-3105  
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H250032  
PAGE ONE OF ONE  
P.O. Box 1909  
117 Vick Dr.  
Brownwood, Texas 76804

*Don King*  
*Brown County Surveyor*

Texas Registered Professional Land Surveyor

Phone: 915-691-5913  
FAX: 915-691-5913  
E-Mail: [KingLand@Yahoomail.com](mailto:KingLand@Yahoomail.com)  
Sharon Ferguson Brown County Clerk  
Time \_\_\_\_\_

NOV 06 2013

THE STATE OF TEXAS:

COUNTY OF BROWN:

CITY OF EARLY: FIELD NOTES AND ATTACHED PLAT OR MAP MADE FOR  
R & B BROWNWOOD LAND DEVELOPMENT CO.

TRACT ONE:

All of that certain 0.7346 acre tract, lot, or parcel of land being out of the Henry Kraber Survey No. 19, Abstract No. 584, being situated in the City of Early, Brown County, Texas, and being part of a 30.303 acre tract as conveyed by multi deeds from Ronald B. Vaugh et.al. to R & B Brownwood Land Development Company dated May 18, 2000, being of record in Volume 1363, Pages 90 - 174 of the Real Property Records of Brown County, Texas, and is further described as occupied as follows;

BEGINNING at a  $\frac{1}{2}$ " iron rod set in the Westerly line of U. S. Highway No. 183, for the South East Corner of this, being 167.1 feet, N 01-47 W, of the South East Corner of said 30.303 acre tract;

THENCE S 88-13 W, 220.8 feet, to a  $\frac{1}{2}$ " iron rod set for the South West Corner of this;

THENCE N 01-47 W, being parallel with westerly line of said Highway, 92.5 feet, a  $\frac{1}{2}$ " iron rod set for the Westerly North West Corner of this;

THENCE N 43-15 E, 86.0 feet, to a  $\frac{1}{2}$ " iron rod set for the Northerly North West Corner of this;

THENCE N 88-13 E, being parallel with southerly line, 160.0 feet, to a  $\frac{1}{2}$ " iron rod set in the westerly line of said Highway, for the North East Corner of this, being 596.9 feet, S 01-47 E, of a concrete highway monument;

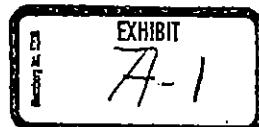
THENCE S 01-47 E, with said Highway, 153.3 feet, to the place of beginning and calculated to contain 0.7346 acre of land in area.

THE ABOVE FIELD NOTES AND ATTACHED PLAT OR MAP REPRESENTS the results of an on the ground survey, that all lines and corners are marked as described above, or shown on the attached plat or map which is hereby made a part of this, that said property has access to and from a dedicated roadway as shown on said plat or map or mentioned above, that there are no visible discrepancies or shortages in area, or overlapping of improvements except as shown on said plat or map or mentioned above, that said property is not within a 100 year flood zone (Zone A) according to the F.I.R.M. of the City of Early, Brown County, Texas.

*DTK*  
Don T. King Registered Professional Land Surveyor of  
The State of Texas

APRIL 29, 2001

RECORDED AND SCANNED  
AS RECEIVED



POSTED  
Sharon Ferguson "Brown" County Clerk  
Time \_\_\_\_\_

2015 BK VOL PG  
5913 OP 175 530

NOV 03 2018

By Deputy:

EXHIBIT "A"  
FIELD NOTES - 0.137 ACRES

TRACT THREE:

FIELD NOTES for a 0.137 acre tract of land in Brown County, Texas, said tract being out of Henry Kraber Survey No 19, Abstract No 584, said tract being part of a 30.303 acre tract described in a deed Ronald B. Vaughn, et al, to R. & B. Brownwood Land Development Co. dated May 18, 2000 and recorded in Volume 1363, Page 90 though 174, Real Property Records of Brown County, Texas, said tract also being part of an Access Easement to Gober - Rumfield, Inc. described verbally (no metes and bounds decryption) as recorded in Volume 1404, Page 37 of said Records, said 0.137 acre tract being shown in a survey by Dou King dated December 31, 2009 and recorded in Volume 5, Page 153, Plat Records of Brown County, Texas, said 0.137 acre tract being more fully described as follows:

BEGINNING at a 1/2" iron stake found in the ground at an internal corner of said easement, said stake marking the Northwest corner of a 0.7346 acre tract described in a deed to Gober - Rumfield, Inc. as recorded in Volume 1404, Page 30 of said Records, said stake marking an internal corner of said Easement and the Easternmost corner of this tract;

THENCE S 43° 12' 20" W 85.98' [S 43° 12' 19" W 85.89'] to a 1/2" iron stake found in the ground, said stake marking the Westernmost Northwest corner of said Gober - Rumfield tract and an internal corner of said Easement and this tract;

THENCE S 01° 46' 27" E 92.38' [S 01° 45' 13" E 92.45'] to a 1/2" iron stake found in the ground in the Easternmost North line of an 11.001 acre tract described as Tract 5 in a deed from R & B Brownwood Land Development Co. to 6:21 Heartland Investments, LLC as recorded in Volume 1767, Page 707 of said Records, said stake marking the Southwest corner of said Gober - Rumfield tract and the Southeast corner of said Easement and this tract;

THENCE S 88° 24' 02" W 31.40' [S 88° 14' 41" W'] along said North line to a 1/2" iron stake found in the ground, said stake marking the Southeast corner of a 0.049 acre tract described in a deed from R & B Brownwood Land Development Co. to 6:21 Heartland Investments LLC as recorded in Volume 31, Page 673, Official Public Records of Brown County, Texas and the Southwest corner of this tract;

THENCE N 01° 48' 14" W 102.38' (Basis of Bearing - Deed Call 31/ 573, Plat Call 5/ 153) along the West and Northwest line of an asphalt drive to a 1/2" iron stake found in the ground, said stake marking an internal corner of said 0.049 acre tract and an angle corner of this tract;

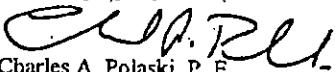
THENCE N 17° 18' 46" E 16.10' [N 17° 04' 44" E 16.14'] along said West and Northwest line to a 1/2" iron stake found in the ground, said stake marking an internal corner of said 0.049 acre tract and an angle corner of this tract;

THENCE N 35° 03' 57" E 44.52' [N 38° 08' 47" E 44.40'] along said West and Northwest line to a 1/2" iron stake found in the ground said stake marking the Easternmost corner of said 0.049 acre tract and the Northwest corner of this tract;

THENCE N 88° 20' 14" E 60.28' [N 88° 13' 30" E] to the place of BEGINNING.

Deed calls shown in (parentheses), adjoinder calls and Plat Calls shown in [brackets].

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described herein and is correct; and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, visible encroachments, overlapping of improvements or apparent rights-of-way, except as shown herein, and said property has access to and from a dedicated roadway except as shown herein.

  
Charles A. Polaski, P. E.  
March 19, 2013

116-13Rbbyam

RECORDED AND SCANNED  
AS RECEIVED

