

2022-616-FC

FILED FOR RECORD
SHELBY COUNTY TEXAS

NOTICE OF FORECLOSURE SALE
Posting Date: July 20, 2022

JENNIFER L. FOUNTAIN
COUNTY CLERK

BY *Benny* DEPUTY

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

Dated: July 5, 2019
 Grantor: Baruck Palacios
 Trustee: J. Ken Muckelroy
 Lender: Shelby Savings Bank, SSB
 Recorded in: Instrument No. 2019002075 of the real property 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 \$214,000.00, executed by Baruck Palacios ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, September 6, 2022
 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: Courthouse steps of the Shelby County Courthouse located at 200 San Augustine St., 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 refilled 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.



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EXHIBIT "A"

BEING 1.63 acres of land located approximately 0.6 miles west of the town of Center, Texas, on the JESSE AWSON SURVEY, ABSTRACT NO. 10, and being out of and a part of the following two tracts, first a 0.996 acre tract conveyed by Manuel Holt and wife, Ira Lee Holt, to Robert D. Poffinbarger and wife, Lynn Poffinbarger, by deed recorded in Volume 741, Page 247, of the Deed Records of Shelby County, Texas, and second being out of a called 7.131 acre tract conveyed by Farmers State Bank to Robert Poffinbarger and wife, Lynn Poffinbarger, by deed recorded in Volume 739, Page 1, of said Deed Records, the said 1.63 acres is further described as follows:

BEGINNING at a point in the center-line of Hillington Street, said point being the northeast corner of the above referenced 0.996 acre tract and being the southeast corner of a called 1.475 acre tract conveyed by A. W. Dolan to Bill McHamara by deed recorded in Volume 554, Page 716, of said Deed Records, a 1/20" iron rod found for a witness corner bears S 88° 07' 39" E a distance of 11.95' from said point, also a double pine found for witness bears S 82° W a distance of 29.4' from said point;

THENCE S 16° 48' 19" W with said street for a distance of 307.84' to a point in the projection of a fence for the southeast witness corner bears S 73° 15' 33" W a distance of 41.97' from said point;

THENCE N 77° 49' 48" W along the south line of the said 7.131 acre tract and in close proximity to a fence for a distance of 216.41' to a 3/8" iron rod set for the southwest corner of the 1.63 acres being described, a 1/20" pipe bears N 77° 49' 48" W a distance of 380.32' from set rod;

THENCE N 1° 52' 21" E across the said 7.131 acre tract and near the end of a board fence to a distance of 288.76' to a 3/8" iron rod set 0.996 acre tract for the northwest corner of the said 1.63 acres being described, a 3/8" iron rod found for the southeast corner of a 0.103 acre tract conveyed by Suzanne Whitney to Barbara L. Windham by deed recorded in Volume 799, Page 189, of said Deed Records bears N 57° 15' 47" W a distance of 2.44' from set rod;

THENCE S 88° 07' 39" E along the north line of the 0.996 acre tract and intermittently with a board fence for a distance of 292.25' to the POINT OF BEGINNING, said described tract containing 1.63 acres, more or less.