

20-001FC

FILED FOR RECORD  
SHELBY COUNTY, TEXAS

### NOTICE OF FORECLOSURE SALE

2020 JAN 23 PM 2:19

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 OR 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.

1. *Property to Be Sold:* The property to be sold is described as follows: 27.26 ACRES OF LAND SITUATED IN THE W. H. DUNN SURVEY, A-149, SHELBY COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 30 ACRE TRACT DESCRIBED AS TRACT NO. 24 IN A DEED RECORDED IN DOCUMENT NO. 2007005398 OF THE DEED RECORDS OF SHELBY COUNTY, TEXAS. SAID TRACT OF LAND IS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" WHICH IS ATTACHED HERETO AND MADE A PART HERE OF FOR ALL PURPOSES.

I, R.F. FREEMAN, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND CORRECT PLAT SHOWING ALL THAT CERTAIN TRACT OF LAND DESCRIBED AS FOLLOWS, TO -WIT:

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND SITUATED IN SHELBY COUNTY, TEXAS. OUT OF THE W.H. DUNN SURVEY, ABSTRACT NO. 149 AND BEING ALL OF THAT CERTAIN 30 ACRE TRACT DESCRIBED AS TRACT NO. 24 IN A DEED FROM TIMBERSTAR NACOGDOCHES II LP CO TIMBERSTAR NACOGDOCHES TRS LP DATED JULY 23, 2007 AND RECORDED IN DOCUMENT NO. 2007005398 OF THE DEED RECORDS OF SHELBY COUNTY, TEXAS, TO WHICH REFERENCES HEREBY MADE FOR ANY AND ALL PURPOSES AND THE SAID TRACT OR PARCEL BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:

BEGINNING AT THE SOUTHWEST CORNER OF THE AFORESAID REFERRED TO 30 ACRE TRACT AND THE SOUTHEAST CORNER OF THAT CERTAIN 4.5 ACRE TRACT DESCRIBED IN A DEED FROM LENDA GAYLE KING TO GEORGE RICHARDSON ET UX DATED SEPTEMBER 15, 1981 AND RECORDED IN VOLUME 594 ON PAGE 885 OF THE DEED RECORDS OF SHELBY COUNTY, TEXAS IN THE NORTH BOUNDARY LINE OF THAT CERTAIN 43.802 ACRE TRACT DESCRIBED IN A DEED FROM JIMMY WARD ET AL TO TERRY BAILEY DATED JANUARY 23, 2008 AND RECORDED IN DOCUMENT NO. 2008000629 OF THE DEED RECORDS OF SHELBY COUNTY, TEXAS, A CONCRETE MONUMENT FOUND FOR CORNER WITNESSED BY A 16 INCHES PINE BEARING SOUTH 84 DEGREES WEST 12.0 FEET, A 22 INCHES PINE BEARING NORTH 17 DEGREES EAST 16.5 FEET, A 10 INCHES SWEET GUM BEARING SOUTH 53 DEGREES EAST 6.9 FEET AND A 20 INCHES PINE BEARING SOUTH 31 DEGREES EAST 6.5 FEET.

THENCE NORTH 00 DEGREES 01 MINUTES 02 SECONDS EAST (CALLED NORTH) WITH THE WEST BOUNDARY LINE OF THE SAID 30 ACRE TRACT AND THE EAST BOUNDARY LINE OF THE SAID 4.5 ACRE TRACT, AT 501.84 FEET (CALLED 508.55 FEET) THE NORTHWEST CORNER OR THE SAID 30 ACRE TRACT AND THE NORTHEAST CORNER OF THE SAID 4.5 ACRE TRACT IN THE SOUTH BOUNDARY LINE OF THAT CERTAIN 36.48 ACRE TRACT DESCRIBED IN A DEED FROM L. D. MCWILLIAMS, JR. ET UX TO GEORGE RICHARDSON ET UX DATED JUNE 17, 1969 AND RECORDED IN VOLUME 463 ON PAGE 139 OF THE DEED RECORDS OF SHELBY COUNTY, TEXAS, A 3/8 INCHES ROD FOUND FOR CORNER AT A FENCE CORNER AND WITNESSED BY AN 8 INCHES HICKORY BEARING SOUTH 48 DEGREES EAST 17.0 FEET AN 8 INCHES POST OAK BEARING SOUTH 27 DEGREES EAST 21.4 FEET AND A 10 INCHES POST OAK BEARING SOUTH 12 DEGREES EAST 23.3 FEET.

THENCE TWO CALLS WITH THE NORTH BOUNDARY LINE OF THE SAID 30 ACRE TRACT AS FOLLOWS:  
(1) NORTH 82 DEGREES 57 MINUTES 51 SECONDS EAST (CALLED NORTH 82 DEGREES 57 MINUTES 51 SECONDS EAST) IN PART WITH THE SOUTH BOUNDARY LINE OF THE SAID 36.48 ACRE TRACT AND THE SOUTH BOUNDARY LINE OF THAT CERTAIN 47.75 ACRE TRACT DESCRIBED IN A DEED FROM BOB SOLOMON JR. ET AL TO JOHNNIE RICHARDS ET UX DATED APRIL 30, 1958 AND RECORDED IN VOLUME 370 ON PAGE 168 OF THE DEED RECORDS OF SHELBY COUNTY TEXAS, AT 728.43 FEET (CALLED 728.63 FEET) A CONCRETE MONUMENT FOUND FOR CORNER WITNESSED BY A 6 INCHES POST OAK BEARING SOUTH 77 DEGREES WEST 7.7 FEET AND A 4 INCHES POST OAK HEARING NORTH 74 DEGREES EAST 4.3 FEET.

(2) SOUTH 89 DEGREES 31 MINUTES 45 SECONDS EAST (CALLED SOUTH 89 DEGREES 34 MINUTES 23 SECONDS EAST) IN PART WITH THE SOUTH BOUNDARY LINE OR THE SAID 47.75 ACRE TRACT AND THE SOUTH BOUNDARY LINE OF THAT CERTAIN 160 ACRE TRACT DESCRIBED IN A DEED FROM NOBLE TURNER ET UX TO JOHNNIE RICHARDS ET UX DATED JANUARY 1, 1947 AND RECORDED IN VOLUME 268 ON PAGE 77 OF THE DEED RECORDS OF SHELBY COUNTY, TEXAS, AT 1697.17 FEET PASS ON LINE A 1/2 INCHES ROD FOUND FOR REFERENCE (SAID ROD WITNESSED BY A 7 INCHES POST OAK BEARING EAST 12.3 FEET), AT 1716.32 FEET (CALLED 1717.48 FEET) THE NORTHEAST CORNER OR THE SAID 30 ACRE TRACT AND THE SOUTHEAST CORNER OF THE SAID 160 ACRE TRACT IN THE N IN OF COUNTY ROAD NO. 4789, A POINT FOR CORNER. THENCE TWO CALLS WITH THE EAST BOUNDARY LINE OF THE SAID 30 ACRE TRACT AND THE CENTERLINE OF COUNTY ROAD NO. 4789 AS FOLLOWS:

(1) SOUTH 02 DEGREES 19 MINUTES 56 SECONDS WEST AT 460.99 FEET A POINT FOR CORNER  
(2) SOUTH 06 DEGREES 46 MINUTES 01 SECONDS WEST AT 68.70 FEET THE SOUTHEAST CORNER OF THE SAID 30 ACRE TRACT IN THE NORTH BOUNDARY LINE OF THAT CERTAIN 2 ACRE TRACT DESCRIBED IN A DEED FROM R.M. CRUMP ET UX TO ALFORD KING ET AL, TRUSTEES OF THE MONOR OLIVE COLORED BAPTIST CHURCH DATED OCTOBER 10, 1929 AND RECORDED IN VOLUME 144 ON PAGE 406 OF THE DEED RECORDS OF SHELBY COUNTY, TEXAS, A POINT FOR CORNER.

THENCE EIGHT CALLS WITH THE SOUTH BOUNDARY LINE OF THE SAID 30 ACRE TRACT AS FOLLOWS:  
(1) NORTH 83 DEGREES 21 MINUTES 54 SECONDS WEST WITH THE NORTH BOUNDARY LINE OF THE SAID 2 ACRE TRACT AT 15.00 FEET PASS ON LINE A 1/2 INCHES PIPE SET FOR REFERENCE, AT 222.87 FEET THE NORTHWEST CORNER OF THE SAID 2 ACRE TRACT AND THE NORTHEAST CORNER OF THAT CERTAIN 2.105 ACRE TRACT DESCRIBED IN A DEED FROM JIMMY WARD ET AL TO MARK MAY DATED FEBRUARY 5, 2008 AND RECORDED IN DOCUMENT NO. 2008001050 OF THE DEED RECORDS OF SHELBY COUNTY, TEXAS, A 1/2 INCHES ROD FOUND FOR CORNER WITNESSED BY A 25 INCHES POST OAK BEARING SOUTH 89 DEGREES WEST 13.3 FEET AN 8 INCHES ASH BEARING SOUTH 43 DEGREES EAST 6.9 FEET AND A FENCE CORNER



BEARING NORTH 83 DEGREES EAST 5.3 FEET.

(2.) NORTH 83 DEGREES 24 MINUTES 02 SECONDS WEST WITH THE NORTH BOUNDARY LINE OF THE SAID 2.105 ACRE TRACT AT 148.01 FEET A CONCRETE MONUMENT FOUND FOR CORNER WITNESSED BY A 12 INCHES POST OAK HEARING NORTH 41 DEGREES EAST 2.0 FEET AND A 40 INCHES RED OAK BEARING SOUTH 12 DEGREES WEST 9.3 FEET.

(3.) NORTH 86 DEGREES 32 MINUTES 56 SECONDS WEST CONTINUING WITH THE NORTH BOUNDARY LINE OR THE SAID 2.105 ACRE TRACT, AT 94.29 FEET THE NORTHWEST CORNER OF THE SAID 2.105 ACRE TRACT AND THE NORTHEAST CORNER OF THE AFORESAID 43.802 ACRE TRACT, A 1/2 INCHES ROD FOUND FOR CORNER WITNESSED BY A 10 INCHES RED OAK BEARING SOUTH 45 DEGREES EAST 13.2 FEET AND A 10 INCHES HICKORY BEARING SOUTH 64 DEGREES WEST 10.9 FEET.

(4.) NORTH 86 DEGREES 36 MINUTES 26 SECONDS WEST WITH THE NORTH BOUNDARY LINE OF THE SAID 43.802 ACRE TRACT, AT 545.01 FEET A CONCRETE MONUMENT FOUND FOR CORNER WITNESSED BY A 10 INCHES BLACK GUM BEARING NORTH 19 DEGREES WEST 16.5 FEET.

(5.) NORTH 88 DEGREES 45 MINUTES 27 SECONDS WEST CONTINUING WITH THE NORTH BOUNDARY LINE OF THE SAID 43.802 ACRE TRACT, AT 296.10 FEET A CONCRETE MONUMENT FOUND FOR CORNER WITNESSED BY A 10 INCHES POST OAK BEARING NORTH 79 DEGREES WEST 32.1 FEET, A 10 INCHES ELM BEARING NORTH 42 DEGREES WEST 14.5 FEET AND A 26 INCHES POST OAK BEARING SOUTH 86 SECONDS EAST 19.1 FEET.

(6.) SOUTH 82 DEGREES 36 MINUTES 56 SECONDS WEST CONTINUING WITH THE NORTH BOUNDARY LINE OR THE SAID 43.802 ACRE TRACT, AT 529.51 FEET A CONCRETE MONUMENT FOUND FOR CORNER WITNESSED BY A 48 INCHES RED OAK BEARING NORTH 34 DEGREES EAST 2.6 FEET, AN 18 INCHES PINE BEARING SOUTH 37 DEGREES WEST 9.7 FEET AND A 30 INCHES RED OAK BEARING SOUTH 75 DEGREES WEST 20.4 FEET.

(7.) SOUTH 79 DEGREES 38 MINUTES 52 SECONDS WEST CONTINUING WITH THE NORTH BOUNDARY LINE OF THE SAID 43.802 ACRE TRACT, AT 253.73FEET AN 80D NAIL FOUND FOR CORNER WITNESSED BY A 22 INCHES ROD OAK BEARING SOUTH 17 DEGREES EAST 2.2 FEET AND A 24 INCHES PINE SNAG BEARING SOUTH 62 MINUTES WEST 10.7 FEET.

(8.) SOUTH 86 DEGREES 18 MINUTES 45 SECONDS WEST CONTINUING WITH THE NORTH BOUNDARY LINE OF THE SAID 43.802 ACRE TRACT, AT 335.87 FEET THE POINT AND PLACE OF BEGINNING AND CONTAINING 27.26 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARINGS: A NORTH BOUNDARY LINE OF THAT CERTAIN 30 ACRE TRACT DESCRIBED AS TRACT NO. 24 IN A DEED FROM TIMBERSTAR NACOGDOCHES II LP TO TIMBERSTAR NACOGDOCHES TRS LP DATED JULY 23, 2007 AND RECORDED IN DOCUMENT NO. 2007005398 OF THE DEED RECORDS OF SHELBY COUNTY, TEXAS -(DEED CALL - NORTH 82 DEGREES 57 MINUTES 51 SECONDS EAST 728.63 FEET. FOUND 1/2 INCHES ROD AND CONCRETE MONUMENT 728.43 FEET APART).

**2. Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 01/07/2016 and recorded in Document 2016000211 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: 03/03/2020

Time: 01:00 PM

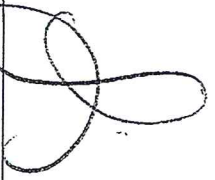
Place: Shelby County, Texas at the following location: THE AREA WITHIN A RADIUS OF 100 FEET OF THE SOUTHEASTERN DOOR OF THE HOUSE PROVIDED FOR THE HOLDING OF THE DISTRICT COURT IN THE CITY OF CENTER, IN SHELBY COUNTY, TEXAS OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.

**4. Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee 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.

**5. Obligations Secured.** The Deed of Trust executed by CHESTER CARL MYERS JR, provides that it secures the payment of the indebtedness in the original principal amount of \$57,950.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. NexBank SSB is the current mortgagee of the note and deed of trust and NEXBANK SSB is mortgage servicer. A servicing agreement between the mortgagee, whose address is NexBank SSB c/o NEXBANK SSB, 1 Corporate Dr., Ste. 360, Lake Zurich, IL 60047 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

**6. Substitute Trustee(s) Appointed to Conduct Sale.** In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint ROBERT LAMONT, SHERYL LAMONT, ALLAN JOHNSTON, SHARON ST. PIERRE, HARRIETT FLETCHER OR RONNIE HUBBARD, Substitute Trustee to act under and by virtue of said Deed of Trust.

**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.**



Mackie Wolf Zientz & Mann, P.C.  
Brandon Wolf, Attorney at Law  
L. Keller Mackie, Attorney at Law  
Kori Liane Long, Attorney at Law  
Chelsea Schneider, Attorney at Law  
Ester Gonzales, Attorney at Law  
Parkway Office Center, Suite 900  
14160 North Dallas Parkway  
Dallas, TX 75254

 01-23-2020

~~ROBERT LAMONT, SHERYL LAMONT, ALLAN  
JOHNSTON, SHARON ST. PIERRE, HARRIETT  
FLETCHER OR RONNIE HUBBARD~~  
c/o AVT Title Services, LLC  
5177 Richmond Avenue Suite 1230  
Houston, TX 77056

Certificate of Posting

I am \_\_\_\_\_ whose address is c/o AVT Title Services, LLC, AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230, Houston, TX 77056. I declare under penalty of perjury that on \_\_\_\_\_ I filed this Notice of Foreclosure Sale at the office of the Shelby County Clerk and caused it to be posted at the location directed by the Shelby County Commissioners Court.