


19-0004F E

NOTICE OF FORECLOSURE SALE

February 5, 2019

FILED FOR RECORD
SHELBY COUNTY, TEXAS

2019 FEB -5 AM 9: 04

JENNIFER L. FOUNTAIN
COUNTY CLERK
BY  DEPUTY

Renewal Deed of Trust and Security Agreement ("Deed of Trust"):

Dated: July 19, 2016

Grantor: Bradley W. Crager

Trustee: J. Ken Muckelroy

Substitute Trustee: April Prince and/or Matthew D. Mettaufer

Lender: Shelby Savings Bank, SSB, 111 Selma Street, Center, Texas 75935

Recorded in: Document No. 2016002168, Official Public Records of Shelby County, Texas and as Vol. 1880, Page 176, Official Public Records of Panola County, Texas.

Legal Description: See Exhibit "A" attached hereto and incorporated by reference for all purposes herein.

Secures: Real Estate Lien Note ("Note") in the original principal amount of \$550,000.00, executed by Bradley W. Crager ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, March 5, 2019

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. and not later than three hours thereafter.

Place: Front steps of the Shelby County Courthouse located at 200 San Augustine St., Center, Texas 75935¹

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 Shelby Savings Bank, SSB's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

¹ Pursuant to TEX. PROPERTY CODE §51.002, this property is located in both Shelby and Panola Counties, however, the sale will be held ONLY in Shelby County, Texas as set forth herein.

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, Shelby Savings Bank, SSB, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Shelby Savings Bank, SSB's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Shelby Savings Bank, SSB's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

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 Shelby Savings Bank, SSB 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 Shelby Savings Bank, SSB. 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.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

METTAUER LAW FIRM, PLLC
403 Nacogdoches St., Suite 1
Center, Texas 75935
Telephone (936) 598-9400
Telecopier (936) 598-6122

A handwritten signature in black ink, appearing to read "April Prince", written over a horizontal line.

April Prince, Substitute Trustee
Attorney for Shelby Savings Bank, SSB
april@mettauerlaw.com
Texas Bar No. 24047247

EXHIBIT "A"

Property (including any improvements):

TRACT ONE: Being 62.01 acres of land, more or less, a part of the LUCY MARAGLE SURVEY, A-459, Shelby County, Texas, and the LUCY MARAGLE SURVEY, A-438, Panola County, Texas, and being the land described as Tract One in Deed from Jacob Simmons and wife, Victoria Simmons to Bradley W. Crager, dated March 1, 2016, recorded under Clerk File No. 2016000780, Official Public Records, Shelby County, Texas and in Vol. 1866, Page 525, Official Public Records, Panola County, Texas;

TRACT TWO: Being 18.922 acres of land, more or less, a part of the LUCY MARAGLE SURVEY, A-438, Panola County, Texas, and being the land described as Tract Two in Deed from Jacob Simmons and wife, Victoria Simmons to Bradley W. Crager, dated March 1, 2016, recorded under Clerk File No. 2016000780, Official Public Records, Shelby County, Texas and in Vol. 1866, Page 525, Official Public Records, Panola County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake for the N. W. Corner of the original 94-7/8 acre tract conveyed by John Sholar to Mrs. Annie Broadus;

THENCE N. 89 deg. 35 min. 29 sec. E. and along with the North boundary of said original tract 800.00 feet to an iron stake for corner;

THENCE S. 0 deg. 24 min. 31 sec. E. 745.72 feet to the center of Glasses Creek, an iron stake on the North bank of same;

THENCE Westerly, up said creek with its meanders, as follows:

N. 89 deg. 20 min. 13 sec. W. 29.38 feet,

S. 09 deg. 59 min. 16 sec. W. 35.35 feet,

N. 31 deg. 12 min. 24 sec. W. 90.19 feet,

S. 35 deg. 55 min. 09 sec. W. 45.56 feet,

N. 82 deg. 50 min. 46 sec. W. 49.55 feet,

S. 54 deg. 22 min. 43 sec. W. 50.20 feet,

S. 46 deg. 10 min. 09 sec. W. 124.07 feet,

N. 68 deg. 02 min. 57 sec. W. 58.43 feet,

S. 34 deg. 54 min. 42 sec. W. 71.29 feet,

S. 63 deg. 51 min. 42 sec. E. 46.85 feet,

S. 29 deg. 05 min. 26 sec. E. 84.84 feet,

S. 20 deg. 39 min. 17 sec. W. 78.87 feet,

S. 24 deg. 03 min. 36 sec. E. 52.39 feet,

S. 39 deg. 22 min. 30 sec. W. 125.38 feet,

S. 67 deg. 30 min. 36 sec. W. 167.34 feet,

S. 4 deg. 41 min. 04 sec. E. 67.22 feet,

N. 45 deg. 46 min. 03 sec. W. 104.00 feet,

S. 81 deg. 50 min. 12 sec. W. 39.02 feet,

S. 13 deg. 25 min. 23 sec. W. 59.15 feet,

S. 77 deg. 27 min. 59 sec. W. 68.80 feet, and

S. 80 deg. 18 min. 13 sec. W. 76.34 feet to the point of intersection with the West boundary of said original tract, same being in the center of a public road;

THENCE N. 0 deg. 24 min. 31 sec. W. along and with the said West boundary of said original tract, 1329.76 feet to the place of beginning, containing 19.422 acres of land, more or less.

LESS AND EXCEPT, .5 acre of land, more or less, as described in Warranty Deed from Harry T. Mitchell, Sr., and wife, Eva Jo Mitchell, to Marie Mildred Mitchell, dated April 26, 1988, recorded in Vol. 821, Page 502, Deed Records, Panola County, Texas; and being described by metes and bounds as follows, to-wit:

BEGINNING at a point in the West boundary line of said 19.422 acre tract this is S. 0 deg. 24 min. 31 sec. E. from the N. E. Corner thereof;

THENCE N. 0 deg. 24 min. 31 sec. W. with the W. B. Line of said tract 180 feet to the N. W. Corner of same;

THENCE N. 89 deg. 24 min. 31 sec. E. along the N. B. Line of said tract a distance of 110 feet to corner thereon;

THENCE in a Southeast direction into said 19.422 acre tract a distance of 157 feet to corner which is 160 feet from the place of beginning;

THENCE in a Southwest direction 160 feet to the place of beginning, containing .5 acre of land, more or less.

LEAVING HEREIN: 18.922 acre of land, more or less.