

Notice of Foreclosure Sale

April 9, 2018

Modification and Extension Agreement on Note payable to Michael D. Rawls and wife Sharon Currie Rawls ("Deed of Trust"):

Freestone County
Linda Jarvis
COUNTY CLERK
DN: Apr 09, 2018 AT 03:12P
as Notice of Trustee Sale
Total Fees : 8.00
Receipt Number - 146322
By, Melissa Santana, Deputy

Dated: 12/12/16, to be effective 12/1/16

Grantor: Paul J. Wagoner and wife Cathy Wagoner

Trustee: Greg Tate

Lender: Michael D. Rawls, and wife Sharon Currie Rawls

Recorded in: Volume 1709, Page 846, Clerk's File No. 01700305 of the real property records of Freestone County, Texas being in renewal and extension of Deed of Trust recorded in Volume 1669, Page 831, Clerk's File No. 01503892 of the real property records of Freestone County, Texas

Legal Description: BEING that certain 27.638 acre tract or parcel, more or less, in the Daniel McGraw Survey, A-407, Freestone County, Texas and being the same property set forth in a Deed of Trust dated August 26, 2015 from Paul J. Wagoner, et ux, filed of record in Clerk's File No. 01503892, Official Records, Freestone County, Texas, along with an easement for the access and use of the water well located on the following 3.0 acre tract that is Saved and Excepted.
SAVE AND EXCEPT:
That certain 3.0 acre tract or parcel, more or less, out of said 27.638 acre tract, with said 3.0 acre tract being set forth in a Partial Release of Lien of even date, and to be surveyed at a later date.

Secures: Promissory Note dated August 26, 2015 from Paul J. Wagoner, et ux, to Michael D. ("Note") in the original principal amount of \$346,500.00, executed by Paul J. Wagoner and wife Cathy Wagoner ("Borrower") and payable to the order of Lender

Modifications and Renewals: Modification and Extension Agreement (as used herein, the terms "Note" and "Deed of Trust" mean the Note and Deed of Trust as so modified, renewed, and/or extended)

Foreclosure Sale:

Date: Tuesday, May 1, 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 a.m. and not later than three hours thereafter.
- Place:** South Entrance of Freestone County Courthouse, 118 E. Commerce, Fairfield, Freestone 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 Michael D. Rawls, and wife Sharon Currie Rawls'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, Michael D. Rawls, and wife Sharon Currie Rawls, 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 Michael D. Rawls, and wife Sharon Currie Rawls's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Michael D. Rawls, and wife Sharon Currie Rawls'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 Michael D. Rawls, and wife Sharon Currie Rawls 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 Michael D. Rawls, and wife Sharon Currie Rawls. 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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