

**NOTICE OF FORECLOSURE SALE**

STATE OF TEXAS       §  
                                  §  
COUNTY OF CASS     §

AMY L. VARNELL  
CASS COUNTY CLERK

2020 MAY 11 AM 10:59

FILED FOR RECORD

Notice is hereby given of a public foreclosure sale pursuant to the Default Judgment entered by the Cass County, Texas Fifth District Court on February 28, 2020, in Cause No. 19C565, styled *Eastex Water Tanks, Inc. v. Eastex Truck & Trailer Parts, LLC; and Justin Wilbanks, Individually.*

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

**FIRST TRACT:**

All that certain lot or parcel of land lying and situated in the town of Queen City, Texas, and being out of the north portion of the land described in deed from Troy Baker et ux to Coy Draper et ux, dated October 12, 1965, and recorded in Volume 473, Page 366, of the Deed Records of Cass County, Texas, and being a part of Lots 1 and 2 of Block No. 51, in the town of Queen City, Texas, and being a part of the James Clements Survey, and being more particularly described as follows:

BEGINNING at a stake for corner in the south line of Walnut Street at the northeast corner of the tract for Coy Draper et ux which is described in the deed recorded in Volume 473, Page 366, of the Deed Records of Cass County, Texas;

THENCE SOUTHERLY along the east line of the Draper tract a distance of 115 feet to a stake for corner;

THENCE WESTERLY on a line parallel with the north line of this tract a distance of 200 feet to stake for corner in the west line of this tract and the east line of a tract for Mrs. Virgie Stracener;

THENCE NORTHERLY along the Stracener east line a distance of 115 feet to a stake for a corner in the south line of Walnut Street;

THENCE EASTERLY with the south line of Walnut Street a distance of 200 feet to the PLACE OF BEGINNING.

**SECOND TRACT:**

All that certain lot or parcel of land lying and situated in the James Clements Survey in Cass County, Texas, being a portion of abandoned Walnut Street on the east side of U.S. Highway No. 59 and being more particularly described as follows:

BEGINNING at northeast corner of Lot 1 in Block 51 of City of Queen City, Texas, and

south line of abandoned Walnut Street;

THENCE WESTERLY along north line of Blocks 51, 110 and 127, and South line of Walnut Street to east right-of-way of U. S, Highway 59;

THENCE NORTHERLY along said right of way to southwest corner of Block 91 and north line of Walnut Street;

THENCE EASTERLY along north line of Walnut Street and south lines of Blocks 86, 85, and 52 to a stake for corner in original north line of Walnut Street at southeast corner of Block 52;

THENCE SOUTHERLY to the PLACE OF BEGINNING; it being intended to convey all of Walnut Street lying between U. S. Highway 59 to a point at southeast corner of Block 52 and northeast corner of Block 51 of said city.

LESS AND EXCEPT the portion sold in Warranty Deed from Lesly Paul Griffin to Giles Darrell Peacock and Alton L. James, dated October 24, 1980, and recorded in Vol. 647, Page 369 of the Deed Records of Cass County, Texas.

**THIRD TRACT:**

All that certain 0.581 acre, more or less, tract of land situated in the James Clements Survey, Abstract No. 206, in Cass County, Texas, being part of Block No. 110 of the city of Queen City, Texas, as shown on the recorded Plat thereof, and being all of that part of Tracts No. 1 and 2, as conveyed from Mrs, Anna Elizabeth Stringer to M.M. Griffin et ux by Warranty Deed dated September 16, 1944, and recorded in Volume K-9, Page 606, lying East of U.S. Hwy No, 59 and North of Lanark Street in the city of Queen City, Texas, said 0.581 acre tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod in the north line of Lanark Street, and the east right of way line of U.S. Hwy. No. 59, being 75' from and at right angle to Hwy Centerline Station 141+21.1;

THENCE NORTH 35 deg, 04'40" E with said Hwy. right of way line 149.31' to a 5/8" iron rod for the southwest corner of a tract formerly owned by Patti Griffin and now owned by Jimmy Davis and Don W. Pattillo;

THENCE SOUTH 57 deg. 17'51 " E with the south line of said Davis and Pattillo tract 163.68' to a 2" steel post;

THENCE SOUTH 30 deg. 28'36" W along a fence 149.29' to a 5/8" iron rod in the north line of Lanark Street;

THENCE SOUTH 57 deg. 17'51" W with said north line and along a line 40' from and parallel to the center of the existing paved street 175.68' to the POINT OF BEGINNING,

and containing 0.581 acre of land, more or less

**FOURTH TRACT:**

All that certain tract or parcel of land situated in the James Clements HR Survey, in Queen City, Cass County, Texas, and being a part of the property deeded to the Primitive Baptist Church of Queen City, Texas, by deed from Mattie A. Wright to said Church, dated November 15, 1945, recorded in Vol, V-9, Page 296, of the Deed Records of Cass County, Texas, and being a part of Block No. 85 of the town of Queen City, Texas, and more particularly described as follows:

BEGINNING at a stake in the north line of Walnut Street and the south line of Block No. 85, and in the east line of Highway No. 59, where said highway intersects the north line of Walnut Street;

THENCE EASTERLY along the north line of Walnut Street a distance of 125 feet to a stake for corner;

THENCE NORTHERLY a distance of 75 feet;

THENCE WESTERLY on a line parallel with the north line of Walnut Street to a stake in the east line of Highway No. 59 a distance of 125 feet to a stake;

THENCE in a SOUTHERLY direction with the east ROW line of Highway 59, 75 feet to the PLACE OF BEGINNING; said lot being bounded on the West by Highway 59, on the South by Walnut Street, on the East by land owned by Primitive Baptist Church, and on the North by land owned by the Primitive Baptist Church, and being the same lot described in a deed from James McCasland et ux to W. M. Kennedy and Paul Griffin, dated June 27, 1972, recorded in Volume 544, Page 414, of the Deed Records of Cass County, Texas; and also being the same lot described in a deed from Lupton Willis and wife, Barbara G. Willis to William Robert Barr, dated May 6, 1980, recorded in Volume 640, page 314, of the Deed Records of Cass County, Texas.

**FIFTH TRACT:**

All that certain tract or parcel of land situated in the Town of Queen City in Cass County, Texas, more particularly described as follows:

BEGINNING at a stake in the East Right-of-Way line of U. S. Highway y 59 or the Queen City, Texas, to Texarkana Highway, and in the South line of Walnut Street in said Town of Queen City;

THENCE East along the South line of Walnut Street 180 feet to the West line of the Troy Baker lot, a stake;

THENCE South along the West line of Troy Baker's Lot 147 feet to a stake;

THENCE West along a line parallel with Walnut Street 180 feet to said Highway Right-of Way line;

THENCE Northerly along the West Right-of Way line of said Highway 147 feet to the Place of Beginning.

**SIXTH TRACT:**

The North 130 feet of the West 75 feet of Block No. 51 in the Town of Queen City, Cass County, Texas, according to the Official Plat of said Town in the Office of the County Clerk of Cass County, Texas, to which reference is here made, the property herein conveyed being West of the residence of Troy Baker.

**SEVENTH TRACT:**

All that certain lot or parcel of land lying and situated in the James Clements Survey in Cass County, Texas, being a portion of abandoned Walnut Street on the East side of U.S. Highway 59 and being more particularly described as follows:

BEGINNING at Northeast corner of Tract 2 described above in Lot No. 1, in Block No. 51, of City of Queen City, Texas, and South line of abandoned Walnut Street;

THENCE Westerly along North line of Blocks No. 51, No. 110, and No. 127 and South line of Walnut Street to East Right-of-Way of U.S. Highway 59;

THENCE Northerly along said Right-of-Way to Southwest corner of Block No. 91 and North line of Walnut Street

THENCE Easterly along North line of Walnut Street and South line of Blocks No. 86, No. 85, and No. 52, to stake for corner in original North line of Walnut Street at point in South line of Block No. 52-70 feet North of Place of Beginning.

THENCE Southerly to the Place of Beginning, it being intended to convey all of Walnut Street lying between U.S. Highway No. 59 to a point 255 feet, more or less, East of said Highway 59.

This conveyance and the warranty contained herein are subject to all prior, valid easements, rights-of-way, restrictive covenants, set-back lines, and oil, gas and other mineral conveyances, reservations, or leases of record in Cass County, Texas. This conveyance and the warranty contained herein are also subject to all visible and apparent easements, rights-of-way, and prescriptive rights, whether of record or not.

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

Date: Tuesday, July 7, 2020

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

Place: Cass County Courthouse in Linden, Texas, at the following location: the area designated by the Commissioners Court of Linden, Cass County, Texas, pursuant to §51.002 of the Texas Property Code as the place where foreclosure sales are to take place (if no such place is so designated, the sale will take place in the area where this Notice of Substitute Trustee's Sale is posted).

The Deed of Trust permits the Mortgagee of Record 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. The reposting or refiled may be after the date originally scheduled for this sale.

Pursuant to § 51.009 of 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 physical condition of the property.

Pursuant to § 51.0075 of the Texas Property Code, the 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 first sale of the day held by the trustee or any substitute trustee.

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 day 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.

4. Type of Sale. The sale is a Deed of Trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust dated December 1, 2012 executed by Justin Wilbanks, Managing Member, Eastex Truck & Trailer Parts, LLC, a Texas Limited Liability Company, in favor of Don W. Pattillo, Eastex Water Tanks, Inc., which Deed of Trust is recorded in the office of the County Clerk of Cass County, Texas, as Instrument No. 2012006388 of the Real Property Records of Cass County, Texas, and by the Guaranty dated December 1, 2020 executed by Justin Wilbanks in favor of Don Pattillo of Cass County, Texas, and pursuant to the Default Judgment entered by the Cass County, Texas Fifth District Court on February 28, 2020, in Cause No. 19C565, styled Eastex Water Tanks, Inc. v. Eastex Truck & Trailer Parts, LLC and Justin Wilbanks, Individually.
  
5. Obligation Secured. The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described, including but not limited to, the Promissory Note in the original principal amount of \$586,392.12 executed by Justin Wilbanks, Managing Member, Eastex Truck & Trailer Parts, LLC, a Texas Limited Liability Company, and payable to the order of Don W. Pattillo of Cass County, Texas, and all modifications, renewals and extensions of the Note. Don W. Pattillo, Atlanta, Cass County, Texas, is the current owner and holder of the obligation and is the Beneficiary under the Deed of Trust.

Mortgagee: Eastex Water Tanks, Inc.  
Don W. Pattillo  
1409 Comanche  
Atlanta, Texas 75551

6. Default and Request to Act. Default has occurred under the Deed of Trust, and the Beneficiary has requested me, Janet Pattillo, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the Beneficiary may appoint another person as substitute trustee to conduct the sale.
  
7. **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 this 27<sup>th</sup> day of April, 2020.

  
Janet Pattillo, Substitute Trustee  
c/o Crisp & Freeze  
1825 Moores Lane  
Texarkana, Texas 75503  
Phone: (903) 831-4004