

17-001673

**NOTICE OF ACCELERATION AND NOTICE OF FORECLOSURE SALE BY TRUSTEE**

FILED FOR RECORD  
SHELBY COUNTY, TEXAS

**Date:** June 28, 2017

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**Trustee:** W. Keith Swearingen, 304 US Hwy. 69 South, Post Office Box 1139, Huntington, Angelina County, Texas 75949-1139

JENNIFER L. FOUNTAIN  
COUNTY CLERK

**Lender:** Texas State Bank, Joaquin, Texas, 163 Cass-Caid, Center, Shelby County, Texas 75935

**Note:**  
**Date:** October 25, 2013  
**Original principal amount:** \$ 68,530.00  
**Borrower:** Matthew Lemoine Williams  
**Lender:** Texas State Bank, Joaquin, Texas  
**TSB Mortgage Loan Number:** 330871

**Original Maturity date:** October 25, 2033  
**Amount owing on Note:** As of June 28, 2017, the sum of \$66,441.51 is due and owing under the Note for the balance of the unpaid principal, accrued interest, late charges and amounts advanced by Lender for the benefit of Borrower for the payment of taxes and insurance for the Property as required by the Note and secured for repayment by the below described Deed of Trust. Also, interest shall accrue daily after June 28, 2017, in the amount of \$10.33 on the unpaid principal balance.

**Notice of Acceleration:** Lender is the holder of the Note, and Lender has on June 24, 2017, accelerated the unpaid principal balance of the Note together with all sums secured by the Deed of Trust to be immediately due and owing on account of defaults by the Borrower in the performance of the Note and the Deed of Trust, of which Borrower is hereby given notice of acceleration. Prior to acceleration, Lender gave Borrower notice of default on May 19, 2017, of the defaults under the Note, and gave Borrower the opportunity to cure said defaults for a period of time through 5:00 o'clock p.m. on Friday, June 23, 2017, and yet given a period of time of more than 30 calendar days to cure such defaults, the Borrower wholly failed to cure the same.

**Deed of Trust:** One certain Deed of Trust ("Deed of Trust") dated October 25, 2013, made by Matthew Lemoine Williams (collectively the "Grantor" or "Borrower"), conveying unto Trustee, W. Keith Swearingen, for the benefit of Lender, Texas State Bank, Joaquin, Texas, certain real property & improvements thereon (the "Property") described in the said Deed of Trust which was Filed of Record on October 28, 2013, with the Office of the County Clerk of Shelby County, Texas under Document Number 2013004671 in the Official Public Records of Shelby County, Texas (reference to which is hereby made for any and all purposes, including incorporation and identification herein as though the said Deed of Trust was copied verbatim herein).

**Property (and improvements situated thereon):** BEING 0.752 acre of land, more or less, out of the JOHN INMAN SURVEY, ABSTRACT NO. 378, in Shelby County, Texas, and being more particularly described in Exhibit "A" which is attached hereto, incorporated herein by reference, and made a part here of for any and all purposes, the same as if copied herein verbatim.

**County:** Shelby County, Texas

**Date of Sale:** Tuesday, August 1, 2017

**Time of Sale:** 11:15 o'clock a.m., central time zone, or no later than three hours thereafter.

**Place of Sale:** The sale will be conducted on the front steps of the Shelby County Courthouse located at 200 San Augustine Street in Center, Shelby County, Texas 75935.

**Terms of Sale:**

A. 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

June 28, 2017 Notice of Acceleration and Notice of Foreclosure Sale by Trustee

Mortgagee: Matthew Lemoine Williams

Mortgagee: Texas State Bank, Joaquin, Texas

- the amount of the unpaid debt secured by the deed of trust at the time of sale.
- B. Those desiring to purchase the Property will need to demonstrate their ability to pay cash on the day the property is sold.
  - C. 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 subordinated 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.
  - D. Pursuant to the Deed of Trust, the Beneficiary has the right to direct the Trustee to sell the Property in one or more parcels and/or to sell all or only part of the Property.
  - E. 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.
  - F. 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.

**Type of Sale:** The sale is a nonjudicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by Matthew Lemoine Williams.

**Obligations Secured:** The Deed of Trust provides that it secures the payment of the indebtedness evidenced by the Note in the original principal amount of \$68,530.00 executed by Borrower and payable to the order of Texas State Bank, Joaquin, Texas (herein called "Beneficiary" or "Lender") owing by Matthew Lemoine Williams to Texas State Bank. Texas State Bank, Joaquin, Texas (the "Lender" or "Beneficiary") is the current owner and holder of the Note and is the beneficiary under the Deed of Trust. **As of June 28, 2016, there is owed to Lender the total sum in the amount of \$66,441.51 secured by the Deed of Trust on account of the unpaid principal balance, accrued interest, late charges and advances for past due property taxes and insurance owing by Borrower under the Note to the Lender, Texas State Bank, Joaquin, Texas.**

**Questions Concerning Sale:** Questions concerning the sale may be directed to the undersigned or to the beneficiary, Texas State Bank at:

Texas State Bank  
Attn: Paul A. Clark, General Counsel  
304 US Hwy 69 South – P O Box 1139  
Huntington, Texas 75949-1139  
Voice: (936) 422-3315 ext. 1027 Cell: (936) 414-9564 Fax (936) 422-3271  
E-mail: pelark@texasstatebank.net

**Default and Request to Act:** Default has occurred under the Note secured by the Deed of Trust, and Texas State Bank, Joaquin, Texas, as the beneficiary under the Deed of Trust, has requested me, as Trustee to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

#### **ACTIVE MILITARY DUTY NOTICE**

**A debtor who is serving on active military duty may have special rights or relief related to this notice under federal law, including the Servicemembers Civil Relief Act (50 USC § 501 et seq.) and state law, including §51.015 Texas Property Code. Assert and protect your rights as a member of the armed forces of the United States. If you 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.**



Dated this the 28<sup>th</sup> day of June, 2017.



W. KEITH SWEARINGEN, Trustee  
304 US Hwy 69 South – P O Box 1139  
Huntington, Texas 75949-1139  
E-mail: [kswearingen@texasstatebank.net](mailto:kswearingen@texasstatebank.net)  
Voice: (936) 422-3315  
Cell: (936) 635-1589  
Fax: (936) 422-3271

#### EXHIBIT "A"

BEING 0.752 acre of land, more or less, a part of the JOHN INMAN SURVEY, A-378, Shelby County, Texas, and being the land described in the Warranty Deed from Elizabeth Ingram Caryle and Russell Wood Ingram, III, to Stealin' Sugar Investments, LLC dated May 17, 2012, recorded under Instrument No. 2012003715, Official Public Records, Shelby County, Texas; and being described by metes and bounds as follows, to-wit:

Note: in the following description

Bearings refer to Grid North of the Texas Coordinate System of 1983 (Central Zone 4203).

BEGINNING at a point for corner in a creek and being in the NW Right-of-Way of State Highway 7, said point for corner also being the Easternmost corner of said 10.742 acre Stealin' Sugar tract;

THENCE S. 66 deg. 55 min. 56 sec. W. with the NW Right-of-Way of State Highway 7, at 15.10 ft., pass a 5/8 inch iron rod found for reference with cap stamped "FSE ENGINEERING CENTER, TX", and continuing on for a total distance of 241.98 ft., to a 5/8 inch iron rod set for corner with cap stamped "FSE ENGINEERING CENTER, TX", from which a 5/8 inch iron rod found with cap stamped "FSE ENGINEERING CENTER, TX", at the Southernmost corner of the called 10.742 acre Stealin' Sugar tract bears S. 66 deg. 55 min. 56 sec. W. a distance of 148.73 ft.;

THENCE N. 13 deg. 15 min. 57 sec. W. across the called 10.742 acre Stealin' Sugar tract a distance of 150.15 ft., to a 5/8 inch iron rod set for corner with cap stamped "FSE ENGINEERING CENTER, TX";

THENCE N. 66 deg. 56 min. 12 sec. E. across the called 10.742 acre Stealin' Sugar tract, at 96.90 ft., pass 10 ft., left of a chain link fence corner and at a total distance of 200.66 ft., to a 5/8 inch iron rod set for corner with cap stamped "FSE ENGINEERING CENTER, TX";

THENCE S. 29 deg. 09 min. 04 sec. E. with the most Southerly East line of the called 10.742 acre Stealin' Sugar tract and the SWL of a called 3.27 acre tract conveyed to John Tomlin and wife, Ann Tomlin and recorded in Vol. 863, Page 559, Official Public Records, Shelby County, Texas, a distance of 148.78 ft., to the Point of Beginning, containing 0.752 acre of land, more or less.

Surveyed by James Elliott, Registered Professional Land Surveyor of the State of Texas, No. 5795, on August 3, 2012.

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Mortgagor: Matthew Lemoine Williams  
Mortgagee: Texas State Bank, Joaquin, Texas