

18-0028 FC

**NOTICE OF FORECLOSURE SALE**

FILED FOR RECORD  
SHELBY COUNTY, TEXAS  
2018 SEP 17 PM 3 18  
JENNIFER L. FOUNTAIN  
COUNTY CLERK  
SHELBY COUNTY, TEXAS

1. *Property to Be Sold.* The property to be sold is described as follows:

See **Exhibit "A"** attached hereto.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust recorded in Document No. 2009005032, of the real property records of Shelby County, Texas.

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

Date: Tuesday, November 6, 2018.

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

Place: Shelby County Courthouse in Center, Texas, at the following location: Front steps of the Shelby County Courthouse located at 200 San Augustine St., Center, Texas 75935.

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 refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiled 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 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.

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. *Type of Sale.* The sale is a non-judicial deed-of-trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust and security agreement executed by James C. Cagle and wife, Susan L. Cagle.

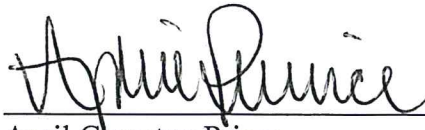
The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

6. *Obligations Secured.* The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively, the "Obligations") including but not limited to the promissory note executed by James C. Cagle, Sr. and wife, Susan L. Cagle, and payable to the order of Shelby Savings Bank, SSB. Shelby Savings Bank, SSB is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiary, Shelby Savings Bank, SSB, c/o Jim Sawyer, 111 Selma St., Center, Texas 75935.

7. *Default and Request to Act.* Default has occurred under the deed of trust, and the beneficiary has requested me, as substitute trustee, 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 18, 2018.



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EXHIBIT "A"

J.C.C.  
S.C.

BEING all that certain tract or parcel of land, a part of the James English Survey, Abst. No. 186, Shelby County, Texas, and being part of 91.27 acres described in the Deed from Charles Lee Bass, a single man, and Evelyn Faye Bass, a feme sole, to Glendon Livingston and others, dated February 27, 1974, recorded in Vol. 496, Page 872, Deed Records, Shelby County, Texas, and the land conveyed herein being described by metes and bounds as follows, to-wit:

BEGINNING at an iron pin set in the North R. O. W. margin of FM 417 at a point N. 79 deg. 15 min. E. 40 ft. from the S. W. C. of the said 91.27 acres tract;

THENCE N. 10 deg. 45 min. W. 748.17 ft. to an iron pin for corner;

TRENC E N. 79 deg. 15 min. E. 582.22 ft. to an iron pin for corner;

THENCE S. 10 deg. 45 min. E. 748.17 ft. to an iron pin for corner in the North R. O. W. margin of FM 417 at a point S. 79 deg. 15 min. W. 50 ft. from the S. E. C. of the said 91.27 acres tract;

THENCE S. 79 deg. 15 min. W. 582.22 ft. with the North R. O. W. margin of FM 417 to the place of beginning; containing 10 acres of land, more or less.

SAVE LESS & EXCEPT:

Being a survey of 8.93 Acres of land made for J. C. Cagle of 538 CR-2000, Shelbyville, Texas and being a part of a 10 Acre Tract conveyed by GLENDON LIVINGSTON et al to EDMOND L. McNAIR and wife ZORAH E. McNAIR, 05-22-1974, Recorded in Vol. No. 498, Page No. 833 et seq., in the Deed Records of Shelby County, Texas and being a part of the JAMES ENGLISH SURVEY, A-186, and being located approximately 6-1/2 Miles South-East of the court-house in Center, Texas and being more particularly described by metes and bounds to follow, TO-WIT:

BEGINNING: At the North-West corner of said 10 Acre Tract, being the South-West corner of a 36.271 Acre Tract known as the 1st Tract conveyed by Hollie Fuller to Constance Mae Fuller, 06-05-1998, Recorded in Vol. No. 840, Page No. 1 et seq., a 1" Galv. pipe found set for corner in the East Boundary line of a 13.16 Acre Tract known as the 2nd Tract Described in a Partition Deed to Mary Ann Smith, Recorded in Vol. No. 657, Page No. 683 et seq.

THENCE: North 79 Degrees 15 Minutes East, along a fence, being the South Boundary line of said Constance Mae Fuller's 36.271 Acre Tract and the North Boundary line of said 10 Acre Tract to its North-East corner, a distance of 380.98 feet, a 1" Galv. pipe found set for corner in the West Boundary line of a 23.889 Acre Tract conveyed by Leonard Evans and wife Andrie Evans to Edward A. Bennett and wife Frances Bennett, 09-15-1980, Recorded in Vol. No. 574, Page No. 73 et seq.

THENCE: South 10 Degrees 45 Minutes East, along a fence being the East Boundary line of said 10 Acre Tract, a distance of 505.70 feet, a 3/8" Reinf. Rod set for corner in the West Boundary line of a 0.56 of an Acre Tract known as the 2nd Tract, conveyed by Hollie Fuller to Constance Mae Fuller, 06-05-1998, Recorded in Vol. No. 840, Page No. 1.

THENCE: South 79 Degrees 15 Minutes West, a distance of 180.99 feet a 3/8" Reinf. Rod set for corner in an open field.

THENCE: South 10 Degrees 45 Minutes East, to the South Boundary line of said 10 Acre Tract in the North Right-of-Way of Farm-to-Market Hi-Way No. 417, a distance of 239.72 feet a 3/8" Reinf. Rod set for corner.

THENCE: South 79 Degrees 51 Minutes West, along the North Right-of-Way line of said Farm-to-Market Hi-Way No. 417, being the South Boundary line of said 10 Acre Tract to its South-West corner, a distance of 400.23 feet a 1" Galv. pipe found set for corner in the East Boundary line of said Mary Ann Smith's 13.16 Acre Tract.

THENCE: North 10 Degrees 44 Minutes West, along a fence, being the West Boundary line of said 10 Acre Tract and the East Boundary line of said Mary Ann Smith's 13.16 Acre Tract, 741.23 feet to the place of beginning containing 8.93 Acres of land.