

NOTICE OF FORECLOSURE SALE
(Trustee's Sale)

2015-29
FILED FOR RECORD
AT 1:10 O'CLOCK P M.
FEB 09 2015

SHERRY DOWD, County Clerk
NAVARRO COUNTY, TEXAS
~~Foreclosure Sale~~ DEPUTY

Notice is hereby given of a public non-judicial foreclosure sale

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 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: March 3, 2015

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 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.

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 Jairus O. Machani, Welmah Omwoyo, Paschal Momanyi and Pamela Momanyi. The Deed of Trust is dated February 15, 2011, and is recorded in the office of the County Clerk of Navarro County, Texas, under County Clerk's File Number 00002081, 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 \$73,750.98, executed by Jairus O. Machani, Welmah Omwoyo, Paschal Momanyi and Pamela Momanyi, and payable to the order of Cross Country Cattle Company, Inc.; (2) all renewals and extensions of the Note; and (3) any and all present and future indebtedness of Jairus O. Machani, Welmah Omwoyo, Paschal Momanyi and Pamela Momanyi to Cross Country Cattle 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 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 9th day of February, 2015.


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

EXHIBIT "A"

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STATE OF TEXAS:

COUNTY OF HAVASCO: KNOWN ALL MEN BY THESE PRESENTS:

THAT THE CROSS COUNTRY CATTLE COMPANY INC. THE OWNER OF THAT CERTAIN 629.551 ACRES TRACT SITUATED IN THE CROSS COUNTRY CATTLE COMPANY, ABSTRACT NO. 1, IN HAVASCO COUNTY, TEXAS, AND BEING PART OF A CALLED 398.783 ACRES TRACT DESCRIBED AS TRACT ONE AND PART OF A CALLED 501.637 ACRES TRACT DESCRIBED AS TRACT TWO IN DEED FROM THE INTERNATIONAL BANK OF COMMERCE N. A., ET AL., TO CROSS COUNTRY CATTLE COMPANY INC., DATED AUGUST 1984, RECORDED IN VOLUME 1077 PAGE 393 OF THE DEED RECORDS OF HAVASCO COUNTY, TEXAS. SAID 629.551 ACRES ARE MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1" PIPE FOR CORNER, CORNER IS AT A FENCE CORNER IN THE MOST WESTERLY SOUTHWEST CORNER OF THE ABOVE MENTIONED 398.783 ACRES TRACT AND IN THE EAST RIGHT-OF-WAY OF FARM ROAD NO. 709, AND AT A FENCE CORNER;

THENCE N 4° 55' 47" E 598.48 FEET WITH THE WEST LINE OF THE CALLED 398.783 ACRES TRACT AND THE EAST LINE OF FARM ROAD 709 TO A 1" PIPE FOR CORNER, CORNER IS ALSO AT THE SOUTHWEST CORNER OF THE RETREAT RANCHETTES PHASE II;

THENCE S 85° 04' 12" E 1750.6 FEET TO A 1" PIPE FOR CORNER AT THE SOUTHEAST CORNER OF SAID ADDITION;

THENCE N 4° 55' 47" E 3813.18 FEET WITH THE EAST LINE OF SAID ADDITION TO A 1" PIPE FOR CORNER AT THE NORTHEAST CORNER OF SAID ADDITION;

THENCE S 85° 04' 12" E 1250.0 FEET TO A 1" PIPE FOR CORNER IN THE NORTHEAST CORNER OF SAID ADDITION AND IN THE EAST RIGHT-OF-WAY OF FARM ROAD NO. 709;

THENCE N 4° 55' 47" E 608.9 FEET WITH THE WEST LINE OF SAID TRACT AND THE EAST LINE OF SAID ROAD TO A 1" PIPE FOR CORNER AT A FENCE CORNER;

THENCE N 62° 14' 03" E 901.0 FEET WITH THE FENCE TO A 1" PIPE FOR CORNER;

THENCE N 61° 59' 08" E 816.45 FEET TO A 1" PIPE FOR CORNER AT THE MOST NORTHERLY CORNER OF SAID TRACT;

THENCE WITH FENCE ON THE NORTHEAST LINE OF THE 398.783 ACRES TRACT AS FOLLOWS: S 49° 04' 30" E 171.16 FEET, S 45° 06' 46" E 7122.39 FEET, AND S 44° 14' 36" E 697.1 FEET TO A 1" PIPE AT THE EASTERN CORNER OF SAID TRACT AND AT A FENCE CORNER;

THENCE S 51° 32' 04" E 1637.93 FEET TO A 1" PIPE FOR CORNER;

THENCE S 10° 17' 07" E 3204.7 FEET TO A 1" PIPE FOR CORNER IN ONE OF THE SOUTHEAST LINES OF THE CALLED 501.637 ACRES TRACT;

THENCE WITH THE FENCE ON THE SOUTHWEST LINE OF SAID TRACT AS FOLLOWS: S 44° 32' 30" E 254.95 FEET, S 49° 38' 05" E 2549.6 FEET, AND S 61° 02' 58" E 1919.8 FEET TO A 1" PIPE AT A CORNER IN SAID TRACT AND AT A FENCE CORNER;

THENCE N 28° 09' 08" E 166.0 FEET WITH FENCE TO A 1" PIPE FOR CORNER AT A FENCE CORNER;

THENCE N 82° 35' 00" E 1014.0 FEET WITH FENCE TO A 1" PIPE FOR CORNER AT A FENCE CORNER;

THENCE N 49° 24' 00" E 45.0 FEET TO A 1" PIPE AT A FENCE CORNER FOR CORNER;

THENCE N 0° 03' 00" E 1248.8 FEET WITH THE FENCE TO A 1" PIPE AT A FENCE CORNER FOR CORNER;

THENCE N 51° 08' 36" E 1165.2 FEET WITH THE FENCE TO THE PLACE OF BEGINNING CONTAINING 629.551 ACRES OF LAND.

NOW THEREFORE BE IT KNOWN, THAT THE CROSS COUNTRY CATTLE COMPANY INC., DOES HEREBY ADOPT THIS PLAY DESIGNATED AS THE RETREAT RANCHETTES PHASE II, AND DOES HEREBY DEDICATE TO THE PUBLIC USE FOREVER ALL ROADS AND EASEMENTS SHOWN HEREON IN SO FAR AS OUR DEEDS MAY APPEAR.

WITNESS MY HAND AND SEAL THIS THE 21st DAY OF JULY A. D. 1984.

WILLIAM H. HILL, PRESIDENT

STATE OF TEXAS:

COUNTY OF HAVASCO: KNOWN ALL MEN BY THESE PRESENTS:

THAT ON THIS DAY PERSONALLY APPEARED WILLIAM H. HILL, PRESIDENT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING AND ACKNOWLEDGED TO ME, A NOTARY PUBLIC, THAT HE SIGNED THE SAME FOR THE PURPOSES HEREIN EXPRESSED.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE 21st DAY OF JULY A. D. 1984.

WILLIAM H. HILL
NOTARY PUBLIC



STATE OF TEXAS:

COUNTY OF HAVASCO: KNOWN ALL MEN BY THESE PRESENTS:

THAT I, MORRIS R. BRUCE, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1511, DO HEREBY CERTIFY THAT I PREPARED THIS PLAY FROM AN ACTUAL AND ACCURATE SURVEY ON THE GROUND, THAT THERE ARE NO ENCROACHMENTS, PROJECTIONS, OR OVERLAPPING OF INTERESTS, AND THAT 1" PIPES MARK PLACES AT ALL TRACT CORNERS ON THE 50 FEET ROAD EASEMENT AND OVERS TO CORNERS ON THE ROAD EASEMENT UNDER MY SUPERVISION.

WITNESS MY HAND AND SEAL THIS THE 13 DAY OF JUNE A. D. 1984.

MORRIS R. BRUCE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1511



STATE OF TEXAS:

COUNTY OF HAVASCO: KNOWN ALL MEN BY THESE PRESENTS:

THAT THE FOREGOING PLAY WAS FILED IN MY OFFICE FOR MY INSPECTION AND WAS INSPECTED THIS THE DAY OF A. D. 1984.

WITNESS MY HAND AND SEAL:

WILLIAM H. HILL, HILL, R.S. COUNTY CLERK

STATE OF TEXAS:

COUNTY OF HAVASCO: KNOWN ALL MEN BY THESE PRESENTS:

THAT THE FOREGOING PLAY WAS FILED IN OUR OFFICE FOR OUR INSPECTION AND APPROVAL AND WAS APPROVED BY THE COMMISSIONERS COURT OF HAVASCO COUNTY, TEXAS THIS THE DAY OF A. D. 1984.

WITNESS OUR HANDS:

COUNTY JUDGE COMM. EXC. 1

COMM. EXC. 2 COMM. EXC. 3

COMM. EXC. 4

STATE OF TEXAS:

COUNTY OF HAVASCO: KNOWN ALL MEN BY THESE PRESENTS:

THAT THE FOREGOING PLAY WAS FILED IN MY OFFICE IN PLAY VOLUME 6 PAGE 313-314 OF THE PLAY RECORDS HAVASCO COUNTY, TEXAS.

JAMES D. GLEN
JAMES D. GLEN, COUNTY CLERK

RETREAT RANCHETTES PHASE II

SHEET 2 OF 2

Buyer's Initials: WJ Jm

Seller's Initials: WJ

NOTARY
K M
W.D

NOTARY
J. m
Pm

#48979
P' a

JL 30 1982

Ca

EXHIBIT "A"

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