

2019-6
FILED FOR RECORD
AT 11:45 O'CLOCK A.M.

00000191

AFTER RECORDING, RETURN TO:
Miller Mentzer Walker, P.C.
P. O. Box 130
100 N. Main St.
Palmer, Texas 75152

JAN 08 2019

SHERRY DOWD, County Clerk
NAVARRO COUNTY, TEXAS
BY [Signature] DEPUTY

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

STATE OF TEXAS §
 §
COUNTY OF NAVARRO §

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

All that certain lot, tract or parcel of land, lying and being situated in the County of Navarro, State of Texas; part of the Jehu Peoples League Survey, Abstract No. 9, and including herein all of a tract called 23 acres conveyed by F. B. Blasengame, Guardian, to C. C. Walton by deed of record in Volume 166, Page 401, of the deed records of Navarro County, Texas; and also a part of a tract called 26 2/3 acres conveyed by A. Davis to Laura A. Walton by deed of record in Volume 29, Page 291 of said deed records; and also part of a tract called "40 or 45 acres" conveyed by J. N. Davis to Laura A. Walton by deed of record in Volume 31, Page 471 of said deed records; and the tract hereby conveyed being described by metes and bounds as follows on the attached Exhibit "A".

2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated April 10, 2007, recorded in/under document #00004416, of the Official Public Records of Navarro County, Texas, as renewed and extended by the following:

- a. Renewal, Extension and Modification Agreement recorded November 2, 2007, in Instrument No. 00010907, Official Public Records, Navarro County, Texas;
- b. Renewal, Extension and Modification Agreement recorded October 23, 2008, in Instrument No. 00009647, Official Public Records, Navarro County, Texas;
- c. Renewal, Extension and Modification Agreement recorded November 10, 2009, in Instrument No. 00008402, Official Public Records, Navarro County, Texas;
- d. Modification and Extension of Real Estate Note and Lien recorded April 19, 2011, in Instrument No. 00002768, Official Public Records, Navarro County, Texas;
- e. Renewal, Extension and Modification Agreement recorded April 19, 2011, in Instrument No. 00002769, Official Public Records, Navarro County, Texas;
- f. Real Estate Deed of Trust recorded November 9, 2011, in Instrument No. 00007898;
- g. Deed of Trust recorded December 20, 2013, recorded in/under Instrument No. 00010169, Official Public Records, Navarro County, Texas
- h. Renewal, Extension and Modification Agreement recorded February 1, 2016, in Instrument No. 00000580, Official Public Records, Navarro County, Texas and Affidavit of Correction for Re-Recording of Renewal, Extension and Modification Agreement, recorded March 21, 2016, Instrument No. 00001893, Official Public Records, Navarro County, Texas;

- i. Renewal, Extension and Modification Agreement recorded April 27, 2016, Instrument No. 00002850, Official Public Records, Navarro County, Texas;
- f. Renewal, Extension and Modification Agreement recorded December 5, 2016, Instrument No. 00008630, Official Public Records, Navarro County, Texas;
- g. Renewal, Extension and Modification Agreement recorded June 2, 2017, Instrument No. 00003885, Official Public Records, 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 of Sale: February 5, 2019

Time of Sale: Will begin at 10:00 A.M. or not later than three (3) hours after that time. The earliest time the sale will occur is the Time of Sale, and the sale will be conducted no later than three hours thereafter.

Place of Sale: South Entrance, Navarro County Courthouse
303 West 3rd Avenue
Corsicana, Texas 75110.

Notice is given that on the Date of Sale, the Substitute Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash.

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 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. The reposting or refiled 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 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 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 the Deed of Trust, the beneficiary has the right to direct the Substitute Trustee to sell the Property in one or more parcels and/or sell all or only part of the Property.

Pursuant to Section 51.009 of the Texas Property Code, the Property will be sold "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 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 a nonjudicial deed of trust lien (and security interest) foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust and/or security agreement contained therein.

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 the Real Estate Lien Note dated April 10, 2007, in the original amount of \$100,000.00, made by SKY POWER INDUSTRIES, INC., a Texas corporation, payable to the order of COMMERCIAL STATE BANK, and renewals, extensions, and additional future advances as contemplated therein. COMMERCIAL STATE BANK is the current owner and holder of the Obligations and is the Beneficiary under the Deed of Trust.

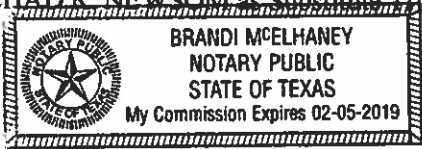
7. **Default and Request to Act.** Lender has appointed Chad R. Newsom as Substitute Trustee pursuant to Appointment of Substitute Trustee dated February 8, 2019, and filed in the Official Public Records of Navarro County, Texas. Lender has instructed Substitute Trustee to offer the Property for sale toward the satisfaction of the Note. Notice is given that before the sale the Beneficiary may appoint another person substitute trustee to conduct the sale.



CHAD R. NEWSOM, Substitute Trustee
Commercial State Bank
P.O. Box 820, 1045 I-45 N.
Palmer, Texas 75152
972-845-3000

STATE OF TEXAS)
)
COUNTY OF ELLIS)

This instrument was acknowledged before me on the 5th day of January, 2019, by
CHAD R. NEWSOM as Substitute Trustee.



Brandi M. Elhane
Notary Public, State of Texas

My Commission Expires:
2-5-2019

EXHIBIT "A"

All that certain lot, tract or parcel of land, lying and being situated in the County of Navarro, State of Texas, part of the Jehu Peoples League Survey, Abstract No. 9, and including herein all of a tract called 23 acres conveyed by F. B. Blasengame, Guardian, to C. C. Walton by deed of record in Volume 166, Page 401, of the deed records of Navarro County, Texas; and also a part of a tract called 26 2/3 acres conveyed by A. Davis to Laura A. Walton by deed of record in Volume 29, Page 291 of said deed records; and also part of a tract called "40 or 45 acres" conveyed by J. N. Davis to Laura A. Walton by deed of record in Volume 31, Page 471, of said deed records; and the tract hereby conveyed being described by metes and bounds as follows, to-wit:

BEGINNING at a 6' iron fence corner post in the north-easterly line of the said Jehu Peoples League, the East (or south-east) corner of said 23 acres (Blasengame) tract;

THENCE South 45 West, with fencing 803.8 varas to a 6' iron fence corner post set in concrete, the south corner of said 23 acres tract;

THENCE North 45 West, passing the west corner of said 23 acres tract, and the south corner of the 26 2/3 acres tract referred to above, and at total distance of 502.2 varas to a stake in the south-easterly line of right of way of the Corsicana-Chatfield County Highway;

THENCE North 30 1/2 East, with said line of right of way, 90 varas to the beginning of a curve to the right;

THENCE continue with said line of right of way, and with the curve thereof, 511 varas to the end of said curve;

THENCE North 60 3/4 East, continue with said line of road, 209.7 varas to a 4' iron fence corner post, the north-west corner for a tract of 6 1/4 acres conveyed to J. R. and E. M. Howell by deed of record in Volume 353, Page 226, of the deed records of Navarro County, Texas; a point in the north-east line of said Peoples League;

THENCE South 45 East, with said League line, and with the fence thereon, passing the South corner of said Howell tract, and the North corner of the said 23 acres (Blasengame) tract, 463.7 varas to the PLACE OF BEGINNING, and containing within the above metes and bounds, 74.15 acres of land, exclusive of any roadway.

SAVE AND EXCEPT all that certain lot, tract or parcel of land being 2.0 acres, a part of the Jehu Peoples Survey, Abstract No. 9, Navarro County, Texas and being a part of the land described in deed to M. E. Lake recorded in Volume 397, Page 598, Deed Records of Navarro County, Texas, and being on the South line of Farm Road 3041 as described in Volume 1381, Page 7, Deed Records of Navarro County, Texas, the said 2.0 acres being described as follows:

BEGINNING at an iron stake on South line of said Farm Road 3041, and being 1386 feet N 60° E from the intersection of said Lake property with C. C. Roberts Property;

EXHIBIT "A" Continued

THENCE N 60° E 290 feet with fence the South line of Farm Road No. 3041 to an iron;

THENCE S 30° E 300 feet to an iron stake set on South edge of small lake for corner;

THENCE S 60° W 290 feet to an iron stake for corner;

THENCE N 30° W 300 feet to the PLACE OF BEGINNING, containing 2.0 acres of land.

SAVE AND EXCEPT that certain 1.8181 acre tract described as follows:

BEING 79.199 square feet or 1.8181 acres of land, more or less, situated in the John Peoples Survey, Abstract Number 9, Navarro County, Texas, and being a part of the land conveyed to M. E. Lake by deed as recorded in Volume 405, Page 286, Deed Records of said county; said 79.199 square feet or 1.8181 acres of land being more particularly described by metes and bounds as follows:

COMMENCING at a fence corner post found at the most southern property corner of said Lake tract of land and being on the northeastern property line of a tract of land conveyed to C. C. Roberts by deed recorded in Volume 397, Page 598, Deed Records of Navarro County, Texas;

THENCE North 46 degrees 07 minutes 35 seconds West along the common property line of said Lake tract and said Roberts tract for a distance of 1,370.26 feet to an iron rod set at the intersection of the new right of way line of Farm Road 3041 and being the POINT OF BEGINNING;

- (1) THENCE North 46 degrees 07 minutes 35 seconds West along the common property line of said Lake tract of land and said C. C. Roberts tract for a distance of 20.67 feet to an iron rod set on the existing right of way line of Roane Road;
- (2) THENCE North 29 degrees 00 minutes 49 seconds East along the existing right of way line of Roane Road for a distance of 264.50 feet to an iron rod set on a curve to the right having a radius of 2,834.79 feet which bears South 60 degrees 59 minutes 13 seconds East;
- (3) THENCE in a northerly direction along the existing right of way line of Roane Road and the arc of said curve for a distance of 1,050.11 feet to an iron rod set for a corner;
- (4) THENCE North 50 degrees 14 minutes 17 seconds East along the existing right of way line of Roane Road for a distance of 41.35 feet to an iron rod set on a curve to the right having a radius of 2,261.83 feet which bears South 39 degrees 45 minutes 39 seconds East;
- (5) THENCE in a northeasterly direction along the existing right of way line of Roane Road and the arc of said curve for a distance of 332.38 feet to an iron rod set for a corner;
- (6) THENCE North 58 degrees 39 minutes 27 seconds East along the existing right of way line of Roane Road for a distance of 580.01 feet to an iron rod set at the most northern corner of said Lake tract and being the northwest corner of a tract of land conveyed to John Hugh Howell by deed recorded in Volume 913, Page 630, Deed Records, Navarro County, Texas;
- (7) THENCE South 45 degrees 00 minutes 00 seconds East along the common property line of said Lake tract and said Howell tract for a distance of 38.77 feet to an iron rod set on the new right of way line of Farm Road 3041;

EXHIBIT "A" Continued

- (8) THENCE South 59 degrees 52 minutes 38 seconds West along the new right of way line of Farm Road 3041 for a distance of 350.21 feet to an iron rod set on a curve to the left having a radius of 3,350.00 feet which bears South 30 degrees 07 minutes 21 seconds East;
- (9) THENCE in a southwesterly direction along the new right of way line of Farm Road 3041 and the arc of said curve for a distance of 1,804.81 feet to an iron rod set for a corner;
- (10) THENCE South 29 degrees 00 minutes 33 seconds West along the new right of way line of Farm Road 3041 for a distance of 108.51 feet to the POINT OF BEGINNING, and containing an area of 79.199 square feet or 1.8181 acres of land, more or less.

Filed for Record in:
Navarro County

On: Jan 08, 2019 at 11:38A

As a
Recording

Document Number: 00000191

Amount: 50.00

Receipt Number - 89347

By,
Liz Tallant

STATE OF TEXAS

COUNTY OF NAVARRO

I hereby certify that this instrument was
filed on the date and time stamped hereon by me and
was duly recorded and stamped hereon by me.

Jan 08, 2019

Sherry Dowd, COUNTY CLERK
Navarro County