

NOTICE OF FORECLOSURE SALE

1. *Property to Be Sold.* The property to be sold is more fully described in Exhibit "A" attached hereto and incorporated herein for all purposes.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust recorded in Volume 1158, Page 163, of the Official Public Records of Young County, Texas.

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

Date: January 3, 2017

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: Young County Courthouse in Graham, Texas, at the following location: Under the portico of the north entrance to the Young County Courthouse in Graham, Texas.

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 their bid immediately in cash if their bid is accepted.

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 Jose Luis Simental and wife, Lupe Simental.

The real property and personal property encumbered by the Deed of Trust will be sold at the sale in accordance with the provisions of the Deed of Trust and as permitted by Section 9.604(a) of the Texas Business and Commerce Code.

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 (a) the Promissory Note in the original principal amount of \$143,794.69 executed by Jose Luis Simental and Lupe Simental and payable to the order of First State Bank; (b) all renewals and extensions of the Note; and (c) any and all present and future indebtednesses of Jose Luis Simental and Lupe Simental to First State Bank. First State Bank is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

As of December 12, 2016, there was owed \$137,705.84 on the Note, being principal and interest in the following amounts: \$130,759.79 of principal; \$2,815.81 of interest; \$2,930.24 of late charges; and \$1,200.00 of attorney's fees. The Note is bearing interest at the rate of \$21.49 per day thereafter.

Questions concerning the sale may be directed to Barry Gober, First State Bank, P.O. Box 1988, Graham, Texas 76450, 940.549.8880.

7. *Default and Request to Act.* Default has occurred under the Deed of Trust, and the Beneficiary has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the Beneficiary may appoint another person Substitute Trustee to conduct the sale.

Dated: December 13, 2016.



Barry Gober, Substitute Trustee

TRACT NO. ONE:

BEING the SURFACE and SURFACE ESTATE ONLY in and to 5.0 acres out of the B. B. B. & C. R. R. Co. Survey No. 1, Abstract No. 25, Young County, Texas. The said 5.0 acres also being a part of a tract of land described in a deed from Gilmore to Ranft recorded in Volume 423 Page 460 of the Deed Records of said county. The said 5.0 acres being described as follows:

BEGINNING at a 1/2 inch iron rod set in the center line of Fims Road and in the northeast line of said survey, from which the northeast corner of a 64.27 acre tract described in a deed from Ranft to Evans recorded in Volume 919 Page 764 of the Official Public Records of said county bears N 43° 42' 02" W 905.27 feet;

THENCE S 43° 42' 02" E 363.0 feet with the center line of said road and with the northeast line of said survey to a 1/2 inch iron rod set for corner;

THENCE S 46° 17' 58" W 600.0 feet to a 1/2 inch iron rod set for corner;

THENCE N 43° 42' 02" W 363.0 feet to a 1/2 inch iron rod set for corner;

THENCE N 46° 17' 58" E 600.0 feet to the point of beginning containing 5.0 acres.

TRACT NO. TWO:

BEING the SURFACE and SURFACE ESTATE ONLY in and to 26.0 acres out of the B. B. B. & C. R. R. Co. Survey No. 1, Abstract No. 25, Young County, Texas. The said 26.0 acres also being a part of a tract of land described in a deed from Gilmore to Ranft recorded in Volume 423 Page 460 of the Deed Records of said county. The said 26.0 acres being described as follows:

BEGINNING at a 1/2 inch iron rod found in the center line of Fims Road and in the northeast line of said survey for the northeast corner of a 64.27 acre tract described in a deed from Ranft to Evans recorded in Volume 919 Page 764 of the Official Public Records of said county;

THENCE S 43° 42' 02" E 905.27 feet with the center line of said road and with the northeast line of said survey to a 1/2 inch iron rod set for corner;

THENCE S 46° 17' 58" W 600.0 feet to a 1/2 inch iron rod set for corner;

THENCE S 43° 42' 02" E 363.0 feet to a 1/2 inch iron rod set for corner;

THENCE N 46° 17' 58" E 600.0 feet to a 1/2 inch iron rod set for corner in the center line of said road and in said survey line;

THENCE S 43° 42' 02" E 1131.0 feet with said survey line and with the center line of said road to a 1/2 inch iron rod set for corner;

THENCE S 45° 42' 35" W 988.16 feet to a 1/2 inch iron rod set for corner;

THENCE N 48° 33' 52" W 545.05 feet to a 1/2 inch iron rod set for angle point;

THENCE N 24° 15' 31" W 1000.0 feet to a 1/2 inch iron rod found for corner;

THENCE N 42° 18' 28" E 234.01 feet with the easterly line of said 64.27 acre tract to a 1/2 inch iron rod found for angle point;

THENCE N 57° 31' 37" E 477.17 feet with said easterly line to the point of beginning containing 26.0 acres.

TRACT NO. THREE:

BEING the SURFACE and SURFACE ESTATE ONLY in and to Lot No. EIGHT (8) of the BRAZOS VALLEY ESTATE subdivision, a subdivision out of the E. S. Collier Survey, Abstract No. 1590, in Young County, Texas.

EXHIBIT "A"

APPOINTMENT OF SUBSTITUTE TRUSTEE

**THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF YOUNG §**


WHEREAS, by Deed of Trust (herein "Deed of Trust") dated November 18, 2013, Jose Luis Simental and wife, Lupe Simental, as Grantor, conveyed to Jay M. Gober, Trustee, for the benefit of First State Bank, certain real property situated in Young County, Texas, being more fully described in Exhibit "A" attached hereto and incorporated herein for all purposes, to secure the payment of one certain Promissory Note (herein the "Note") therein described in the principal amount of \$143,794.69, which Deed of Trust is recorded in Volume 1158, Page 163, of the Official Public Records of Young County, Texas, reference to said Deed of Trust being hereby made for all purposes; and

WHEREAS, the owner and holder of the Note described in said Deed of Trust and the Beneficiary in said Deed of Trust desires to appoint a Substitute Trustee.

NOW, THEREFORE, the undersigned, the holder of the Note described in the said Deed of Trust and Beneficiary of said Deed of Trust has named and appointed, and by these presents does name and appoint Barry Gober of Young County, Texas, Substitute Trustee to act under and by virtue of said Deed of Trust.

WITNESS MY HAND this 13th day of December, 2016.

First State Bank

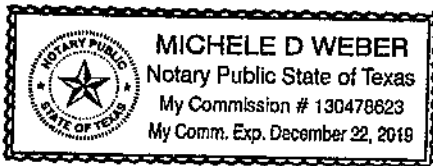
By: 


Barry Gober, President

STATE OF TEXAS §

COUNTY OF YOUNG §

This instrument was executed before me on December 13, 2016 by Barry Gober, as President of First State Bank.





Notary Public, State of Texas

After recording return to:

Dick Harris
Law Office of Dick Harris, P.C.
P.O. Box 3835
Abilene, TX 79604

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TRACT NO. ONE:

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BEGINNING at a 1/2 inch iron rod set in the center line of Linn's Road and in the northeast line of said survey from which the northeast corner of a 64.27 acre tract described in a deed from Ruff to Evans recorded in Volume 919 Page 764 of the Official Public Records of said county bears N 43° 42' 02" W 605.27 feet;

THENCE S 43° 42' 02" E 369.0 feet with the centerline of said road and with the northeast line of said survey to a 1/2 inch iron rod set for corner;

THENCE S 46° 17' 58" W 600.0 feet to a 1/2 inch iron rod set for corner;

THENCE N 43° 42' 02" W 363.0 feet to a 1/2 inch iron rod set for corner;

THENCE N 46° 17' 58" E 600.0 feet to the point of beginning containing 5.0 acres;

TRACT NO. TWO:

BEING the SURFACE and SURFACE ESTATE ONLY in and to 26.0 acres out of the B. B. & C. R. R. Co. Survey No. 1, Abstract No. 25, Young County, Texas. The said 26.0 acres also being a part of a tract of land described in a deed from Gilmore to Ruff recorded in Volume 423 Page 460 of the Deed Records of said county. The said 26.0 acres being described as follows:

BEGINNING at a 1/2 inch iron rod found in the centerline of Linn's Road and in the northeast line of said survey for the northeast corner of a 64.27 acre tract described in a deed from Ruff to Evans recorded in Volume 919 Page 764 of the Official Public Records of said county;

THENCE S 43° 42' 02" E 605.27 feet with the centerline of said road and with the northeast line of said survey to a 1/2 inch iron rod set for corner;

THENCE S 46° 17' 58" W 600.0 feet to a 1/2 inch iron rod set for corner;

THENCE S 43° 42' 02" E 363.0 feet to a 1/2 inch iron rod set for corner;

THENCE N 46° 17' 58" E 600.0 feet to a 1/2 inch iron rod set for corner in the centerline of said road and in said survey line;

THENCE S 43° 42' 02" E 603.10 feet with said survey line and with the centerline of said road to a 1/2 inch iron rod set for corner;

THENCE S 43° 42' 35" W 988.16 feet to a 1/2 inch iron rod set for corner;

THENCE N 48° 33' 52" W 545.05 feet to a 1/2 inch iron rod set for angle point;

THENCE N 24° 15' 31" W 1000.0 feet to a 1/2 inch iron rod found for corner;

THENCE N 42° 18' 28" E 234.01 feet with the easterly line of said 64.27 acre tract to a 1/2 inch iron rod found for angle point;

THENCE N 57° 31' 37" E 477.17 feet with said easterly line to the point of beginning containing 26.0 acres.

TRACT NO. THREE:

BEING the SURFACE and SURFACE ESTATE ONLY in and to Lot No. EIGHT (8) of the BRAZOS VALLEY ESTATES Subdivision, a subdivision out of the B. S. Collier Survey, Abstract No. 1390, in Young County, Texas.

EXHIBIT "A"