

Notice of Foreclosure Sale

September 28, 2016

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LAMAR COUNTY, TEX

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RUSS TOWERS
COUNTY CLERK

BY _____ DEPUTY

Deed of Trust ("Deed of Trust"):

Dated: October 13, 2011

Grantor: Corey Miller and Kami Miller

Trustee: Brad Nutt

Lender: The First Bank, Roxton, Texas

Recorded in: Instrument No. 091643-2011, Lamar County Official Public Records; Assigned to Commercial Bank of Texas, N.A. by Assignment of Deed of Trust of record in Instrument No. 114802-2011, Lamar County Official Public Records

Legal Description: See Exhibit "A" attached hereto and made a part hereof.

Secures: Promissory Note ("Note") in the original principal amount of \$115,700.00, executed by Corey and Kami Miller ("Borrower") and payable to the order of Lender

Substitute Trustee: Chris W. Fitzgerald

Substitute Trustee's Address: P.O. Box 651, Paris, Texas, 75461 (Mail Only); 131 Bonham Street, Paris, Texas 75460

Foreclosure Sale:

Date: Tuesday, November 1, 2016

Time: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 a.m.

Place: The East foyer, First Floor of the Lamar County Courthouse, 119 N. Main Street, Paris, Lamar County, Texas 75460

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that Commercial Bank of Texas, N.A. bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Commercial Bank of Texas, N.A., the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Commercial Bank of Texas, N.A. passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure 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 Foreclosure 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. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Commercial Bank of Texas, N.A. 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 "AS IS," without any expressed or implied warranties, except as to the warranties (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(a) of the Texas Property Code, Substitute 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 Substitute 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.



Chris W. Fitzgerald, Substitute Trustee

Situated about 1 1/2 miles South 35 Deg. East of the City of Paris, County of Lamar, and State of Texas, a part of the Joseph Roundball Survey #394, and being a called 36.67 acre tract of land conveyed Eric D. Stewart by deed recorded in Vol. 442, Page 778, of the Real Property Records of said County and State.

Beginning at an iron pin (a) for corner at the present Northwest corner of said 36.67 acre tract.

Thence along a fence along the North Boundary Line of said 36.67 acre tract as follows: North 85 Deg. 29 Min. 18 Sec. East a distance of 137.23 ft. to an iron pin (a); South 88 Deg. 27 Min. 54 Sec. East a distance of 992.89 ft. to an iron pin (a); South 87 Deg. 56 Min. 50 Sec. East a distance of 1450.82 ft. to an iron pin (a) for corner at the Northerly Northeast corner of said 36.67 acre tract;

Thence South 1 Deg. 07 Min. 52 Sec. West along a fence a distance of 263.94 ft. to an iron pin (f) for corner at an el corner of said 36.67 acre tract;

Thence South 89 Deg. 10 Min. 31 Sec. East along a fence a distance of 276.47 ft. to an iron pin (a) for corner at the Easterly Northeast corner of said 36.67 acre tract;

Thence South 1 Deg. 18 Min. 03 Sec. West along a fence a distance of 337.27 ft. to an iron pin (f) for corner at the Southeast corner of said 36.67 acre tract;

Thence along a fence along the South Boundary Line of said 36.67 acre tract as follows: North 88 Deg. 31 Min. West a distance of 1250.97 ft. to an iron pin (a); North 88 Deg. 21 Min. 42 Sec. West a distance of 1463.76 ft. to an iron pin (a) for corner at the present Southwest corner of said 36.67 acre tract;

Thence along the Easterly Boundary Line of Lamar County Road #14630 as follows: North 1 Deg. 04 Min. 22 Sec. East a distance 294.84 ft. to an iron pin (a); North 2 Deg. 59 Min. 23 Sec. West a distance of 84.36 ft. to an iron pin (a); North 19 Deg. 39 Min. 34 Sec. West a distance of 68.07 ft. to an iron pin (a); North 30 Deg. 32 Min. 56 Sec. West a distance of 189.16 ft. to the place of beginning and containing 36.464 acres of land.

I, J.M. Nelson, Registered Professional Land Surveyor of Texas, #4025, certify that the above depicted and described tract of land was taken from an actual survey made on the ground and completed by me on the 11th day of October, 1995, that the improvements shown thereon are correct, that there doesn't appear to be any visible easements or encroachments other than those shown thereon, and that this tract doesn't appear to lie in a flood zone as indicated by the Federal Flood Insurance Maps.



J.M. Nelson

J.M. Nelson, R.P.L.S. of Texas, #4025

10-11-95 date

ENCLOSURE "A"

Nelson Survey, Co. J.M. Nelson, R.P.L.S. of Texas, #4025 920 N. Main St. Paris, Texas 75460
903-783-3331 fax: 903-783-3399

EXHIBIT A