

Notice of Foreclosure Sale

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

Being a called 12.71 acres of land, more or less, lying and situated on the JULIAN SANCHEZ SURVEY, A-556, in Freestone County, Texas, being more fully described in Exhibit "A" attached hereto and incorporated herein by this reference
2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the deed of trust recorded in Vol. 1451, Page 401 of the Official 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: August 2, 2016

Time: The sale will begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale will be completed by no later than 4:00 p.m.

Place: Freestone County Courthouse in Fairfield, Texas, at the following location: at the front steps of Courthouse (south entrance), the Court house being located at 118 E. Commerce, Fairfield, TX 75840

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. The reposting or refiled 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 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.

Pursuant to the deed of trust, the beneficiary has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property.

Pursuant to section 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 section 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.

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 the deed of trust executed by Roger Dale Nevill and Corena Ann Nevill.
6. **Obligations Secured.** The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to the promissory note in the original principal amount of \$301,500.00, executed by Roger Dale Nevill and Corena Ann Nevill, and payable to the order of Austin Bank Texas, N.A. (formerly known as First State Bank, Frankston, Texas). Austin Bank Texas, N.A. (formerly known as First State Bank, Frankston, Texas) is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

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As of June 15, 2016, there was owed principal and interest in the following amounts: \$277,615.21 of principal and \$9,885.45 of interest. The note is bearing interest at the rate of \$41.8776 per day thereafter.

Questions concerning the sale may be directed to the undersigned or to the beneficiary, Austin Bank, Texas N. A. (formerly known as First State Bank, Frankston, Texas) at the Palestine Branch, Attn: Mr. Mark Davis, 2745 S. Loop 256, Palestine, TX 75801, phone number (903) 727-0530.

7. *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.

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.

Dated: July 8, 2011.

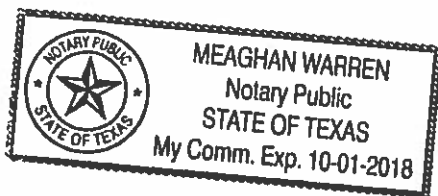


Mark Davis, Substitute Trustee
2745 S. Loop 256
Palestine, Texas 75801
Telephone (903) 727-0530
Telecopier (903) 727-0536

THE STATE OF TEXAS §

COUNTY OF ANDERSON §

This instrument was acknowledged before me on July 8, 2016, by MARK DAVIS.



Notary Public, State of Texas
meaghan warren
Notary's Printed Name
Commission Expires: _____

THE ORIGINAL OF THIS DOCUMENT WAS POSTED AT THE COURTHOUSE DOOR OF FREESTONE COUNTY, TEXAS, ON _____, 2016, AT _____ O'CLOCK ____M. BY THE UNDERSIGNED.

(Printed Name of Party Posting Notice)

All that certain lot, tract or parcel of land situated in the Julian Sanchez Survey, A-556, Freestone County, Texas. Being 12.71 acres by survey and being all of a called 10.00 acre tract described in a deed from Juanita Kirchner Richey, previously known as Hazel Juanita Kirchner to Bobby Ray Brown and Kelli Gail Brown, dated March 9, 2001 and recorded in Volume 151, Page 224, Official Records Freestone County, Texas. Said 12.71-acre tract described to wit:

Beginning at a 60-penny nail and tin set in the middle of F.C.R. 601 at its intersection with the northwesterly r.o.w. of U. S. Highway 84 (120' r.o.w.), said point being the southeast corner of the Howard G. Langford, Jr., 15.0 acre tract, Vol. 1053, Pg. 705. A concrete right of way highway department monument bears South 46 degrees 56 minutes 10 seconds West, 41.26 feet;

THENCE South 46 degrees 56 minutes 10 seconds West, 41.26 feet along the northwesterly r.o.w. of U.S. Highway 84 to said r.o.w. monument;

THENCE South 39 degrees 35 minutes 33 seconds West, 185.61 feet, continuing along said r.o.w. to a 1/2" iron rod and cap set in the middle of an entrance driveway, at angle point;

THENCE South 44 degrees 26 minutes 45 seconds West, 209.03 feet along said r.o.w. to a concrete r.o.w. monument found at angle point;

THENCE South 45 degrees 27 minutes West, 733.88 feet, continuing along said r.o.w. to a 1/2" iron rod and cap, RPLS/1858/MJR set for this southeasterly corner; said point being 2.0 feet South 37 degrees 24 minutes 49 seconds East from a cross tie corner post. Said point being the southeasterly corner of the Judd Brown, 56.7-acre tract, Vol. 435, Pg. 612;

THENCE North 37 degrees 24 minutes 49 seconds West, 1050.60 feet along the northeasterly fence of the Brown tract to a 1/2" iron rod and cap set for this northwesterly corner in the middle of F.C.R. 601 for this northwesterly corner, a 1/2" iron rod and cap set at a cross tie corner post bears South 37 degrees 24 minutes 49 seconds East, 20.0 feet;

THENCE along the meanders of middle of said road, being the southerly property line of the Judd Brown, 78.0 acre tract, Vol. 338, Pg. 404 and the southerly boundary line of Howard G. Langford, Jr., 15.0 acre tract, Vol. 1053, Pg. 705, setting 60-penny nail and tins as follows:

North 82 degrees 52 minutes East, 110.03 feet;
South 84 degrees 05 minutes 30 seconds East, 144.25 feet;
South 77 degrees 44 minutes 14 seconds East, 119.92 feet;
South 66 degrees 37 minutes East, 202.67 feet;
South 84 degrees 12 minutes East, 87.50 feet;
North 80 degrees 32 minutes 16 seconds East, 255.02 feet;
North 79 degrees 02 minutes 10 seconds East, 194.60 feet;
North 83 degrees 14 minutes 16 seconds East, 291.50 feet;

THENCE North 86 degrees 36 minutes 36 seconds East, 82.70 feet, continuing along middle of said road to the point of beginning, containing 12.71 acres of land, more or less.

The bearing of North 45 degrees East, as shown on a right of way plat of U.S. Highway 84, federal project F450 (5).

Exhibit "A"

FILED FOR RECORD IN
Freestone County
Linda Jarvis
COUNTY CLERK
ON: Jul 11, 2016 AT 10:19A
as Notice of Trustee Sale

Total Fees 8.00
Receipt Number - 137181
By: Penney Eubanks, Deputy