

20-007FC

FILED FOR RECORD
SHELBY COUNTY, TEXAS

NOTICE OF FORECLOSURE SALE 2020 FEB 13 AM 9:32

February 12, 2020 (posting date)

JENNIFER L. FOUNTAIN
COUNTY CLERK

BY MLJ DEPUTY

Renewal Deed of Trust ("Deed of Trust"):

Dated: August 2, 2007

Grantors: Jerry Mora and wife, Kathy Mora

Trustee: J. Ken Muckelroy

Lender: Shelby Savings Bank, SSB

Recorded in: Document No. 2007005830, Official Public Records of Shelby County, Texas.

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

Secures: Renewal Adjustable Real Estate Lien Note ("Note") in the original principal amount of \$81,750.00, executed by Jerry Mora and wife, Kathy Mora ("Borrower") and payable to the order of Lender

Substitute Trustees: April Gregston Prince and/or Matthew D. Mettauer

Substitute Trustee's Address: 403 Nacogdoches St., Suite 1, Center, Texas, 75935

Foreclosure Sale:

Date: Tuesday, April 7, 2020

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: Front steps of the Shelby County Courthouse located at 200 San Augustine Street, Center, Texas 75935.

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.

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.



April Gregston Prince

State Bar No. 24047247

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EXHIBIT "A"

FIRST TRACT:

FIELD NOTES FOR 2.109 ACRES OUT OF THE RUTH W. HEARNE TRACT IN THE WESLEY HILL SURVEY A-279 SHELBY COUNTY TEXAS DESCRIBED IN DEED RECORDED IN VOLUME 694 PAGE 268 SHELBY COUNTY DEED RECORDS

BEGINNING at a ½" steel rod we set on the recognized NBL of the Ruth W. Hearne tract in the Wesley Hill Survey A-279 Shelby County Texas described in deed recorded in volume 694 page 268 Shelby County Deed Records, said rod being also on the recognized SBL of the Larry Russell tract described in deed recorded in volume 764 page 447 and further, said rod being at the recognized NEC of the Jerry Mora tracts described in deed recorded in volume 979 page 75, and from said rod a ½" rod we found at the recognized NEC of said Hearne tract bears S71° 00' 00" E a distance of 849.65 feet and another ½" steel rod we found at the recognized SEC of the said Larry Russell tract bears S 71° 00' 00" E a distance of 1006.20 feet;

THENCE S 71° 00' 00" E along the recognized NBL of the aforementioned Hearne tract and the recognized SBL of the aforementioned Russell tract a distance of 260.00 feet to a ½" steel rod we set;

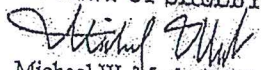
THENCE S 16° 40' 39" W into the aforementioned Hearne tract a distance of 352.00 feet to a ½" steel rod we set;

THENCE N 71° 00' 00" W a distance of 50.00 feet to a ½" steel rod we set;

THENCE N 53° 27' 13" W a distance of 278.91 feet to a ½" steel rod we found at the recognized SEC of the aforementioned Jerry Mora tracts;

THENCE N 27° 50' 59" E a distance of 270.85 feet to the place of beginning and containing 2.109 acres of land more or less.

STATE OF TEXAS
COUNTY OF SHELBY


Michael W. Meeks R.P.L.S. # 4927 3-26-2007

SECOND TRACT: BEING 2.35 acres of land, more or less, part of the WESLEY HILL SURVEY, Abst. No. 279, Shelby County, Texas, and being described in Deed from Ruth Weatherford Beaine to Kris Dockens and Glenda Askew, dated September 6, 1990, recorded in Vol. 713, Page 14, Real Property Records, Shelby County, Texas, and is further described as follows:

BEGINNING at a 1/2 in. iron rod found in the S. E. R. O. W. line of State Farm Road No. 699, said rod is the N. or N. W. C. of the above referenced tract and is the N. corner of a 12.6340 acre tract described in a Deed of Trust from Virgil Duke and wife, Ruth Weatherford Duke, to Texas State Bank, said instrument being recorded in Vol. 808, Page 471, of the Official Public Records of Shelby County, Texas, and is further described as follows:

THENCE S. 71° 00' 26" E. with the N. line of the said 2.35 acre tract for a distance of 536.99 ft. to a 1/2 in. iron rod found approximately 7 ft. N. of a wire fence for the N. E. C. of the said 2.35 acre tract and for an exterior corner of the said 12.6340 acre tract;

THENCE S. 27° 45' 33" W. with the W. line of the said 2.35 acre tract, said line being common with the said 12.6340 acre tract for a distance of 230.73 ft. to a 1/2 in. iron rod found for the S. E. C. of the said 2.35 acre tract and for an interior corner of the said 12.6340 acre tract;

THENCE N. 71° 00' 00" W. with the S. line of the said 2.35 acre tract, said line being common with the said 12.6340 acre tract for a distance of 416.59 ft. to a 1/2 in. iron rod found for the S. W. C. of the said 2.35 acre tract and for an interior corner of the said 12.6340 acre tract;

THENCE N. 27° 51' 42" E. with the lower W. line of the 2.35 acre tract, said line being common with the 12.6340 acre tract for a distance of 110.37 ft. to a 1/2 in. iron rod found for an angle corner;

THENCE N. 22° 14' 34" W. with the upper W. line of the said 2.35 acre tract, said line being common with the 12.6340 acre tract, for a distance of 158.15 ft. to the Point of Beginning, containing 2.35 acres of land, more or less.

THIRD TRACT: BEING 1.24 acres of land, more or less, located approximately 1 mile north of the Courthouse in Center, Texas, on the WESLEY HILL SURVEY, Abst. No. 279, and is out of and a part of a called 12,6340 acre tract of land described in a Deed from David T. Weatherford and wife, Mabel Booth Weatherford, to Ruth Weatherford Hearns, dated February 15, 1988, recorded in Vol. 694, Page 268, Deed Records of Shelby County, Texas, and is further described as follows:

BEGINNING at a 1/2 in. iron rod found in the S. E. R. O. W. line of State Farm Road No. 699, said rod being the W. corner of the above referenced 12,6340 acre tract, said rod is also the beginning of a curve, concave to the S. E., having a radius of 787.37 ft., a central angle of $21^{\circ} 12' 56''$, and a chord of 289.88 ft., brg. N. $41^{\circ} 59' 27''$ E.;

THENCE in a northerly direction with said R. O. W. line for a distance of 291.55 ft. to a 1/2 in. iron rod found for the N. corner of the said 12,6340 acre tract and for the N. or N. W. C. of a 2.35 acre tract conveyed by Ruth Weatherford Hearns to Kris Dockens and Glenda Ankey by deed recorded in Vol. 713, Page 14, of the Real Property Records of Shelby County, Texas;

THENCE S. $22^{\circ} 14' 34''$ E. with the upper W. line of the said 2.35 acre tract, said line being common with the 12,6340 acre tract for a distance of 158.15 ft. to a 1/2 in. iron rod found for an angle corner;

THENCE S. $27^{\circ} 51' 42''$ W. with the lower W. line of the said 2.35 acre tract, said line being common with the 12,6340 acre tract for a distance of 110.37 ft. to a 1/2 in. iron rod found for the S. W. C. of the said 2.35 acre tract and for interior corner of the said 12,6340 acre tract;

THENCE S. $71^{\circ} 00' 00''$ E. with the S. line of the 2.35 acre tract, said line being common with the 12,6340 acre tract for a distance of 416.59 ft. to a 1/2 in. iron rod found for the S. or S. E. C. of the said 2.35 acre tract;

THENCE S. $27^{\circ} 45' 32''$ W. across the said 12,6340 acre tract for a distance of 39.36 ft. to a 3/8 in. iron rod set in the S. line of the said 12,6340 acre tract, a 1/2 in. iron rod found for an interior corner brs. S. $70^{\circ} 59' 59''$ E. a distance of 277.22 ft. from said set rod;

THENCE N. $70^{\circ} 59' 53''$ W. with the S. or S. W. line of the said 12,6340 acre tract for a distance of 611.08 ft. to the Point of Beginning, containing 1.24 acres of land, more or less.

Surveyed on April 23, 1998, by Scott Morris, Registered Professional Land Surveyor No. 5076, State of Texas.