

JAN 07 2019

NOTICE OF FORECLOSURE SALE

BOBBIE DAVIS
COUNTY CLERK, PANOLA COUNTY, TEXAS
BY P. Woodward DEPUTY

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

All those certain tracts or parcels of land situated in the GEORGE GOODWIN SURVEY, Abstract No. 224, Panola County, Texas, and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes, including all personal property secured by the security agreement included in the Deed of Trust.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust recorded in Volume 1861, Page 335, Official Public Records, Panola County, Texas.

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

Date: February 5, 2019

Time: The sale will begin no earlier than 1:00 P.M. or no later than three hours thereafter. The sale will be completed by no later than 4:00 P.M.

Place: Panola County Courthouse in Carthage, Texas, at the following location: East side of the Panola County Courthouse on the front courthouse steps of the Panola County Courthouse situated on 110 S. Sycamore Street, Carthage, Texas 75633.

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 and security interest foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust and security agreement and/or financing statement executed by Anika Hospitality Inc, a Texas corporation.


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 \$1,520,000.00, executed by Anika Hospitality Inc, a Texas corporation, and payable to the order of Open Bank; (b) all renewals and extensions of the note; and (c) any and all present and future indebtednesses of Anika Hospitality Inc to Open Bank. Open Bank is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiary, Open Bank, 1000 Wilshire Boulevard, Suite 100, Los Angeles, California 90017, telephone number (213) 892-9999.

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 January 4, 2019.



JAMES I. CALK
Substitute Trustee
1800 NW Loop 281, Suite 303
Longview, Texas 75604
(903) 759-2200
(903) 212-2686 - Fax



R. K. AUSTIN
OWNER/GEN. MANAGER

AUSTIN
SURVEYING
115 WEST SABINE
P.O. BOX 687
CARTHAGE, TEXAS 75433
TELEPHONE: 903-693-6135
FAX: 903-693-8132
Firm No. 10121800
Tax ID No. 75-2608367



D.D. AUSTIN
R.P.L.S. #4434

STATE OF TEXAS
COUNTY OF PANOLA

Exhibit "A"

Legal Description of a survey made for Gaurang Desai:
Job No. 15074

All that certain 1.975 acre tract of land, a part of the GEORGE GOODWIN Survey, Abstract No. 224, Panola County, Texas, being a portion of Lot No. 4 of Block No. 635 of the City of Carthage, Texas, and being a part of that certain 2.230 acre tract of land described in a deed from Carthage Hospitality Inc., to Shiv Sai Hospitality, Ltd., dated February 18, 2004, recorded in Vol. 1213, Page 830 of the Official Public Records of Panola County, Texas, and the said 1.975-acre subject tract is more particularly described as follows:

BEGINNING at a 1/2-inch iron rod in concrete found for the extreme Southwest corner of the said 2.230 acre parent tract;

THENCE North 2° 40' 45" West with the Southwest boundary line of the said parent tract a distance of 160.23 feet to a 4-inch round concrete monument found for an angle corner in the said boundary line;

THENCE North 50° 52' 40" West continuing with the said Southwest boundary line a distance of 261.43 feet to a 1/2-inch iron rod found for the Northwest or most Westerly corner of the said parent tract in the Southeast Right-of-Way line of U. S. Highway No. 59 - East Loop;

THENCE North 20° 14' 50" East with the said Loop Right-of-Way line a distance of 126.28 feet to a concrete Right-of-Way monument (TXDOT Type I) found for a corner;

THENCE North 41° 43' 35" East continuing with the said Loop Right-of-Way line a distance of 77.00 feet to a 1/2-inch iron rod found for a corner at the Northwest or most Westerly corner of that certain 1.920 acre tract of land described in a deed from Shiv Sai Hospitality, Ltd., to B. & J Hospitality, Ltd., dated September 4, 2007, recorded in Vol. 1397, Page 813 of the said Official Public Records;

THENCE South 50° 59' 31" East with the West boundary line of the said 1.920 acre tract a distance of 335.90 feet to a 1/2-inch iron rod set for a corner;

THENCE South 37° 33' 36" West a distance of 87.65 feet to a 1/2-inch iron rod set for a corner;

THENCE South 50° 55' 13" East a distance of 108.07 feet to a 1/2-inch iron rod found for a corner in the Southeast boundary line of the said 2.230 acre parent tract;

Legal Description - Desai - page 2
Job No. 15074

Exhibit "A"

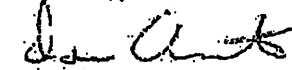
THENCE South $41^{\circ} 45' 42''$ West with the said Southeast boundary line a distance of 201.76 feet to a $\frac{1}{2}$ -inch iron rod found for an angle corner in said boundary line;

THENCE South $88^{\circ} 02' 20''$ West continuing with the said South boundary line a distance of 41.75 feet to the Point of Beginning, containing a total area of 1.975 acres.

This document is prepared specifically for the parties designated hereon. Only those prints containing the Surveyor's seal should be considered official and relied upon by the user. It is invalid unless it bears an original "LIVE" blue wet ink signature. The certification shown hereon shall not apply to any copies. Alterations, duplications, facsimiles, modifications, scanning, or use without the written consent of AUSTIN SURVEYING & MAPPING is strictly prohibited. COPYRIGHT 2015 by AUSTIN SURVEYING & MAPPING. All rights reserved.

I, D. D. Austin, Registered Professional Land Surveyor, do hereby certify that the above legal description was prepared in accordance with an actual ground survey of the property so described, and that the said survey is correct to the best of my professional knowledge and belief.

Given under my hand and seal,
this 8th day of December, 2015.



Don Austin, R.P.L.S. #4431





R. K. AUSTIN
OWNER/GEN. MANAGER

AUSTIN
SURVEYING
115 WEST SABINE
P.O. BOX 629
CARTHAGE, TEXAS 75633
TELEPHONE: 903-693-6135
FAX: 903-693-2432
Firm No. 10121800
Tax ID No. 75-2608367



D.D. AUSTIN
R.P.L.S. #4431

STATE OF TEXAS
COUNTY OF PANOLA

Exhibit "A"

Legal Description of a survey made for Gaurang Desai:
Job No. 15074

PARCEL "B"

All that certain 0.224 acre parcel of land, a part of the GEORGE GOODWIN Survey, Abstract No. 224, Panola County, Texas, being a portion of Lot No. 4 of Block No. 635 of the City of Carthage, Texas, and being a part of that certain 2.230 acre tract of land described in a deed from Carthage Hospitality Inc., to Shiv Sai Hospitality, Ltd., dated February 18, 2004, recorded in Vol. 1213, Page 830 of the Official Public Records of Panola County, Texas, and the said 0.224 acre subject tract is more particularly described as follows:

BEGINNING at a 1/4-inch iron rod set for the Southeast corner of the subject tract in the Southeast boundary line of the said 2.230 acre parent tract, at a point which bears South 41° 45' 42" West a distance of 3.01 feet from a 1/2-inch iron rod set for the Southeast or most Easterly corner of the said 2.230 acre parent tract, said Point of Beginning also being the Southwest or most Southerly corner of that certain 1,920 acre tract of land described in a deed from Shiv Sai Hospitality, Ltd., to B & J Hospitality, Ltd., dated September 4, 2007, recorded in Vol. 1397, Page 813 of the said Official Public Records;

THENCE North 50° 59' 31" West with the West boundary line of the said 1,920 acre tract a distance of 114.50 feet to a 1/2-inch iron rod set for the Northeast corner of the subject tract;

THENCE South 37° 33' 36" West a distance of 87.65 feet to a 1/2-inch iron rod set for the Northwest or most Westerly corner of the subject tract;

THENCE South 50° 55' 13" East a distance of 108.07 feet to a 1/2-inch iron rod found for the Southwest corner of the subject tract in the Southeast boundary line of the said 2.230 acre parent tract;

THENCE North 41° 45' 42" East with the said Southeast boundary line a distance of 87.86 feet to the Point of Beginning, containing a total area of 0.224 of an acre.


This document is prepared specifically for the parties designated hereon. Only those prints containing the Surveyor's seal should be considered official and relied upon by the user. It is invalid unless it bears an original "LIVE" blue wet ink signature. The certification shown hereon shall not apply to any copies. Alterations, duplications, facsimiles, modifications, scanning, or use without the written consent of AUSTIN SURVEYING & MAPPING is strictly prohibited. COPYRIGHT 2015 by AUSTIN SURVEYING & MAPPING. All rights reserved.

Legal Description - Desai - page 2
Job No. 15074

Exhibit "A"

I, D. D. Austin, Registered Professional Land Surveyor, do hereby certify that the above legal description was prepared in accordance with an actual ground survey of the property so described, and that the said survey is correct to the best of my professional knowledge and belief.

Given under my hand and seal,
this 8th day of December, 2015.


Don Austin, R.P.L.S. #4431

