

20-010-FC

FILED FOR RECORD
SHELBY COUNTY, TEXAS

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

JENNIFER L. FOUNTAIN
COUNTY CLERK

BY  DEPUTY

SUBSTITUTE TRUSTEE'S NOTICE

THE STATE OF TEXAS
COUNTY OF SHELBY

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NOTICE IS HEREBY GIVEN THAT, WHEREAS, on the 25th day of May, 2018, SHIRLEY HARPER, executed a Deed of Trust to David Chadwick, for the benefit of FARMERS STATE BANK, on the hereinafter described real estate, which Deed of Trust appears of record as Instrument No. 2018001741 of the Official Public Records, Shelby County, Texas, to which record, reference is here made to more fully show the wording and effect of such instrument and the property covered by it; and

WHEREAS, the said Deed of Trust specifically authorizes the appointment of a Substitute Trustee by the beneficiary of said Deed of Trust; and

WHEREAS, the said Trustee has become incapacitated to serve as such, or has resigned or has failed and refused to act as such; and

WHEREAS, by authority of the said Deed of Trust, the beneficiary thereunder did, on the 28th day of April, 2029, appoint me, RANDY McLEROY, as Substitute Trustee;

WHEREAS, the said Shirley Harper, have made default in the payment of the note described in such instrument, leaving a delinquent balance on this date remaining unpaid thereon; and

WHEREAS, Farmers State Bank, the said beneficiary, has requested me to enforce such trust;

NOW, THEREFORE, I, RANDY McLEROY, Substitute Trustee has aforesaid, hereby give notice that I will accordingly, after due posting of this notice as required by said Deed of Trust and the law, for at least twenty-one days successively next before the day of sale at the Door of the District Courthouse in Center, Texas, and, after serving written notice of such sale, at least twenty-one days preceding the date specified herein as the date upon which said property will be sold, by certified mail, return receipt requested, on each debtor obligated to pay the above mentioned debt according to the records of the holder of said indebtedness, sell at public venue to the highest bidder, or bidders, for cash, in the area designated by the Commissioners' Court of Shelby County, Texas, pursuant to TEX. PROP. CODE, § 51.002, or, if no such area has been designated, within 100 feet of the main entrance to the building where the district court is usually held in Center, Shelby County, Texas, that being the county in which said property is situated, between the hours of 10:00 o'clock a.m., and 4:00 o'clock p.m., but no earlier than 1:00 o'clock p. m., nor later than 4:00 o'clock p. m., of the first Tuesday in the month of June, 2020, the same being the 2nd day of June, 2020, the following described real estate so described in and secured by such Deed of Trust:

TRACT ONE: BEING all that certain tract or parcel of land, a part of the Aaron Castleberry Survey, Abst. No. 97, Shelby County, Texas, and being the land described in the deed from Samuel M. Kogutt, Trustee, to Locust Wood, Inc., dated March 28, 1980, recorded in Vol. 567, Page 903, Deed Records, Shelby County, Texas, and being described by metes and bounds as follows, to-wit:

BEGINNING at a 1-1/2 in. galvanized iron pipe with brass cap marked U.S. Forest Service Cor. No. 68 Tract Sib II at the recognized N.E.C. of the Colonel Daw Estate 157.2 acre tract on the S.E.C. of the U.S.A. 93.5 acre tract on the Southern W. line of the International Paper Company 3137.1 acre tract in the Aaron Castleberry Survey Abst. No. 97, Shelby County, Texas;

THENCE S. 0 deg. 21 min. E. along the recognized E. line of said Daw tract and the Southern W. line of said I. P. Co. tract a distance of 1584 ft. to a concrete monument on or near the S. line of said Castleberry Survey and the N. line of the Elisha Hammers Survey Abst. No. 323, Shelby County, Texas, at the recognized S.E.C. of said Daw tract and the Southern S.W.C. of said I. P. Co. tract;

THENCE N. 89 deg. 31 min. W. along the S. Line of said Daw tract and the N. line of the H. S. Daw 82.702 acre tract in said Hammers Survey a distance of 652.03 feet to an intersection with the centerline of State FM highway 139;

THENCE N. 30 deg. 00 min. W. along the centerline of said highway a distance of 119.41 ft. to a point on same, and from which point a 1 in. galvanized iron pipe and iron rod brs. N. 69 deg. 02 min. E. 51.2 ft.;

THENCE N. 69 deg. 02 min. E. a distance of 137.86 ft. to a large bolt at the S.E.C. of a 1.47 acre tract out of said Daw 157.2 acre tract;

THENCE N. 38 deg. 45 min. E. a distance of 265 ft. to a 3/4 in. galvanized iron pipe at the E. corner of said 1.47 acre tract; THENCE N. 51 deg. 15 min. W. a distance of 210 ft. to an iron rod and angle iron stake at the N. corner of said 147 acre tract;

THENCE S. 38 deg. 45 min. W. a distance of 329.9 ft. to a point on the centerline of State FM Highway 139, and from which point a 1/2 in. iron rod brs. N. 38 deg. 45 min. E. 54.5 ft.;

THENCE along the centerline of said FM Highway as follows:

- N. 30 deg. 00 min. W. a distance of 24.22 ft.;
- N. 27 deg. 10 min. W. a distance of 136.83 ft.;
- N. 28 deg. 18 min. W. a distance of 139.89 ft.;
- N. 18 deg. 42 min. W. a distance of 139.03 ft.;
- N. 19 deg. 44 min. W. a distance of 137.89 ft.;
- N. 15 deg. 51 min. W. a distance of 138.89 ft.;
- N. 13 deg. 16 min. W. a distance of 228.97 ft. to the S.W.C. of the Parker 5 acre tract out of said Daw 157.2 acre tract;

THENCE N. 89 deg. 02 min. E. along the S. line of said Parker tract a distance of 507 ft. to an oak stake at the S.E.C. of same;

THENCE N. 19 deg. 38 min. W. along the E. line of said Parker tract a distance of 467 ft. to an oak stake at the N.E.C. of same on the N. line of said Daw 157.2 acre tract and the S. line of the U.S.A. 93.5 acre tract;

THENCE N. 89 deg. 02 min. E. along said line a distance of 750.2 ft. to the Place of Beginning, containing 29.02 acres of land, more or less;

TRACT TWO: BEING 1.47 acres of land, more or less, a part of the AARON CASTLEBERRY SURVEY, A-97, Shelby County, Texas, and being the land described in the Deed from A. H. Hollowell and others to Leonard R. Harris and wife, Joyce H. Harris, dated September 20th, 1977, recorded in Vol. 537, Page 269, Deed Records, Shelby County, Texas, and being described by metes and bounds as follows, to-wit:

BEGINNING at a point near the South Line of said 157.2 acre tract and the North Line of the O. A. Daw Estate land, a large bolt from which the intersection of said line and the centerline of State Farm-Market Highway #139 brs. S. 24 deg. 48 min. W. 164.4 feet;

THENCE N. 38 dg. 45 min. E. a distance of 265.00 feet to a large bolt;

THENCE N. 51 deg. 15 min. W. a distance of 210.00 feet to a large bolt;

THENCE S. 38 deg. 45 min. W. a distance of 275.4 feet to a 1/2" iron rod set on the N.E. ROW line of State F-M Highway #139;

THENCE S. 30 deg. 00 min. E. along the N.E. ROW Line and 50 feet N.E. of the centerline of said Highway a distance of 178.3 feet to a 1" iron pipe and iron rod;

THENCE N. 69 deg. 02 min. E. a distance of 86.66 feet to the Place of Beginning, containing 1.47 acres of land, more or less;

TRACT THREE: All that certain tract of land situated in SHELBY COUNTY, TEXAS, on the AARON CASTLEBERRY SURVEY, A-97, and being a part of the 157-1/5 acre tract of land described in the Deed from O. A. Daw, et ux, to Colonel Daw, et ux, dated February 19, 1945, recorded in Volume 368, page 345, Deed Records Shelby County, Texas, and being described by metes and bounds as follows, to-wit:

BEGINNING at a point on the North line of said 157.2 acre tract at its intersection with the centerline of State FM Highway 136, this being the Southeast corner of the J. S. Bailey 74 acre tract and the lower Southwest corner of the U.S. Government 93.5 acre tract;

THENCE with the centerline of said FM Highway, a distance of 467 feet, this call being a Southeastern direction;

THENCE about East, and parallel with the North line of said 157-1/5 acre tract, a distance of 507 feet;

THENCE in a Northwest direction, and parallel with said FM Highway, a distance of 467 feet to a point on the North line of said 157.2 acre tract;

THENCE about West, and with the North line of said 157.2 acre tract and the South line of said U.S. Government tract, a distance of 507 feet to the Place of Beginning, containing 5 acres of land, more or less, and being the same land described in the Deed from Thomas Ronald Parker to David Wood Sholar, et ux., dated September 16, 1986, recorded in Volume 668, page 742, Deed Records Shelby County, Texas;

SAVE, LESS and EXCEPT, out of Tracts One and Two:

All that certain tract of land situated in SHELBY COUNTY, TEXAS, on the AARON CASTLEBERRY SURVEY, A-971 being part of and out of a called 29.02 acre tract described as "Tract One" and all of a called 1.47 acre tract described as "Tract Two" in a Deed from Frank Davis, et ux., to Chester L. Harper, et ux., dated December 5, 2000, recorded in Volume 901, page 497, of the Official Public Records of Shelby County, Texas, and being described by metes and bounds as follows, to-wit:

BEGINNING at an 1/2 inch iron rod with a plastic cap set in the South line of said called 29.02 acre tract and the said Aaron Castleberry Survey, being North 89 deg. 31 min. 00 sec. West, 166.74 feet from a concrete monument found for the Southeast corner of said called 29.02 acre tract and being in the North line of the Elisha Hammers Survey, A-323, Shelby County, Texas, and the North line of a called 82.702 acre tract described as the "First Tract" In a Deed form Madge Boucher Boynton, et al., to Kenneth Earl Kay, et ux., dated November 2, 1995, recorded in Volume 794, page 724, of the Real Property Records of Shelby County, Texas;

THENCE North 89 deg. 31 min. 00 sec. West, with the said South line of the called 29.02 ace tract, (basis of bearing orientation), and the North line of the said called 82.702 acre tract, a distance of 481.84 feet to the Southwest corner of said called 29.02 acre tract in the centerline of Farm-to-Market Road 139, (based an 80 foot right-of-way), from which an 1/2 inch iron rod with a plastic cap set for a reference bears South 89 deg. 31 min. 00 sec. East, 46.51 feet;

THENCE North 30 deg. 12 min. 12 sec. West, with said centerline of Farm-to-Market Road 139 as the West line of said called 29.02 acre tract, a distance of 196.82 feet to the beginning of a curve to the right;

THENCE continuing with said centerline of Farm-to-Market Road 139, along said curve to the right having a central angle of 03 deg. 54 min. 15 sec., a radius of 2,864.79 feet, an arc length of 195.21 feet and a chord bearing North 28 deg. 15 min. 04 sec. West, and a distance of 195.17 feet to the westerly corner of the herein described 4.790 acre tract, from which an 1/2 inch iron rod with plastic cap set for a reference bears North 60 deg. 15 min. 07 sec. East, 40.07 feet;

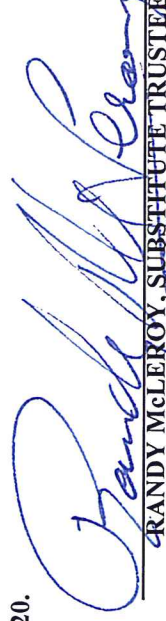
THENCE North 60 deg. 15 min. 07 sec. East, across said called 29.02 acre tract, a distance of 303.92 feet to an 1/2 inch iron rod found, (bent), for the North corner of said called 1.47 acre tract, from which an 1 inch iron pipe found, (bent), for the East corner of said called 1.47 acre tract bears South 50 deg. 46 min. 16 sec. East, 210.0 feet;

THENCE South 78 deg. 31 min. 18 sec. East, a distance of 144.74 feet to an 1/2 inch iron rod with a plastic cap set for a northerly corner of the herein described 4.790 acre tract;

THENCE South 29 deg. 44 min. 53 sec. East, a distance of 539.14 feet to the Place of Beginning, containing 4.790 acres of land within these calls, of which 0.283 lies within the right-of-way line of said farm-to-Market Road 139;

LEAVING contained herein 30.7 acres of land, more or less.

WITNESS my hand on this, the 23rd day of April, 2020.


RANDY MCLEROY, SUBSTITUTE TRUSTEE

P. O. Box 668
Center, Texas 75935

Notice pursuant to Section 51.002, Texas Property Code:

"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 MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY."

SEAL OF SHELBY COUNTY, TEXAS
FOR RECORD
29 AM 9:08
L. FOUNTAIN
COUNTY CLERK
DEPUTY