

2017-33
FILED FOR RECORD
AT 3:55 O'CLOCK P.M.
APR 04 2017

Notice of Foreclosure Sale

SHERRY DOWD, County Clerk
NAVARRO COUNTY, TEXAS
BY DEPUTY

PURSUANT TO TEXAS TAX CODE SECTION 32.06, THE FORECLOSURE SALE REFERRED TO IN THIS DOCUMENT IS A SUPERIOR TRANSFER TAX LIEN SUBJECT TO THE RIGHT OF REDEMPTION UNDER CERTAIN CONDITIONS. THE FORECLOSURE IS SCHEDULED TO OCCUR ON JUNE 6, 2017.

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.

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

LEGAL DESCRIPTION: BURKE 4 5 THRU 7; also described as all those certain lots, tracts or parcels of land being Lot Nos. 5, 6 and 7 in Block 4 in the J.O. Burke Addition to the Town of Powel, Navarro County, Texas; more commonly known as: N/A – Brookshire Street, Powell, Navarro County, Texas 75153.

LEGAL DESCRIPTION: BURKE 1 8 THRU 12 (125 X 142.5); also described as Lots 8, 9, 10, 11 and 12, Block No. 1 in the Town of Powell, Navarro County, Texas, according to the map or plat of record in Volume 79, Page 637, Deed Records of Navarro County, EXCEPT 25 feet off the East end of said lots, and being the same property described in a Warranty Deed from Allen Jamison et ux to W.F. Mitcham, Jr., dated January 31, 1947 recorded in Volume 458, Page 333, Deed Records of Navarro County, Texas; more commonly known as: N/A – Brookshire Street, Powell, Navarro County, Texas 75153 (currently known as 100 Brookshire Street, Powell, Texas 75153).

LEGAL DESCRIPTION: POWELL OT 12 & 13; being more particularly described by metes and bounds in two tracts as follows:

TRACT ONE:

All that certain lot or parcel of land lying and situated in Navarro County Texas; a portion of the I.C. Holt Survey, Abst. No. 362; being a portion of the old Powell School Block in the Town of Powell, and being the Westerly portion of a tract called 1.20 acres, in the Warranty Deed from T.J. Brookshire, et al, to the School Trustees of the Powell School District No. 11, Deed dated July 29, 1910, and recorded in Vol. 135, Page 390 of the Deed Records of Navarro County, Texas; this lot being described by metes and bounds as follows, to-wit:

BEGINNING at a 1" pipe in the East line of the Munns Street and which stands N. 30-09 W 89.5 feet from the Southwest corner of the original tract, at the intersection of the East line of Munns Street with North right-of-way line of the State Highway No. 31, said reference point stands 150 feet, at right angles, from the Centerline of the main Line Track of the St. Louis Southwestern R.R. Co.;

THENCE N. 82-46 E. with the South line of this Lot and the North line of Lot-A, of the subdivision, 154.2 feet to a 1" pipe in the West line of Lot-D of said subdivision;

THENCE N. 09-24 W. 76.6 feet to a 1" pipe for the Northeast corner, this being the Southeast corner of Lot-C of this Subdivision, and stands S. 09-24 E. 305.56 feet from the Northeast corner of Lot-C and the original

Northwest corner of a tract called 3.20 acres as conveyed by Brookshire to the School of Trustees;

THENCE S. 84-43 W. with the North line of this Lot and South line of Lot-C, the original 1 ½ acre tract, as conveyed by Brookshire to the School Trustees, Deed of record in Vol. 72, Page 196 of the Deed Records of Navarro County, Texas, 186.11 feet to a 1" pipe for the Northwest corner, and the Southwest corner of Lot-C, in the East line of Munns Street (Munns Street being 55 feet in width at this point);

THENCE S. 30-09 E. with the West line of this Lot and the East line of Munns Street 89.5 feet to the Place of BEGINNING and containing 0.309 acres, and being the same tract of property described in and conveyed by Deed from Kerens Independent School District Number 907, to R.E. Layfield, dated June 12, 1961, of record in Vol. 682, Page 339 of the Deed Records of Navarro County, Texas, reference to which being here made for all necessary purpose.

TRACT TWO:

All of that certain lot or parcel of land lying and situated in Navarro County, Texas; a portion of the I.C. Holt Survey, Abst. No. 362, being a portion of the Old Powell School block in the Town of Powell; and being the southwesterly portion of a tract called 1.20 acres as conveyed by T.J. Brooskhire, et al, to the School Trustees of the Powell School District No. 11 by Warranty Deed dated the 29th Day of July, 1910, and recorded in Vol. 135, Page 390 of the Deed Records of Navarro County, Texas; this Lot-A being described by metes and bounds as follows:

BEGINNING at a 1" pipe set for the Southwest corner of this Lot, said corner stake stands in the intersection of the right-of-way line of State Highway No. 31, and the East line of Munns Street of the Town of Powell, and also stands 150 feet, at a right-angles, from the center line of the Main Line Tract of the St. Louis Southwestern R.R. Co. and 50 feet, at right angles, from the Center line of said State Highway No. 31;

THENCE 79° 53' E with the North right-of-way line of said Hwy. (called N 80° E in the old record), 122.4 feet to a 1" pipe for the Southeast corner of this Lot;

THENCE N 09° 24' W with the West line of Lot-D of this subdivision, 76.6 feet to a 1" pipe for the Northeast corner, this being the Southeast corner of Lot-B of this subdivision;

THENCE 82° 46' W with the North line of this Lot, the South line of Lot-B, 154.2 feet to a 1" pipe for Northwest corner, in the east line of Munns Street, this being the Southwest corner of Lot-B (Munns Street being 55 feet in width);

THENCE S 30° 09' E with the East line of Munns Street, 89.5 feet to the Place of BEGINNING and containing 0.256 of an acre (Munns Street being 55 feet in width); and being the same property described in a Deed from the Kerens Independent School District #12, Kerens, Texas, by Bert Inmon, President and E.K. Howell, Secretary to G.H. Sutherland, dated August 6, 1964, recorded in Vol. 710, Page 379, Deed Records, Navarro County, Texas, reference to which is here made for all necessary purposes.

More commonly known as: N/A – Brookshire Street, Powell, Navarro County, Texas 75153 (currently known as 104 Munns Street, Powell, Texas 75153).

2. *Instrument to be Foreclosed.* The instruments to be foreclosed are the Property Tax Lien Deed of Trust (Deed of Trust) recorded in Document No. 00004668 of the real property records of Navarro County, Texas and the Transferred Tax Lien recorded in Document Nos. 00005855, 00005856, 00005857, 00005438, 00005439, and 00005440 of the real property 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: June 6, 2017.

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: East entrance, Navarro Center, 800 N. Main or as otherwise designated by County Commissioner.

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 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 or any 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 Trustee or any Substitute Trustee.

5. *Type of Sale.* The sale is an expedited foreclosure sale of a Transferred Tax Lien created pursuant to Sections 32.06 and 32.065, Texas Tax Code, Section 51.002, Texas Property Code and the power of sale granted by the Deed of Trust executed by Royce Bancroft aka Oscar Royce Bancroft and Sandra Lyne Bancroft.

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 Note in the original principal amount of \$21,166.13, executed by Royce Bancroft aka Oscar Royce Bancroft and Sandra Lyne Bancroft, and payable to the order of Hunter-Kelsey II, LLC; (b) all renewals and extensions of the Note; and (c) any and all present and future indebtednesses of Royce Bancroft aka Oscar Royce Bancroft and Sandra Lyne Bancroft to Hunter-Kelsey II, LLC. Hunter-Kelsey II, LLC 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 Nikolaos P. Stavros, Lindsey Kelly, or Wendy Storey at 3624 N. Hills Drive, Suite B-100, Austin, Texas 78731.

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: 4th day of April, 2017.



Mark Jordan, Nikolaos P. Stavros,
Lindsey Kelly, Wendy Storey, or Calli Rawls
3624 North Hills Dr., Suite B-100
Austin, TX 78731
Telephone: (512) 346-6011
Fax: (512) 346-6005

AFTER POSTING RETURN TO:
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