

2017-53
FILED FOR RECORD
AT 2:28 O'CLOCK P.M.
MAY 16 2017
SHERRY DOWD County Clerk
NAVARRO COUNTY, TEXAS
BY [Signature] DEPUTY

NOTICE OF SUBSTITUTE TRUSTEE'S SALE
[Commercial Property]

WHEREAS, ALLEGHENY DEVELOPMENT, LLC and FIRST DEVELOPMENT COMPANY OF TEXAS, LLC executed that certain Commercial Deed of Trust, Security Agreement and Financing Statement (Second Lien) (as modified from time to time, the "Deed of Trust"), dated May 2, 2014, conveying to Socrates J. Georgeadis, as Trustee, certain real and other property described therein to secure Secure Atlantic Partners, LLC in the payment of certain indebtedness described therein (the "Indebtedness"), said instrument being recorded May 29, 2014 as Document Number 3704 in the Official Public Records of Navarro County, Texas;

WHEREAS, Secure Atlantic Partners, LLC (the "Beneficiary") is the legal and equitable owner and holder of the Indebtedness secured by said Deed of Trust;

WHEREAS, Beneficiary has appointed Bonnie Barksdale or Kate Glaze as Substitute Trustee, pursuant to its power and authority under said Deed of Trust, by instrument dated May 16, 2017, and recorded of record;

WHEREAS, default has occurred under the Promissory Note secured by the Deed of Trust and under the Deed of Trust, and Beneficiary has requested the undersigned to sell the land encumbered by the Deed of Trust (the "Land") and other property described in and also encumbered by said Deed of Trust (collectively, the "Property"), with the net proceeds of the sale to be applied against the Indebtedness in accordance with the terms of the Deed of Trust;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, the 6th day of June, 2017, between 1:00 p.m. and 4:00 p.m., I will sell the Property secured by the Deed of Trust at the door of the County Courthouse (or such other location) designated by the Navarro County Commissioner's Court as the location for such sales in Navarro County, Texas, to the highest bidder for cash. The earliest time the sale will begin is 1:00 p.m. Pursuant to applicable law, the sale will begin at such time or within three hours thereafter.

The Land is located in the County of Navarro, State of Texas, as more particularly described on **Exhibit A**, attached hereto and incorporated herein. The Property includes both real and personal property, and formal notice is hereby given of Beneficiary's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Beneficiary's rights and remedies under the Deed of Trust and Section 9.604(a) of the Texas Business and Commerce Code.


The foreclosure sale will be made expressly subject to that certain Deed of Trust (with Security Agreement and Assignment of Rents) executed by Allegheny Development, LLC, as Grantor, recorded as Document Number 3612 in the Official Public Records of Navarro County, Texas, and any title matters set forth in the Deed of Trust and all prior matters of record affecting the Property, if any, to the extent they remain in force and effect and have not been subordinated to the Deed of Trust. The foreclosure sale will not cover any part of the Property that has been released of public record from the lien or security interest of the Deed of Trust.

Pursuant to Section 51.009 of the Texas Property Code, the Property will be sold in its "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.

Pursuant to Section 51.0075 of the Texas Property Code, the Trustee reserves the right to set further reasonable conditions for conducting the foreclosure sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by said Trustee.

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.

WITNESS MY HAND this 16th day of May, 2017.



Bonnie Barksdale, Substitute Trustee
Carrington, Coleman, Sloman
& Blumenthal, L.L.P.
901 Main Street, Suite 5500
Dallas, Texas 75202

EXHIBIT A

LEGAL DESCRIPTION – COMMERCIAL PROPERTY

Four tracts of land out of the Robert Caradine Survey, A-139, Navarro County, Texas:

Tract One:

All that certain tract or parcel of land being 6.725 acres situated in the Robert Caradine Survey, A-139, Navarro County, Texas, and being all of the called 6.75 acre Tract Two conveyed to Allegheny Development, LLC, by First Development of Texas, LLC, by deed recorded in Instrument No. 7030 (2011) of the Official Public Records of Navarro County, Texas, said lot or parcel of land being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes, and

Tract Two:

All that certain tract or parcel of land being 15.305 acres situated in the Robert Caradine Survey, A-139, Navarro County, Texas, and being part of a called 34.50 acre Tract One conveyed to Allegheny Development, LLC, by First Development of Texas, LLC, by deed recorded in Instrument No. 7030 (2011) of the Official Public Records of Navarro County, Texas, said lot or parcel of land being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes, and

Tract Three:

All that certain tract or parcel of land being 12.346 acres situated in the Robert Caradine Survey, A-139, Navarro County, Texas, and being part of a called 34.50 acre Tract One conveyed to Allegheny Development, LLC, by First Development of Texas, LLC, by deed recorded in Instrument No.7030 (2011) of the Official Public Records of Navarro County, Texas, said lot or parcel of land being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes, and

Tract Four:

An easement for vehicular and pedestrian ingress and egress, on, over, and across all driveways, streets, access points and rights of way presently existing or hereafter built or established in any area now within or as hereafter expanded or added to in the Northshore Harbor Condominiums, a condominium regime established as set forth in that certain Condominium Declaration for Northshore Harbor Condominium executed by Grantor dated July 10, 2012, and recorded in Instrument No. 7217 (2012) Official Public Records of Navarro County, Texas.

Said Tracts also legally described as follows:

TRACT 1: (12.346 ACRES)

All that certain lot, tract or parcel of land situated in Navarro County, Texas, on the Robert Caradine Survey, Abstract No. 139 and being a part of the called 34.50 acre Tract One conveyed to Allegheny Development, LLC by First Development Company, LLC by deed recorded in Instrument No. 7030 (2011) of the Official Public Records of Navarro County, Texas. Said lot, tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a T post found in the South margin of Spur 294 (Old Highway 287), the Northwest corner of the called 34.50 acre tract and the Northeast corner of a 0.238 acre Tract Six recorded in Volume 1217, Page 859;

THENCE South 74 degrees 27 minutes 31 seconds East 504.30 feet to a wooden right-of-way monument found at the P.C. of a curve;

THENCE around a curve to the left having a central angle of 3 degrees 22 minutes 47 seconds, a radius of 5997.89 feet, a distance of 353.29 feet (Long Chord South 76 degrees 12 minutes 05 seconds East 353.79 feet) to a point at the Northwest corner of the Northshore Harbor Condominium, Phase I, recorded in Instrument No. 7217 (2012), the North line of the 34.50 acre tract and the South margin of Spur 294 (Old Highway 287);

THENCE along the West line of Phase I as follows: South 12 degrees 15 minutes 13 seconds West 103.28 feet, South 2 degrees 36 minutes 00 seconds East 63.78 feet, South 5 degrees 05 minutes 33 seconds West 111.74 feet, South 44 degrees 40 minutes 09 seconds West 35.36 feet, South 3 degrees 12 minutes 41 seconds West 89.14 feet, South 32 degrees 21 minutes 02 seconds West 191.79 feet, North 41 degrees 38 minutes 58 seconds West 69.66 feet, South 48 degrees 16 minutes 04 seconds West 51.51 feet, South 42 degrees 01 minutes 11 seconds East 11.12 feet, South 48 degrees 58 minutes 31 seconds West 192.66 feet and South 73 degrees 46 minutes 16 seconds West 240.60 feet to a point at Elevation 315' in a retaining wall;

THENCE along Elevation 315' and retaining wall as follows: North 15 degrees 17 minutes 00 seconds West 25.99 feet, North 15 degrees 02 minutes 28 seconds West 348.80 feet, North 12 degrees 12 minutes 42 seconds West 107.28 feet, North 25 degrees 27 minutes 15 seconds West 74.37 feet, North 34 degrees 41 minutes 59 seconds West 57.64 feet, North 8 degrees 07 minutes 52 seconds West 39.61 feet, North 62 degrees 22 minutes 01 seconds West 54.14 feet, South 67 degrees 24 minutes 47 seconds West 26.21 feet, North 59 degrees 41 minutes 00 seconds West 197.64 feet, North 45 degrees 29 minutes 57 seconds West 37.15 feet, and North 35 degrees 29 minutes 00 seconds West 31.08 feet to a 1/2" pipe found at the Southwest corner of the called 34.50 acre tract and the South corner of the Gerald Pilarski 2.20 acre tract recorded in Volume 1752, Page 704;

THENCE North 57 degrees 10 minutes 31 seconds East 117.73 feet and North 59 degrees 46 minutes 05 seconds East 56.36 feet to a 1" pipe found at the East corner of the 2.20 acre tract and the South corner of the 0.238 acre tract;

THENCE North 56 degrees 24 minutes 32 seconds East 139.04 feet to the PLACE OF BEGINNING and containing 12.346 acres of land.

TRACT TWO: (6.725 ACRES)

All that certain lot, tract or parcel of land situated in Navarro County, Texas, on the Robert Caradine Survey, Abstract No. 139, and being all of the called 6.77 acre Tract Two conveyed to Allegheny Development, LLC by First Development Company of Texas, LLC by deed recorded in Instrument No. 7030 (2011) of the Official Public Records of Navarro County, Texas. Said lot, tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1" pipe found at the West corner of the called 6.77 acre tract, the South corner of a 66.693 acre Tract Four recorded in Volume 1217, Page 859 and in the Northeast margin of Spur 294 (Old Highway 287);

THENCE North 58 degrees 43 minutes 10 seconds East 760.33 feet to a point at the North corner of the called 6.77 acre tract, in the Southeast line of the 66.693 acre tract, the North line of a 0.17 acre Surface lease recorded in

Volume 1081, Page 150 and the West margin of SE County Road 3190; Witness: Found 3/8" iron rod North 58 degrees 43 minutes East 21.7 feet, Found 3/8" iron rod North 59 degrees 23 minutes East 73.7 feet; THENCE South 30 degrees 21 minutes 17 seconds East 742.44 feet to a point in the North margin of Spur 294 (Old Highway 287); Witness: Found 1/2" iron rod South 30 degrees 46 minutes East 2.0 feet; THENCE around a curve to the right having a central angle of 6 degrees 18 minutes 15 seconds, a radius of 5897.89 feet, a distance of 648.93 feet (Long Chord South 77 degrees 39 minutes 49 seconds West 648.60 feet) to the P.T. of a curve; THENCE North 74 degrees 40 minutes 06 seconds West, continuing along the North margin of Spur 294 (Old Highway 287) 405.82 feet to the PLACE OF BEGINNING and containing 6.725 acres of land.

TRACT THREE: (15.305 ACRES)

All that certain lot, tract or parcel of land situated in Navarro County, Texas, on the Robert Caradine Survey, Abstract No. 139, and being a part of the called 34.50 acre Tract One conveyed to Allegheny Development, LLC by First Development Company of Texas, LLC by deed recorded in Instrument No. 7030 (2011) of the Official Public Records of Navarro County, Texas. Said lot, tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1" pipe found at the Northeast corner of the called 34.50 acre tract and the Northwest corner of a tract recorded in Instrument No. 95 (2013) and the South margin of Spur 294 (Old Highway 287);

THENCE South 30 degrees 25 minutes 04 seconds East, mostly along fence, 779.75 feet to a 60 d nail set at elevation 315'; Witness: Found 5/8" iron rod South 30 degrees 25 minutes 11 seconds East 27.68 feet;

THENCE along elevation 315' and in some places a steel retaining wall as follows: South 76 degrees 28 minutes 31 seconds West 157.37 feet, South 6 degrees 08 minutes 30 seconds West 192.31 feet, South 2 degrees 21 minutes 20 seconds East 43.60 feet, South 67 degrees 35 minutes 28 seconds West 46.58 feet, North 57 degrees 23 minutes 17 seconds West 43.30 feet, North 75 degrees 15 minutes 27 seconds West 36.14 feet, South 79 degrees 21 minutes 54 seconds West 110.39 feet, South 73 degrees 51 minutes 34 seconds West 6.62 feet, South 72 degrees 56 minutes 30 seconds West 142.25 feet, South 60 degrees 18 minutes 01 seconds West 54.55 feet, South 60 degrees 55 minutes 38 seconds West 131.17 feet, South 80 degrees 52 minutes 17 seconds West 120.51 feet, North 81 degrees 03 minutes 46 seconds West 10.07 feet to a point in Elevation 315' and a retaining wall at the Southeast corner of the Northshore Harbor Condominium Phase I, recorded in Instrument No. 7217 (2012);

THENCE along the East side of Phase I as follows: North 15 degrees 40 minutes 10 seconds West 389.17 feet, North 33 degrees 13 minutes 18 seconds East 91.10 feet, North 25 degrees 48 minutes 12 seconds West 95.32 feet, North 28 degrees 52 minutes 15 seconds East 276.42 feet, North 80 degrees 42 minutes 42 seconds East 65.44 feet, North 1 degree 34 minutes 09 seconds East 70.67 feet, North 46 degrees 33 minutes 17 seconds West 56.03 feet, North 2 degrees 54 minutes 08 seconds East 136.59 feet, North 29 degrees 13 minutes 54 seconds East 37.24 feet, North 12 degrees 25 minutes 38 seconds East 70.20 feet, South 78 degrees 01 minutes 12 seconds East 82.92 feet and North 11 degrees 58 minutes 48 seconds East 24.42 feet to a point at the Northeast corner of Phase I, the North line of the 34.50 acre tract and the South margin of Spur 294 (Old Highway 287);

THENCE around a curve to the left having a central angle of 2 degrees 22 minutes 00 seconds, a radius of 5997.89 feet, a distance of 247.75 feet (Long Chord South 80 degrees 25 minutes 41 seconds East 247.23 feet to the PLACE OF BEGINNING and containing 15.305 acres of land.

TRACT FOUR: (EASEMENT)

A general common element easement for vehicular and pedestrian ingress and egress, on, over and across all driveways, streets, access points and rights of way presently existing or hereafter built or established in any area now within or as hereafter expanded or added to in the Northshore Harbor Condominiums, a condominium regime established as set forth in that certain Condominium Declaration for Northshore Harbor Condominiums executed by Grantor dated July 10, 2012 and recorded in Instrument No. 7217 (2012), Official Public Records of Navarro County, Texas.