

NOTICE OF FORECLOSURE SALE

FILED FOR RECORD
SHELBY COUNTY, TEXAS

20-020 FC

1. **Property to Be Sold.** The property to be sold is described as follows: ^{JENNIFER L. FOUNTAIN} ~~2020~~ SEP 15 AM 10: 27

Being 0.5839 of an acre of land situated in the Sydney Pennington Survey, ~~Abstract 10~~, Shelby County, Texas, and located within the limits of the Town of Joaquin, Texas, and being part of the called 0.903 of an acre tract described ~~in a Warranty Deed~~ ^{DEPUTY} from Robert Dan Riley to Oscar Jones, dated October 7, 2005, and recorded in Volume 1032, Page 76, in the Official Public Records of Shelby County, Texas, said called 0.903 of an acre tract also being Lot 2 of the Crawford Addition to Joaquin, a subdivision as shown on map or plat recorded in Volume 121, Page 19, in the Deed Records of Shelby County, Texas, said 0.5839 of an acre being more particularly identified and described on the Exhibit "A" which is attached hereto and incorporated herein for all purposes.

2. **Instrument to be Foreclosed.** The instrument to be foreclosed is that certain Deed of Trust, executed March 1, 2017, recorded under Document No. 2017000802, Official Public Records of Shelby County, Texas, executed by Christopher Paul Walters, Grantor, to Robert A. Sherman, Trustee, for the benefit of the Beneficiary therein identified, securing payment of a promissory note in the principal sum of \$38,600.00; (the "Deed of Trust:").

3. **Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:

Date: October 6, 2020

Time: The sale will begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale will be completed no later than 4:00 p.m.

Place: Shelby County Courthouse in Center, Texas, at the following location: 200 San Augustine Street, Center, Texas, at area designated by the Shelby County Commissioners Court.

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 the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refilled in accordance with the

posting and filing requirements of the Texas Property Code. The reposting or refiling 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 the 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 their bid immediately in cash if their bid is accepted.

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 section 51.009 of the Texas Property Code, the property will be sold in "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.

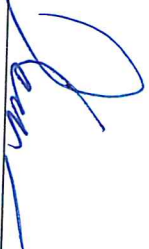
Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

5. ***Obligations Secured.*** The deed of trust provides that it secures the payment of the

promissory note dated March 1, 2017, in the original principal amount of \$38,600.00, Christopher Paul Walters, Borrower, Oscar Jones and Theresa Jones, Lender. Oscar Jones and Theresa Jones are the current owner and holder of the Obligations and are the beneficiaries under the deed of trust.

6. ***Default and Request to Act.*** Default has occurred under the deed of trust, and the beneficiary has requested me, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

Dated: September 4, 2020.



Robert A. Sherman
312 West Sabine Street
Post Office Box 351
Carthage, Texas 75633
Telephone: (903) 693-2206

FIELD NOTE DESCRIPTION
OF 0.5839 OF AN ACRE SITUATED IN THE
SYDNEY PENNINGTON SURVEY, ABSTRACT 555
SHELBY COUNTY, TEXAS

Being 0.5839 of an acre of land situated in the Sydney Pennington Survey, Abstract 10, Shelby County, Texas, and located within the limits of the Town of Joaquin, Texas, and being part of the called 0.903 of an acre tract described in a Warranty Deed from Robert Dan Riley to Oscar Jones, dated October 7, 2005, and recorded in Volume 1032, Page 76, in the Official Public Records of Shelby County, Texas, said called 0.903 of an acre tract also being Lot 2 of the Crawford Addition to Joaquin, a subdivision as shown on map or plat recorded in Volume 121, Page 19, in the Deed Records of Shelby County, Texas, said 0.5839 of an acre being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron with plastic cap stamped RPLS 5313 set for the Northwest corner of said called 0.903 of an acre tract and said Lot 2 of the Crawford Addition and at the intersection of the East margin of Carroll Street (County Road 3199) (15.0 feet East of its approximate centerline) with the South margin of Spurlock Street (18.0 feet South of its approximate centerline);

THENCE N 72°14'21" E, with the North lines of said called 0.903 of an acre tract and said Lot 2, and with said South margin of Spurlock Street, a distance of 145.04 feet to a 1/2-inch iron rod with plastic cap stamped RPLS 5313 set for corner from which a 1/2-inch iron rod with plastic cap stamped RPLS 5313 set for the Northeast corner of said called 0.903 of an acre tract and Lot 2 in the West line of a called 15-foot wide alley as shown on said map of plat of the Crawford Addition to Joaquin bears N 72°14'21" E, 67.93 feet;

THENCE S 10°08'37" E, across said called 0.903 of an acre tract and Lot 2, passing at a distance of 19.7 feet a chain link fence corner post and continuing with a chain link fence for a total distance of 190.22 feet to a 1/2-inch iron rod with plastic cap stamped RPLS 5313 set for corner at the South base of a chain link fence corner post and in the South lines of said called 0.903 of an acre tract and Lot 2 and in the North line of Lot 1 as shown on said map or plat of Crawford Addition to Joaquin, and being S 78°47'40" W, 75.48 feet from a 1/2-inch iron pipe found at the Southeast corner of said called 0.903 of an acre tract and said Lot 2 and the Northeast corner of said Lot 1 and in said West line of called 15-foot wide alley;

THENCE S 78°47'40" W, with the South lines of said called 0.903 of an acre tract (basis of bearing orientation) and said South line of Lot 2 and with said North line of Lot 1, a distance of 135.47 feet to a 1/2-inch iron rod found at the Western base of a chain link fence corner post for the Southwest corner of said called 0.903 of an acre tract and said Lot 2 and the Northwest corner of said Lot 1, and in said East margin of Carroll Street (County Road 3199);

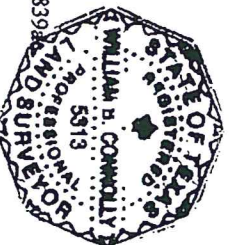
THENCE N 12°53'15" W, with the West lines of said called 0.903 of an acre tract and Lot 2 and with said East margin of Carroll Street (County Road 3199), a distance of 173.70 feet to the POINT of BEGINNING and containing 0.5839 of an acre of land within these calls.

Bearing orientation based on the South line of the Jones called 0.903 of an acre tract having a bearing of S 78°47'40" W, as described in deed recorded under Document No. 2017000803, in the Official Public Records of Shelby County, Texas.

A Survey map of even date accompanies this field note description.

The above field note description represents the facts as found by an on the ground survey performed on January 22, 2019. (Originals signed in blue ink, all others are copies)

Prepared by:
B.K. Surveying
453 C.R. 1512
Center, Texas 75935
February 22, 2019
Firm No. 10070300
Job No. 1908 Jones Tr1 - 0.5839



William B. Connolly
William B. Connolly, Registered
Professional Land Surveyor, No. 5313

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Jennifer L. Fountain

Jennifer L. Fountain, County Clerk
Shelby County, Texas

March 21, 2019 01:41:13 PM

FEE: \$38.00 TDAVIS
LDVL

2019000870

EXHIBIT "A"

