

18-0020FC

NOTICE OF FORECLOSURE SALE

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.

[Handwritten signature]
BY _____ DEPUTY

THE STATE OF TEXAS §
 §
COUNTY OF SHELBY and §
COUNTY OF RUSK

WHEREAS, JOHNNY KHAN and SUNNY TUY (hereinafter collectively called the "Borrower"), executed a Deed of Trust, Security Agreement and Financing Statement dated September 10, 2015 to WALTER A. SCHROEDER, TRUSTEE, duly recorded under Clerk's File No. 201503155 of the Official Public Records of Real Property of Shelby County, Texas, and under Clerk's File No. 00159239 and in Vol. 3401, Pg. 157 et seq. of the Official Public Records of Real Property of Rusk County, Texas (such instrument, together with any amendments or supplements thereto or any instruments supplemented or amended thereby, being hereinafter called the "Deed of Trust"), to secure, inter alia, payment of certain indebtedness evidenced by that certain Promissory Note dated September 10, 2015, executed by the Borrower and payable to the order of AMERICAN FIRST NATIONAL BANK (hereinafter called the "Lender"), in the original principal sum of SEVEN HUNDRED FORTY-FIVE THOUSAND AND 00/100 DOLLARS (\$745,000.00) (such instrument, together with any amendments or supplements thereto or any instruments supplemented or amended thereby, being hereinafter called the "Note"), to which instruments reference is hereby made for all purposes; and

WHEREAS, the Lender is the present owner and holder of the Note and such indebtedness and is the mortgage servicer, and the mailing address of the Lender is 9999 Bellaire Blvd., Houston, Texas 77036; and

WHEREAS, this Notice of Foreclosure Sale is being posted at locations for notices of foreclosure sale at the designated locations in Rusk County, Texas and Shelby County, Texas, and is being filed with the County Clerk of Shelby County, Texas and the County Clerk of Rusk County, Texas, but the Lender will conduct one (1) sale of both properties in Shelby County, Texas, as permitted by applicable law and the Deed of Trust; and

WHEREAS, after default in the payment of the indebtedness described in the Deed of Trust and pursuant to the specific provisions of the Deed of Trust, the Lender requested that the Deed of Trust be enforced in accordance with the terms and provisions thereof:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that in accordance with Texas Property Code, Section 51.0076, the undersigned attorney or authorized agent for the Lender has named and appointed, and by and these presents does name and appoint, MIKE JAN, as Substitute Trustee to act under and by virtue of the Deed of Trust, and that the undersigned, MIKE JAN, as Substitute Trustee

hereby gives notice that I will accordingly, after due publication of this notice as required by the Deed of Trust and the laws of the State of Texas, sell at public auction to the highest bidder or bidders for cash, commencing no earlier than 1:00 o'clock p.m. and no later than three (3) hours thereafter, and will be completed no later than 4:00 P.M., on the first Tuesday in September 2018, the same being September 3, 2018, the property set out in and described by the Deed of Trust, and described in Exhibit "A", which is attached hereto and incorporated herein by reference for all purposes, together with all and singular those rights, titles and interests, estates, reversions and remainders as may be granted by the Deed of Trust.

The above described property is being sold subject to all matters which are prior to the Deed of Trust, which affect title thereto, and which are a superior interest therein, and will be sold without any express or implied warranties, except as to warranties of title, and AS IS, WHERE IS in its present condition at the buyer's own risk.

In accordance with applicable law, the foreclosure sale will occur at the Shelby County Courthouse at the following location:

The area within a radius of 100 feet of the southeastern door of the house provided for the holding of the District Court in the City of Center, in Shelby County, Texas, or as designated by the County Commissioner's Court.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE 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.

WITNESS my hand on August 13, 2018.



WALTER A. SCHROEDER,
Attorney at Law for Mortgagee
9999 Bellaire Blvd., Suite 350
Houston, Texas 77036



MIKE JAN,
Substitute Trustee
9999 Bellaire Blvd.
Houston, Texas 77036

Exhibit "A"

Legal description of land:

Tract 1 - Shelby County:

BEING 0.606 acre of land, more or less, a part of the NANCY SMITH SURVEY, A-644, Shelby County, Texas, and being the land described in the Warranty Deed from Joe Shofner and wife, Shirley Shofner, to Johnny Khan and wife, Sunny Tuy, dated December 22, 2006, recorded in Vol. 1070, Page 205, Official Public Records, Shelby County, Texas, and being described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch steel rod we found buried 6 ft below ground level at the recognized NWC of the Joe Shofner tract in the Nancy Smith Survey A-644 Shelby County, Texas described in deed recorded in Vol. 724, Page 86 thru 90, Shelby County Deed Records, said rod being also at an interior SEC of the Lumberjack Partners tract described in deed recorded in Vol. 1026, Page 45, Shelby County Deed Records and from said rod another rod bearing cap #RPLS 1476 bears N. 87 deg. 48 min. 55 sec. E, a distance of 4.16 feet;

THENCE N. 73 deg. 00 min. 06 sec. E. along the recognized NBL of the aforementioned Shofner tract and the recognized upper SBL of the aforementioned Lumberjack Partners tract a distance of 103.96 feet to a 1/2 inch steel rod we found on or near the west R.O.W. of U.S. Highway 96 at the recognized NEC of the said Shofner tract and an upper SEC of the said Lumberjack Partners tract;

THENCE S. 20 deg. 38 min. 58 sec. E. along or near the west R.O.W. of U.S. Highway 96 as the recognized EBL of the aforementioned Shofner tract a distance of 186.65 feet to a 60d nail we set in asphalt paving at the recognized SEC of said Shofner tract;

THENCE S. 68 deg. 14 min. 50 sec. W. along the recognized SBL of the aforementioned Shofner tract, a distance of 171.23 feet to a 1/2 inch steel rod we set at the recognized SWC of the said Shofner tract;

THENCE N. 01 deg. 42 min. 38 sec. W. along the recognized WBL of the aforementioned Shofner tract and the recognized lower EBL of the aforementioned Lumberjack Partners tract a distance of 207.818 feet to the place of beginning and containing 0.606 acre of land, more or less.

Tract 2 - Rusk County:

All that certain 0.478 acre tract or parcel of land situated in the Leonard Williams Survey, A-43, Rusk County, Texas; located within the corporate city limits of Mt. Enterprise and being all Lot 1, 2, 3, 4, 5 and 6, Block 8 of the map of Mt. Enterprise as described in deed from Mohammed Rafi to Muhammad Asif, et ux dated February 19, 2003 and recorded in Volume 2373, Page 785 of the Official Public Records of Rusk County, Texas; said 0.478 acre tract more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set at the SWC of said Lot 1 on the east right-of-way (ROW) line of U. S. Hwy. 259 and the north ROW line of Gregg Street from which a 1/2 inch iron rod (found) bears S 77 deg. 22' 42" W 200.58 feet;

THENCE N 09 deg. 34' 03" W, along the WBL of said Lot 1 and the east ROW line of U. S. Hwy. 159, 140.00 feet to the NWC of said Lot 1 from which a 1/2 inch iron rod (found) bears S 80 deg. 57' 10" W 27.73 feet and another 1/2 inch iron rod (found) bears S 80 deg. 15' 29" W 200.24 ft.;

THENCE N 80 deg. 09' 37" E, along the NBL of said Lot 1, 2, 3, 4, 5, and 6 and the south side of a 20 foot alley, 148.67 feet to a 1/2 inch iron rod found at the NEC of said Lot 6;

THENCE S 09 deg. 37' 31" E, along the EBL of said Lot 6, 140.00 feet to a 1/2 inch iron rod set on the north ROW line of Gregg Street from which a 1/2 inch iron rod (found) bears N 80 deg. 11' 32" E 150.25 feet;

THENCE S 80 deg. 09' 37" W, along the SBL of said Lot 1, 2, 3, 4, 5 and 6, 148.81 feet to the place of beginning, containing 0.478 acres of land.