

2022.026 FC

Notice of Foreclosure Sale

December 7, 2022

FILED FOR RECORD
2022 DEC -7 PM 4:08
JENNIFER L. FOUNTAIN
COUNTY CLERK
BY MS DEPUTY

Deed of Trust ("Deed of Trust"):

Dated: June 19, 2009

Grantor: J. C. Cagle and wife, Susan Cagle

Trustee: J. Ken Muckelroy

Lender: Shelby Savings Bank, SSB

Recorded in: Document No. 2009005032 of the real property records of Shelby County, Texas

Legal Description: See Exhibit "A" attached hereto and incorporated by reference for all purposes herein

Secures: Adjustable Real Estate Lien Note ("Note") in the original principal amount of \$36,125.00, executed by J. C. Cagle and wife, Susan Cagle ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: **Tuesday, January 3, 2023**

Time: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; **the earliest time at which the Foreclosure Sale will begin is 10:00 a.m. and not later than three hours thereafter.**

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

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that Shelby Savings Bank, SSB's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Shelby Savings Bank, SSB, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Shelby Savings Bank, SSB's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Shelby Savings Bank, SSB's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Shelby Savings Bank, SSB passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure 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 Foreclosure 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. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Shelby Savings Bank, SSB. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

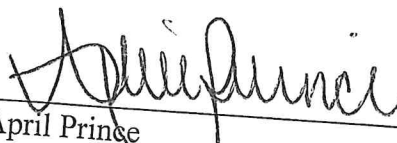
Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

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.

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.

LAW OFFICE OF APRIL PRINCE, PLLC
103 W. Austin St.
Center, Texas 75935
Telephone (936) 598-3100
Telecopier (936) 213-6039

A handwritten signature in cursive script that reads "April Prince". The signature is written in black ink and is positioned above a horizontal line.

April Prince
Substitute Trustee for Mortgagee
april@aprilprincelaw.com
State Bar No. 24047247

EXHIBIT "A"

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;

THENCE 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 ZORAHEE MCNAIR, 05-29-1974, 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 26.271 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. 637, Page No. 683 et seq.

THENCE: North 79 Degrees 15 Minutes West, along a fence, being the South Boundary line of said Constance Mae Fuller's 96.271 Acre Tract and the North Boundary line of said 10 Acre Tract to its North-East corner, a distance of 380.92 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 305.70 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 130.92 feet a 3/8" Reinf. Rod set for corner in a 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, 241.23 feet to the place of beginning containing 8.93 Acres of land;