

**FILED**

**AUG 07 2019**

9:30 KH  
*Brenda Fietsam*

**BRENDA FIETSAM  
CO. CLERK, FAYETTE CO., TEXAS**

**Notice of Foreclosure Sale**

Deed of Trust ("Deed of Trust"):  
Dated: July 20, 2018  
Grantors: Cynthia Hancock Mode and spouse, George Rayburn Mode  
Trustee: Ervin B. Flencher, Jr.  
Lender: Citizens State Bank  
Recorded in: Volume 1866, Page 811, Official Records of Fayette County, Texas.

Legal Description:

**All that certain 2.800 acres of land in the George Duty League, A-41, Fayette County, Texas, being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.**

**Being the same property described in Deed dated October 11, 1991, executed by Bank One, Texas, N.A. by and through its agent, Bonnet Resources Corporation, an Ohio corporation to Vito Spano and wife, Sydney Spano, recorded in Volume 832, Page 806, Deed Records of Fayette County, Texas.**

**Being the same property described in Deed dated October 24, 2008, executed by Vito Spano to Sydney B. Spano, recorded in Volume 1460, Page 400, Official Records of Fayette County, Texas.**

Secures: Adjustable Rate Note ("Note") in the original principal amount of \$118,400.00, executed by Cynthia Hancock Mode and spouse, George Rayburn Mode ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender.

Foreclosure Sale:

Date: Tuesday, September 3, 2019  
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 a.m.  
Place: Fayette County Courthouse  
151 North Washington Street  
La Grange, Texas 78945  
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 State Bank'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 State Bank, the owner and holder of the Note, has requested Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Citizens State Bank's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Citizens State Bank'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, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

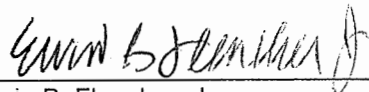
If Citizens State Bank passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

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 State Bank. 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, 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 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.**



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Ervin B. Flencher, Jr.  
255 8th Street  
Somerville, Texas 77879

## EXHIBIT "A"

LEGAL DESCRIPTION OF  
2,800 ACRES OF LAND  
IN THE GEORGE DUTY  
LEAGUE, A-41, FAYETTE  
COUNTY, TEXAS

INST. #: 18-04940  
Vol: 1866 Page: 816

A tract of land containing 2,800 acres of land in the George Duty League, Abstract No. 41, Fayette County, Texas and being the same land described as a 2,809 acre tract in the deed dated January 6, 1989 from James M. Ardoin, Jr., Trustee, to M Bank Houston, N.A. recorded in Volume 782, Page 461 of the Deed Records of Fayette County, Texas. Said 2,800 acres being bound on the North by the existing State Highway No. 71, and on the South by the Old Highway 71, and on the West by the John Denton 1,500 acre tract and is more particularly described as follows:

**BEGINNING** at a 1/4 inch iron rod found at the Southeast corner of the said John Denton 1,500 acre tract as described in the deed dated February 4, 1982 from Larry Wilkes et ux to John Denton recorded in Volume 595, Page 870 of the Deed Records of Fayette County, Texas. Said corner being on the North right-of-way of the Old State Highway 71 that has a right-of-way 125 feet in width;

**THENCE** North 05 degrees 51 minutes 16 seconds West with the East line of said John Denton 1,500 acre tract for a distance of 160.10 feet to a 1/2 inch iron rod found at the Northeast corner of said 1,500 acre tract and the Northwest corner of the 2,800 acre tract herein described. Said corner being on the South right-of-way line of the existing state highway 71 that has a width of 300 feet;

**THENCE** north 86 degrees 36 minutes 56 seconds East with the South right-of-way line of said State Highway No. 71 for a distance of 441.36 feet to a 1/4 inch iron rod found at the point of curvature of a curve to the right in said right-of-way. Said curve having a radius of 4500.73 feet; a central angle of 09 degrees 55 minutes 50 seconds and a chord that bears South 88 degrees 50 minutes 43 seconds east for a distance of 779.10 feet;

**THENCE** southeasterly with the arc of said curve for a distance of 780.18 feet to a broken concrete monument found at the intersection of said South right-of-way line of the existing State Highway 71 with the North right-of-way of the Old State Highway no. 71 still in use;

**THENCE** South 81 degrees 47 minutes 44 seconds West with the North right-of-way of the Old State Highway No. 71 for a distance of 1013.07 feet to a broken off concrete monument found at an angle point in said right-of-way line;

**EXHIBIT "A"**

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THENCE South 82 degrees 52 minutes 44 seconds West with the said North right-of-way line of Old State Highway No. 71 for a distance of 202.06 feet to the PLACE OF BEGINNING and containing 121,968 square feet, or 2.800 acres, of land according to the survey that was made upon the ground in February of 2000 and updated in July of 2001, under the supervision of Ivan W. Perry, Texas Registered professional Surveyor no. 563.

*Ivan W. Perry 7/31/01*

Ivan W. Perry  
Texas Registered Professional Surveyor  
Number 563  
La Grange, Texas  
409-968-8661  
(Job Number 5944)



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