

2015 - 89
FILED FOR RECORD
AT 12:50 O'CLOCK P M.

NOTICE OF FORECLOSURE SALE

JUN 08 2015

Notice is hereby given of a public nonjudicial foreclosure sale.

SHERY DOWD, County Clerk
NAVARRO COUNTY, TEXAS
BY ST DEPUTY

1. **Deed of Trust.** The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the following described deed of trust:

Date: December 20, 2013

Grantor(s): Marx C. Madison a/k/a Marx Madison and wife,
Donna M. Madison a/k/a Donna Madison

Beneficiary: Citizens State Bank

Substitute Trustee: Scott A. Ritcheson

Recording Information: Deed of Trust recorded in under Clerk's Document
Number 2014-00000142 in the Official Public
Records of Navarro County, Texas.

2. **Property to be Sold.** The property to be sold (the "Property") is described as follows:

All that certain lot, tract or parcel of land situated in Navarro County, Texas, more particularly described on what is attached hereto as Exhibit "A" and located at 794 FM 633, Kerens, Texas 75144.

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

Date: **July 7, 2015**

Time: The sale shall begin no earlier than 10:00 a.m. or no later than three (3) 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:

In the area of such Courthouse designated by the Navarro County Commissioners' Court as the area where foreclosure sales shall take place, or, if no such area has been designated, then on the front steps of the Navarro County Courthouse facing 3rd Street which is the main entrance to the courthouse in Corsicana, 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. Such reporting or refileing 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 date the property is sold.

The sale will be made expressly subject to unpaid ad valorem taxes and 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 other 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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

A purchaser at the sale of the Property "acquires the Property "AS IS" without any expressed or implied warranties" (except as to the warranties of title from the grantor identified in the deed of trust described below). Any purchaser acquires the Property "at the purchaser's own risk." Texas Property Code §51.009. Nothing set forth in this Notice is an express or implied representation or

warranty regarding the Property, all of which are specifically disclaimed by the undersigned and by the beneficiary of the herein described deed of trust.

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 Marx C. Madison a/k/a Marx Madison and wife, Donna M. Madison a/k/a Donna Madison. The deed of trust is dated December 20, 2013, and is recorded in the office of the County Clerk of Navarro County, Texas, under Clerk's Document Number 2014-00000142 in the Official Public Records of Navarro County, Texas. Pursuant to Tex. R. Civ. P. 736.12, a copy of the Order authorizing this sale is attached as Exhibit "B."

6. 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 December 20, 2013 promissory note in the original principal amount of \$79,600.00, executed by Marx C. Madkson, a/k/a Marx Madison and Donna M. Madison, a/k/a Donna Madison, and payable to the order of Citizens State Bank; (2) all renewals and extensions of the note; and (3) all interest, late charges, fees and other expenses payable under said note on the herein described deed of trust. Citizens State 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, Citizens State Bank, Attention: Coleman Kidd, telephone (903) 581-8100.

7. Default and Request to Act. Default has occurred under the deed of trust, and the beneficiary has asked 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: May 14 2015.



SCOTT A. RITCHESON, Substitute Trustee
821 ESE Loop 323, Suite 530
Tyler, Texas 75701
Tel: (903) 535-2900
Fax: (903) 533-8646

Notice to Members of the Armed Forces of the United States:

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 a 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.

F:\Client\Scott's Clients\CSB\Madison\Notice of Foreclosure Sale

EXHIBIT "A"

Tract 1: (21.25 Acres of Land)

All of that certain lot, tract, or parcel of land situated in the Francisco Procello Survey, Abstract 636, Navarro County, Texas, being all of a called 6.193 acre tract, recorded in Volume 779, Page 725, and part of a called 30.48 acre tract recorded in Volume 734, Page 16, Deed Records of Navarro County, Texas and being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

SAVE AND EXCEPT:

(0.75 Acres of Land)

All that certain lot, tract, or parcel of land situated in the Francisco Procello Survey Abstract 636, Navarro County, Texas, and being part of a called 21.25 acre tract described by deed recorded under Document No. 2009-4912, Deed Records of Navarro County, Texas and being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

SAVE AND EXCEPT:

(1.19 Acres of Land)

All that certain lot, tract, or parcel of land situated in the Francisco Procello Survey Abstract 636, Navarro County, Texas, and being part of a called 21.25 acre tract described by deed recorded under Document No. 2009-4912, Deed Records of Navarro County, Texas and being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

SAVE AND EXCEPT:

(.14 Acres of Land)

All that certain lot, tract, or parcel of land situated in the Francisco Procello Survey Abstract 636, Navarro County, Texas, and being part of a called 21.25 acre tract described by deed recorded under Document No. 2009-4912, Deed Records of Navarro County, Texas and being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

Tract 2: (10.43 Acres of Land)

All that certain lot, tract, or parcel of land situated in the Francisco Procello Survey Abstract 636, Navarro County, Texas, and being the residue of a called 30.48 acre tract described by deed recorded in Volume 724, Page 16 of the Deed Records of Navarro County, Texas and being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

together with the Manufactured Housing Unit described as follows which shall be a part of the real property:

Make:

Model: Lifestyle

Year: 2008

Serial Number(s): CW2012362TXA & CW2012362TXB

Width & Length: 30 X 56

Exhibit "A" - Continued

Tract 1: (21.25 Acres of Land)

All of that certain lot, tract, or parcel of land situated in the Francisco Procello Survey, Abstract 636, Navarro County, Texas, being all of a called 6.193 acre tract, recorded in Volume 779, Page 725, and part of a called 30.48 acre tract, recorded in Volume 734, Page 16, Deed Records of Navarro County, Texas. Said tract being more fully described by metes and bounds as follows.

BEGINNING at 1/2" iron rod set at a fence corner for the most northerly northwest corner of this tract, also being the northwest corner of the said 6.193 acre tract.

THENCE N 63° 51' 54" E with the north line of the said 6.193 acre tract, at 76.48 feet to a 5/8" iron rod found at a fence corner on the west right-of-way of F.M. 633, for the most northerly northeast corner of the said 6.193 acre tract;

THENCE with the west right-of-way of F.M. 633 as follows: with a curve to the left having a Radius of 1,824.98 feet, a Tangent of 242.67 feet, a Length of 482.49 feet, a Chord Bearing of S 55° 10' 42" E and a Chord Distance of 481.10 feet to a point, Thence S 63° 32' 17" E 227.94 feet to a point at the P.C. of a curve to the left having a Radius of 1,365.93 feet, a Tangent of 308.41 feet, a Length of 606.65 feet, a Chord Bearing of S 74° 34' 22" E and a Chord Distance of 601.68 feet to a 1/2" iron rod set for the northeast corner of this tract;

THENCE with the east line of this tract running about 15' from and parallel to the east line of the said 30.48 acre tract as follows: S 29° 58' 46" E 116.75 feet to a 1/2" iron rod set, S 64° 28' 30" W 170.32 feet to a 1/2" iron rod set, S 30° 07' 20" E 320.41 feet to a 1/2" iron rod set, N 64° 20' 19" E 169.49 feet to a 1/2" iron rod set and S 29° 58' 46" E 409.11 feet to a 1/2" iron rod set for the southeast corner of this tract;

THENCE S 60° 01' 14" W with the south line of this tract, at 614.59 feet to a 1/2" iron rod set for the most southerly southwest corner of this tract, also being on the west line of the said 30.48 acre tract;

THENCE N 30° 00' 00" W with the west line of the said 30.48 acre tract, at 291.23 feet to a point for the southeast corner of the said 6.193 acre tract, a 1/2" iron rod found bears S 62° 30' 44" W 1.66 feet;

THENCE S 62° 30' 44" W with the south line of the said 6.193 acre tract, at 152.69 feet to a 1" bolt found for the southwest corner of the said 6.193 acre tract;

THENCE with the west line of the said 6.193 acre tract as follows: N 29° 59' 36" W 687.78 feet to a 30" pecan tree fence corner, S 65° 32' 59" W 51.66 feet to a 3/4" iron pipe found at a fence corner and N 30° 39' 09" W 914.10 feet to the place of beginning and containing within this description 21.25 acres of land.

Exhibit "A" - Continued

SAVE AND EXCEPT FROM SAID 21.25 ACRE TRACT THE FOLLOWING THREE (3) PARCELS OF 0.75 ACRES, 1.19 ACRES AND 0.14 ACRES:

1. 0.75 Acres of Land

All that certain lot, tract, or parcel of land situated in the Francisco Procello Survey Abstract 636, Navarro County, Texas, and being part of a called 21.25 acre tract described by deed recorded under Document No. 2009-4912, Deed Records of Navarro County, Texas, said tract or parcel of land being more fully described by metes and bounds as follows.

BEGINNING on a found 1/2" iron rod for the northwest corner of this tract and the northwest corner of the above mentioned 21.25 acre tract;

THENCE N61°13'04"E 76.38 feet to a found 3/8" iron rod for the northeast corner of this tract located on the southwest R.O.W. of P.M. 633 for the beginning of a curve to the left;

THENCE with said curve having a Delta Angle of 07°40'46" a Radius of 1824.98 feet, a Chord of S51°26'38"E 244.42 feet for a Length of 244.60 feet to a set 1/2" iron rod for the southeast corner of this tract;

THENCE S35°42'46"W 177.91 feet to a set 1/2" iron rod for the southwest corner of this tract;

THENCE N30°39'19"W 302.32 feet to the place of beginning and containing 0.75 acres of land.

EXHIBIT "A" - Continued

2. 1.19 Acres of Land

All that certain lot, tract, or parcel of land situated in the Francisco Proulx Survey Abstract 636, Navarro County, Texas, and being part of a called 21.25 acre tract described by deed recorded under Document No. 2009-4912, Deed Records of Navarro County, Texas. Said tract or parcel of land being more fully described by notes and bounds as follows.

BEGINNING at a 30" Pecan for the north corner of this tract located $S30^{\circ}39'19''E$ 910.56 feet and $N65^{\circ}32'59''E$ 51.43 feet from the northwest corner of the above mentioned 21.25 acre tract;

THENCE $S42^{\circ}20'10''E$ 711.16 feet to a found 1/2" iron rod. for the southeast corner of this tract;

THENCE $S62^{\circ}31'28''W$ 151.40 feet to a found 1" bolt for the southwest corner of this tract;

THENCE $N30^{\circ}03'23''W$ 688.07 feet to the place of beginning and containing 1.19 acres of land.

EXHIBIT "A" - Continued

3. 0.14 Acres of Land

All that certain lot, tract, or parcel of land situated in the Francisco Pronello Survey Abstract 136, Navarro County, Texas, and being part of a called 11.25 acre tract described by deed recorded under Document No. 2009-4913, Deed Records of Navarro County, Texas. Said tract or parcel of land being more fully described by notes and bounds as follows.

BEGINNING on a set 1/2" iron rod for the north corner of this tract located $S30^{\circ}39'19"W$ 445.81 feet from the northwest corner of the above mentioned 11.25 acre tract;

THENCE $S42^{\circ}20'10"E$ 252.54 feet to a 10" Pegon for the southeast corner of this tract;

THENCE $S65^{\circ}32'59"W$ 51.43 feet to a found 4/3" iron pipe for the southwest corner of this tract;

THENCE $N30^{\circ}39'19"W$ 241.75 feet to the place of beginning and containing 0.14 acres of land.

TRACT 2: (10.43 Acres of Land)

All that certain lot, tract, or parcel of land situated in the Francisco Procello Survey Abstract 636, Navarro County, Texas, and being the residue of a called 30.48 acre tract described by deed recorded in Volume 724, Page 16 of the Deed Records of Navarro County, Texas. Said tract or parcel of land being more fully described by metes and bounds as follows.

BEGINNING on a found 3/8" iron rod for the northeast corner of this tract and being the southeast corner of a called 19.17 acre tract recorded in Instrument 2012-6026, Deed Records of Navarro County, Texas;

THENCE S31°35'30"E 533.11 feet to a found 1/2" iron rod for the southeast corner of this tract;

THENCE S23°58'18"W 354.97 feet to a found 1/2" iron rod for an angle corner of this tract;

THENCE S39°55'12"W 364.54 feet to a set 1/2" iron rod for the southwest corner of this tract;

THENCE N29°59'40"W 867.07 feet to the place of beginning and containing 10.43 acres of land.



2014 DEC 19 PM 4:26

CAUSE NO. D14-23624-CV

IN RE:

ORDER FOR FORECLOSURE
CONCERNING
794 FM 633, KERENS, TX 76144
UNDER TEX. R. CIV. P. 736

§
§
§
§
§

IN THE DISTRICT COURT
13TH JUDICIAL DISTRICT
NAVARRO COUNTY, TEXAS

**ORDER FOR FORECLOSURE OF PROPERTY UNDER
TEXAS CONSTITUTION ARTICLE XVI, SECTION 50**

Came on before the Court on the date set forth below the Application of Citizens State Bank ("Petitioner") for an Order allowing foreclosure under Texas Constitution Article XVI, Section 50(a)(6) and Texas Rules of Civil Procedure 735 and 736 (the "Application").

The Court finds as follows:

1. That the Application concerns the following described real property (the "Property"):

All that certain lot, tract or parcel of land situated in Navarro County, Texas, more particularly described on what is attached hereto as Exhibit "A" and located at 794 FM 633, Kerens, Texas 75144.

2. The mailing address of the Property is: 794 FM 633, Kerens, Texas 75144.
3. On October 24, 2014, Applicant filed a Application in this Court. Thereafter the Clerk of the Court duly issued and served citation and notice of the Application on the owners of the property (the "Respondents"): Marx C. Madison, a/k/a Marx Madison, and Donna M. Madison, a/k/a Donna Madison. The last known address of Respondents is 794 FM 633, Kerens, Texas 75144.
4. Copies of the Application and Citation required by Tex. R. Civ. Pro. 736.1 and 736.3 were served on the Respondents on or about November 3, 2014 in the manner required by law.
5. The Respondents failed to file a response on or before 10:00 a.m. on the first Monday after the expiration of thirty-eight (38) days after the date the citation and Application were placed

in the custody of the U.S. Postal Service in accordance with the Court Clerk's standard mailing procedures on November 3, 2014, and no response has been filed as of this date and time.

6. The Court Clerk has completed a return of service in accordance with Tex. R. Civ. Pro. 107.

7. The Application complies with Tex. R. Civ. P. 736.1.

8. The material facts establishing the basis for foreclosure include:

- a. On the date described in the Application, Respondents executed and delivered to Petitioner a Texas Home Equity Note payable to the order of Petitioner (the "Note"). A true and correct copy of the Note was attached to the Application. By the terms of the Note, Respondents promised to pay a sum of money, plus interest as therein stated, to Petitioner. The Respondents are the persons obligated to pay the obligations sought to be foreclosed. Tex. R. Civ. Pro. 736.1(d)(3)(C).
- b. To secure the debt created by the Note, Respondents conveyed a lien on the Property. Petitioner's lien on the Property is evidenced by the Home Equity Security Instrument described in the Application, a copy of which was also attached to the Application (the "Security Instrument"). The Security Instrument is recorded under Clerk's Document Number 2014-00000142 in the Official Public Records of Navarro County, Texas. Tex. R. Civ. Pro. 736.1(d)(2). The Note and Security Instrument are referred to herein as the "Loan Documents."
- c. After execution of the Note, Respondents defaulted on Respondents' obligations by failing to make the payments as they came due. One or more defaults under the Loan Documents exist. Respondents defaulted under the Loan Documents by failing to make the regularly scheduled monthly payments as they became due. The defaults are described in the Application. After due and proper notice of these defaults by mail, Respondents failed to cure same. Before the Application was filed, all notices required by law and the Loan Documents were given. Tex. R. Civ. Pro. 736.1(d)(3)(E), (F) and (G).
- d. The Loan Documents meet or exceed all of the constitutional requirements for a valid, perfected and enforceable lien on the Property, pursuant to Texas Constitution, Article XVI, § 50(a)(6). The type of lien made the subject of

this action is a "home equity loan" and is described in Tex. R. Civ. Pro. 735.1(a). Tex. R. Civ. Pro. 736.1(d)(3).

- e. Before the Application was filed, any other action required of Petitioner by applicable law and the Loan Documents was performed. Copies of notices were attached to the Application.

8. The Application should be granted in all respects.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Application is granted and foreclosure shall proceed on the Property under the Security Instrument described in the Application and pursuant to Texas Property Code §51.002 and other applicable law.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that such other writs and processes may issue as are authorized by the Texas Rules of Civil Procedure or other applicable law.

Dated this the 19th day of December, 20 14.

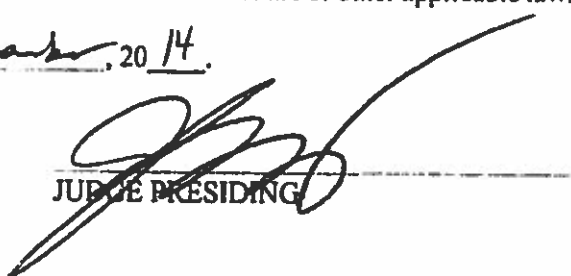

JUDGE PRESIDING

EXHIBIT "A"

Tract 1: (21.25 Acres of Land)

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SAVE AND EXCEPT:

(0.75 Acres of Land)

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SAVE AND EXCEPT:

(1.19 Acres of Land)

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SAVE AND EXCEPT:

(.34 Acres of Land)

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together with the Manufactured Housing Unit described as follows which shall be a part of the real property:

Make:

Model: Lifestyle

Year: 2008

Serial Number(s): CW2012362TXA & CW2012362TXB

Width & Length: 30 X 56