

16-0014FC

Notice of Foreclosure Sale

April 8, 2016

Deed of Trust ("Deed of Trust"):

Dated: December 19, 2011

Grantor: David Jergins and Kim Jergins

Trustee: Matthew D. Mettauer

Lender: Jerry L. Williams and Sue Ann Williams

Recorded in: Clerk's file number 2011010235 of the real property records of Shelby County, Texas

Legal Description: See Exhibit A, attached hereto

Secures: Note ("Note") in the original principal amount of \$70,000.00, executed by David Jergins and Kim Jergins ("Borrower") and payable to the order of Lender

Substitute Trustee: Deck Jones

Substitute Trustee's Address: 713 Tenaha St., Center, Texas, 75935

Foreclosure Sale:

Date: Tuesday, May 3, 2016

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: The sale will occur on the front steps of the Shelby County Courthouse located at 200 San Augustine St., Center, Texas.

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 Jerry L. Williams and Sue Ann Williams'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, Jerry L. Williams and Sue Ann Williams, 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 Jerry L. Williams and Sue Ann Williams's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Jerry L. Williams and Sue Ann Williams'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 Jerry L. Williams and Sue Ann Williams 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 Jerry L. Williams and Sue Ann Williams. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

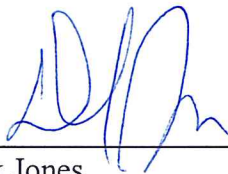
Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical 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.**



Deck Jones
713 Tenaha St.
Center, Texas 75935
Telephone (936) 598-5737
Telecopier (936) 598-5859

EXHIBIT "A"

Property Description

BEING 0.679 acre of land, more or less, a part of the MANNAN SMITH SURVEY, A-631, Shelby County, Texas, and being two tracts of land and being described in the Warranty Deed from Amanda Williams, a feme sole, to Jerry L. Williams dated November 2, 1998 and recorded in Vol. 847, Pg. 594 in the Deed Records of Shelby County, Texas, and being described by metes and bounds as follows, to-wit:

FIRST TRACT: BEING 0.380 acre of land, more or less, being described by metes and bounds as follows to-wit:

BEGINNING at the SWC of the aforementioned N. F. Posey 2.748 acre tract, a 1/2 inch iron rod on the North right-of-way of U.S. Highway No. 84;

THENCE S. 77-06-19 E. 118.98 feet;

THENCE N. 03-23-04 E. 105.00 feet to the POINT OF BEGINNING: 1/2 inch I.R.

THENCE N. 03-23-04 E. 128.50 feet to a point in the centerline of the aforementioned Old Joaquin-Tenaha Highway;

THENCE N. 80-09-54 E. with the centerline of the aforementioned Old Joaquin-Tenaha Highway 28.87 feet to a point;

THENCE S. 88-01-14 E. with the centerline of the aforementioned Old Joaquin-Tenaha Highway 63.86 feet to a point;

THENCE S. 81-00-48 E. with the centerline of the aforementioned Old Joaquin-Tenaha Highway 26.53 feet to a point;

THENCE S. 03-23-04 W. 143.90 feet to a 1/2 inch I.R. set for a corner;

THENCE N. 81-52-08 W. 118.76 feet to the POINT OF BEGINNING, containing 0.380 acres of land, more or less, (Shown as Lot No. 2 on a certain plat entitled "N.F. Posey Survey of 2.748 acres" dated October 11, 1973, prepared by Gordon C. Russell, Civil Engineer and Land Surveyor).

SECOND TRACT: BEING 0.299 acre of land, more or less, being described by metes and bounds as follows to-wit:

BEGINNING at the SWC of the aforementioned N. F. Posey 2.748 acre tract, a 1/2 inch iron rod on the North right-of-way of U.S. Highway No. 84;

THENCE S. 77-06-19 E. with the North right-of-way of U.S. Highway No. 84, 118.98 feet to the point of beginning 1/2 inch I.R.;

THENCE N. 03-23-04 E. 105.00 feet to a 1/2 inch I.R.;

THENCE S. 81-52-08 E. 118.76 feet to a 1/2 inch I.R.;

THENCE S. 03-23-04 W. 115.00 feet to a 1/2 inch I. R. on the North right-of-way of U.S. Highway No. 84;

THENCE N. 77-06-19 W. with the North right-of-way of U. S. Highway No. 84, 120.00 feet to the PLACE OF BEGINNING, containing 0.299 acre of land, more or less (Shown as Lot No. 5 on a certain plat entitled "N.F. Posey Survey of 2.748 acres" dated October 11, 1973, prepared by Gordon C. Russell, Civil Engineer and Land Surveyor.)