

19-0003FC

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

FILED FOR RECORD  
SHELBY COUNTY, TEXAS  
2019 JAN 14 PM 2: 58  
JENNIFER L. FOUNTAIN  
COUNTY CLERK  
BY \_\_\_\_\_ DEPUTY

**DATE:** January 14, 2019

**PROMISSORY NOTE:** Promissory Note, described as follows:

Original Date: May 7, 2018

Maker: Nathaniel Foll

Payee: TCT Financial II, LLC, a Texas limited liability company

Amount: \$20,600.00

**DEED OF TRUST:** Deed of Trust, Mortgage, Assignment, Security Agreement and Financing Statement

Original Date: May 7, 2018

Grantor: Nathaniel Foll

Original Trustee: Esther Bennett

Beneficiary: TCT Financial II, LLC, a Texas limited liability company

Recorded in: Instrument Number 2018001516 of the Official Public Records of **Shelby County, Texas.**

**LENDER:** TCT Financial II, LLC, a Texas limited liability company

**BORROWER:** Nathaniel Foll

**PROPERTY:** The "Mortgaged Property" as described in the Deed of Trust and as described on **Exhibit A** attached hereto.

**SUBSTITUTE TRUSTEE:** Sheryl LaMont, Robert LaMont, Allan Johnston, Ronnie Hubbard, Kelly Goddard, or Michael B. Franklin

**SUBSTITUTE TRUSTEE'S MAILING ADDRESS:**

c/o Hallett & Perrin, P.C.  
1445 Ross Avenue, Suite 2400  
Dallas, Texas 75202  
Attn: Michael B. Franklin

**DATE AND TIME OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:**

February 5, 2019, being the first Tuesday of the month, to commence at 1:00 p.m., or within three hours thereafter.

**PLACE OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:**

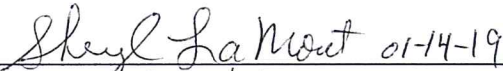
The area within 100-foot radius of the southeastern door of the house provided for the holding of the District Court, located at 200 San Augustine St., Center, Shelby County, Texas 75935, or in the area of the courthouse designated by the Commissioners Court of Shelby County, Texas for real property foreclosures under Section 51.002 of the Texas Property Code pursuant to instrument(s) recorded in the real property records of Shelby County, Texas.

Default has occurred in the payment of the Promissory Note and in the performance of the obligations of the Deed of Trust, which secures the Promissory Note. Because of such default, Lender, the owner of the Promissory Note, and the holder of the Promissory Note and the Deed of Trust lien for purposes of Section 51.002 of the Texas Property Code, has requested Substitute Trustee to sell the Property in accordance with the terms of the Deed of Trust and applicable law.

The Deed of Trust encumbers both real and personal property. Formal notice is hereby given of Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Lender's rights and remedies under the Deed of Trust and Section 9.604(a) of the Texas Business and Commerce Code (Texas UCC).

Therefore, notice is given that on the Date and Time of Substitute Trustee's Sale of Property and at the Place of Substitute Trustee's Sale of Property, I, Substitute Trustee or such other Substitute Trustee as Lender may subsequently appoint, will sell the Property by public sale to the highest bidder for cash, in accordance with the Deed of Trust and applicable law. The sale and conveyance of the Property will be subject to all matters of record applicable to the Property which are superior to the Deed of Trust and to the permitted exceptions to title, if any, described in the Deed of Trust. Substitute Trustee has not made and will not make any covenants, representations, or warranties concerning the Property other than providing the successful bidder at the sale with a deed to the Property containing any warranties of title required by the Deed of Trust. The Property shall be sold "AS IS, WHERE IS", and WITH ALL FAULTS.

**Assert and protect your rights as a member of the armed forces of the United States. If you or your spouse is serving on active military duty, including active military duty as a member of the Texas Nation Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United State, please send written notice of the active duty military service to the sender of this notice immediately.**

  
\_\_\_\_\_  
Printed Name: Sheryl LaMont  
Title: Substitute Trustee

**EXHIBIT "A"**  
**Mortgaged Property**

All of Borrower's right, title, and interest in and to the Minerals (hereinafter defined), and any current or future royalties, overriding royalties, bonuses, rents or other monies paid, due, or held in suspense as a result of the extraction, sale, lease, extension, or use of the following, or any proceeds therefrom:

1. The land described on Exhibit "A-1" attached hereto (the "**Lands**").
2. All natural resources or other substance of value which may be extracted or produced from the Lands (the "**Minerals**"). The Minerals include, but are not limited to oil, gas, carbons metals and water.
3. Any substances or materials that result from the extraction of Minerals from the Lands (the "**Products**"). The Products include, but are not limited to the extracted Minerals and any materials or substances created from the extracted Minerals.
4. Any existing leases that cover any part of the Lands (the "**Lease**").

The Mortgaged Property additionally includes all of Borrower's right, title, interest and estate in and to the Minerals and Proceeds and all other claims or causes of action held by or accruing to the Borrower under the Lease and any lease covering interests under the Lands or held by Borrower by virtue of ownership of the Lands, Minerals or Products, including, but not limited to revenues, incomes, and payments from royalties, overriding royalties, lease bonuses, lease extensions, and purchases.

**EXHIBIT "A-1"**  
**Lands**

**SHELBY COUNTY, TEXAS:**

<u>Lease</u>	<u>Abstract</u>	<u>Survey</u>
ADAMS	302	HOPKINS, D
ADAMS	435	LAWSON, W E
ADAMS	483	MILLS, N T
CARLTON GAS UNIT	106	CARR, M
CRAWFORD	719	THORNSBURG, A C
CRAWFORD	100	CARR, M
CRAWFORD	719	THORNSBURG, A C
CRAWFORD	100	CARR, M
FRANKS ESTATE	39	BYFIELD, H
FRANKS ESTATE	39	BYFIELD, H
FRANKS ESTATE	39	BYFIELD, H
FRANKS ESTATE	495	MEEK, L
FRANKS ESTATE	39	BYFIELD, H
FRANKS, LAWRENCE T	39	BYFIELD, H
FRANKS, LAWRENCE T.	39	BYFIELD, H
JONES	302	HOPKINS, D
JONES	435	LAWSON, W E
JONES	654	STRANGE, G W
JONES	302	HOPKINS, D
JONES	495	MEEK, L
JONES	39	BYFIELD, H

DESCRIPTION:

Including but not limited to All of Grantor's oil, gas and minerals in the above Leases, Abstracts and Surveys and also in Shelby County, Texas more particularly described in that certain Oil and Gas Assignment filed in Book 806, Page 365 and also as Instrument number 1996 2220, in the Deed Records of Shelby County, Texas.