

2013-127
FILED FOR RECORD
AT ~~102~~ O'CLOCK ~~PM~~ M.
JUL 16 2013

NOTICE OF FORECLOSURE SALE
(Substitute Trustee's Sale)

Notice is hereby given of a public non-judicial foreclosure sale
SHERIFF DEPUTY
COOK, BRYAN COUNTY, TEXAS
BY _____

Notice to Member(s) of Armed Forces: 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 the 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. The address of the sender of this notice is set forth below.

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

All that certain lot, tract or parcel of land being 64.4237 acres of land, more or less, being a part of the J. B. PARKS SURVEY, Abstract 666, and the SAMUEL HOLLOWAY SURVEY, Abstract 405, Navarro County, Texas, and being more fully described on Exhibit "A" attached hereto (the "Property").

2. **Date, Time, and Place of Sale.** The foreclosure sale (the "Sale") is scheduled to be held at the following date, time, and place:

Date: August 6, 2013

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

Place: Navarro County Courthouse in Corsicana, Texas, at the following location: at or around the south steps on the first floor as prescribed by the Commissioner's Court of Navarro County, 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 re-posted and re-filed in accordance with the posting and filing requirements of the Texas Property Code. Such re-posting or re-filing may be after the date originally scheduled for this Sale.

3. **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 promissory note (the "Note") up to the amount of the unpaid debt secured by the Deed of Trust at the time of the Sale. 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. The Property shall be sold on an "AS IS, WHERE IS" basis. THERE WILL BE NO WARRANTY RELATING TO TITLE,

POSSESSION, QUIET ENJOYMENT, OR THE LIKE FOR THE PERSONAL PROPERTY, IF ANY, IN THIS DISPOSITION.

Those desiring to purchase the Property will need to demonstrate their ability to pay cash on the day the property is sold. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

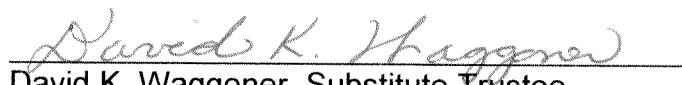
The Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. Pursuant to Section 51.0075 of the Texas Property Code, the Substitute 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 Substitute Trustee.

4. Type of Sale. The Sale is a non-judicial Deed of Trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by Danny B. Wiggins and Richard O. Wiggins. The Deed of Trust is dated January 14, 1999, and is recorded in the office of the County Clerk of Navarro County, Texas, under County Clerk's File Number 000347, and in Volume 1430, Page 215, of the Official Public Records of Navarro County, Texas.

5. Obligations Secured. The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described (collectively, the "Obligations") including but not limited to: (1) the Note in the original principal amount of \$64,423.70, executed by Danny B. Wiggins and Richard O. Wiggins, and payable to the order of Cross Country Land Company, Inc.; (2) all renewals and extensions of the Note; and (3) any and all present and future indebtedness of Danny B. Wiggins and Richard O. Wiggins to Cross Country Land Company, Inc., who is the current owner and holder of the Obligations, and is the Beneficiary under the Deed of Trust.

6. Default and Request To Act. Default has occurred under the Deed of Trust and the Beneficiary has requested me, as the duly appointed Substitute Trustee, to conduct the Sale. Notice is given that before the Sale the Beneficiary may appoint another person as Substitute Trustee to conduct the Sale.

Executed this 15th day of July, 2013.



David K. Waggoner, Substitute Trustee
Attorney At Law
321 North 12th Street
P.O. Box 3075
Corsicana, Texas 75151
Telephone: 903-874-1000
Info@WaggonerLawFirm.net

EXHIBIT "A"

Page 1 of 2

BEING a part of the J. B. Parks Survey, Abstract 666 and the Samuel Holloway Survey, Abstract 405, Navarro County, Texas, and being a part of Tract 1 described in deed from Glen L. Pool to Cross Country Land Company, Inc. recorded in Volume 1082, page 222, Deed Records, Navarro County, Texas, and being more particularly described by its metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ inch steel rod found in the center of County Road NW 1220 at the northwest corner of said Cross Country Land Company tract, the northeast corner of the Kim Busby tract described in Volume 1418, page 75, Official Public Records, Navarro County, Texas, and on the southeast line of the tract described in deed to the United States of America Farmers Home Administration recorded in Volume 1213, page 16 of said Official Public Records;

THENCE North $60^{\circ} 05' 39''$ East, (bearing base line) with the center of said Road, the northwest line of said Cross Country Land Company Inc. tract and said Farmers Home Administration tract, the tract described in deed to L. B. Mitchell recorded in Volume 178, page 483 and Volume 179, page 137 of said Deed Records, 1,799.00 feet (deed 1,800.44 feet) to a 1 inch pipe found at the northeast corner of said Cross Country Land Company tract and the northwest corner of the Second Tract described in deed to Tommy R. Watkins, et ux recorded in Volume 698, page 475 of said Deed Records;

THENCE South $29^{\circ} 48' 40''$ East, with the common line of said Cross Country Land Company tract and Watkins tract, 2,119.56 feet, (deed South $29^{\circ} 47' 36''$ East, 2,119.08 feet) to a 1 inch pipe found at the southeast corner of said Cross Country Land Company tract and on the northwest line of the tract described in deed to Isaac A. Beam recorded in Volume 773, page 887 of the Deed Records;

THENCE South $60^{\circ} 00' 00''$ West, with the common line of said Cross Country Land Company tract and Beam tract, 860.36 feet (deed 859.69 feet) to a 1 inch pipe found at the common southwest corner of said Cross Country Land Company tract and Beam tract;

THENCE North $32^{\circ} 26' 55''$ West, 620.35 feet to a $\frac{1}{2}$ inch steel rod set;

THENCE South $60^{\circ} 15' 09''$ West, at 536.57 feet passing a 5/8 inch steel rod found at the northeast corner of the tract described in deed to Estelle Vivian Wren recorded in Volume 1308, page 275 of said Official Public Records, in all 911.38 feet to a 5/8 inch steel rod found at the northeast corner of said Wren tract and on the northeast line of the tract described in deed to Raymond Hayes recorded in Volume 1258, page 718 of said Official Public Records;

EXHIBIT "A"

Page 2 of 2

THENCE North 29° 45' 42" West, (deed North 29° 47' 37" West) with the common line of said Cross Country Land Company tract and Hayes and Busby tracts, passing a $\frac{1}{2}$ inch steel rod found at the southeast corner of said Busby tract, at 1,478.52 feet passing a 1 inch pipe found, In all 1,498.63 feet to the point of BEGINNING and containing approximately 74.4237 acres of land.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY

BEING a part of the J.B. Parks Survey, Abstract 666 and the Samuel Holloway Survey, Abstract 405, Navarro County, Texas, and being a part of Tract 1 described in deed from Glen L. Pool to Cross Country Land Company, Inc, recorded Volume 1082, Page 222, Deed Records, Navarro County, Texas, and being more particularly described by its metes and bounds as follows;

BEGINNING at a $\frac{1}{2}$ inch steel rod found in the center of County Road NW 1228 at the northwest corner of said Cross Country Land Company tract, the northeast corner of the Kim Busby tract described in Volume 1418, Page 75, Official Public Records, Navarro County, Texas and on the southeast line of the tract described in deed to the United States of American Farmers Home Administration recorded in Volume 1213, Page 16 of said Official Public Records;

THENCE North 60° 05' 39" East (bearing base line) with the center of said Road, the northwest line of said Cross Country Land Company, Inc. tract and said Farmers Home Administration tract, the tract described in deed to L.B. Mitchell recorded in Volume 178, Page 483 and Volume 179, Page 137 of said Deed Records, 1799.00 feet (deed 1800.44 feet) to a 1 inch pipe found at the northeast corner of said Cross Country Land Company tract and the northwest corner of the Second Tract described in deed to Tommy R. Watkins, et ux recorded in Volume 698, Page 475 of said Deed Records, for the beginning of this tract;

THENCE South 29° 48' 40" East with the common line of said Cross Country Land Company tract and Watkins tract, 1161.6 feet to the Southeast corner of this tract.

THENCE South 60° 05' 39" West 375 feet to the Southwest corner of this tract.

THENCE North 29° 48' 40" West 1161.6 feet to the center of County Road NW 1228 and same being the Northwest corner of this tract.

THENCE North 60° 05' 39" East 375 feet to the place of beginning and containing 10.00 acres of land, more or less.