

NOTICE OF FORECLOSURE SALE

2013-19
FILED FOR RECORD
AT 10:45 O'CLOCK P.M.

JAN 23 2013

SHERY DOWD
COUNTY CLERK NAVARRO COUNTY, TEXAS
BY SUN DEPUTY

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

20845 FM 709N, Dawson, Texas 76639:

Tract One:

BEING all that certain lot, tract or parcel of land containing 40.675 acres lying and situated in the Wm. Boyles Survey A-88 in Navarro County, Texas. Said land is a part of that certain tract described in a deed from Jim A. Adams to Grady Pickens as recorded in Volume 1046, Page 150 of the Deed Records of Navarro County, and is more particularly described by metes and bound as follows:

BEGINNING at an iron stake set in the east line of F.M. Highway 709 for the southwest corner of said tract;

THENCE N 31 deg. 1 min. 0 sec. W 966.57 feet along said east line to an iron stake set for a corner;

THENCE N 60 deg. 18 min. 14 sec. E 1845.38 feet to an iron stake set in a fence line for a corner;

THENCE S 30 deg. 11 min. 1 sec. E 961.30 feet along said fence line to an iron stake set for the southeast corner;

THENCE S 60 deg. 8 min. 45 sec. W 183 I .29 feet along a fence line to the place of beginning, containing 40.675 acres of land.

Tract Two:

BEING all that certain lot, tract, or parcel of land containing 20.00 acres lying and situated in the Wm. Boyles Survey A-88 in Navarro County, Texas. Said land is a part of that certain tract described in a deed from Jim A. Adams to Grady Pickens as recorded in Volume 1046, Page 150 of the Deed Records of Navarro County and is more particularly described by metes and bounds as follows:

BEGINNING at an iron stake found at a fence corner for the northeast corner of said Pickens tract;

THENCE S 29 deg 49 min 17 sec E 470.85 feet along a fence to an iron stake set for a corner;

THENCE S 60 deg 18 min 14 sec W 1845.38 feet to an iron stake set in the east line of F.M. Highway 709;

THENCE N 31 deg 1 min 0 sec W 470.98 feet along said east line to an iron stake set at a fence corner for the northwest corner of said Pickens tract;

THENCE N 60 deg 18 min 14 sec E 1855.20 feet along a fence to the place of beginning containing 20.00 acres of land.

Tract Three:

BEING all that certain lot, tract, or parcel of land, being 30.00 acres situated in the Wm. Boyles Survey, Abstract No. 88, in Navarro County, Texas and being part of a called 120 acre tract described as Third

Tract in deed from George Sewell dais et ux to John P. Wilson, dated January 2. 1976, recorded in the Deed Records of Navarro County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake for corner, set in the Northeast corner of the above mentioned 120 acre tract;

THENCE S 31 deg E 718.9 feet with the e8st line of the called 120 acre tract to an iron stake for corner;

THENCE S 59 deg 56' W 1818 feet to an iron stake for corner, set in the east right-of-way of Farm Road No. 709;

THENCE N 31 deg W 718.9 feet with the east line of said road to an iron stake for corner;

THENCE N 59 deg 56' E 1818 feet with the north line of the called 120 acre tract to the place of beginning containing 30.00 acres of land.

2. *Instrument to Be Foreclosed.* The instrument to be foreclosed is the *Deed of Trust* recorded in Instrument Number 4011 (2009), Official Public Records of Navarro County, Texas.

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

Date: March 5, 2013

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: Navarro County Courthouse in Corsicana, Texas, at the following location: Front steps of courthouse.

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 refiling 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 Taymac Properties, LLC, a Texas limited liability company.

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 \$89,982.30, executed by Taymac Properties, LLC, a Texas limited liability company, and payable to the order of Fidelity Bank of Texas; (b) all renewals and extensions of the note; and (c) any and all present and future indebtednesses of Taymac Properties, LLC, a Texas limited liability company to Fidelity Bank of Texas. Fidelity Bank of Texas 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, Fidelity Bank of Texas.

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 23, 2013.



WALT FAIR, Trustee