

2023-002-FC

NOTICE OF FORECLOSURE SALE

January 11, 2023

FILED FOR RECORD
2023 JAN 11 AM 11:39

JENNIFER L. FOUNTAIN
COUNTY CLERK

Deed of Trust ("Deed of Trust"):

BY _____ DEPUTY

Dated: June 5, 2017
 Grantor: Ricardo Lagunas-Rodriguez and Teresa Flores-Garcia
 Trustee: J. Ken Muckelroy
 Lender: Shelby Savings Bank, SSB
 Recorded in: Instrument No. 2017001942 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 \$20,000.00, executed by Ricardo Lagunas-Rodriguez and Teresa Flores-Garcia ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, February 7, 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.



April Prince
Attorney for Mortgagee
103 W. Austin St.
Center, Texas 75935
Telephone (936) 598-3100
Telecopier (936) 213-6039

EXHIBIT A

All that certain tract or parcel of land located in SHELBY COUNTY, TEXAS, on the JESSE AMASON SURVEY, and being the same land described in a Deed from Otis Crenshaw, Hascal F. Crenshaw, and James G. Crenshaw, Jr. to Ted L. Lewis and wife, Francis Lewis, dated August 1, 1972, recorded in Volume 484, Page 147, Deed Records, Shelby County, Texas, and being described as follows, to-wit:

BEGINNING at a 3/4 inch galvanized iron pipe on or near the West Right-of-Way line of San Augustine Street at or near the Southeast corner of the Furman Hays 1.5 acre tract and the Northeast corner of the Weeks Clifton lot in the Jesse Amason Survey, in the City of Center;

THENCE North 4 deg. 54 min. East along the West Right-of-Way Line, and 25 feet West of the centerline of said street a distance of 87.05 feet to a 3/4 inch galvanized iron pipe at the Southeast corner of the Farrish Hays lot out of the Furman Hays 1.5 acre tract, and from which pipe a power line pole bears South 80 deg. East 2.4 feet;

THENCE North 80 deg. 19 min. West generally along a small ditch that is recognized as the South line of the Farrish Hays lot a distance of 189.46 feet to an 1/2 inch galvanized iron pipe at the Southwest corner of same, which is also a fence corner;

THENCE North 8 deg. 13 min. East along an old fence a distance of 136.68 feet to a 2 inch iron pipe at an old fence corner on the South line of a lot known as the Bridges lot;

THENCE North 81 deg. 37 min. West along an old fence on the South line of said Bridges lot a distance of 47.29 feet to a 3/4 inch galvanized iron pipe at the root of an 8 inch prickly ash at the Southwest corner of same;

THENCE North 56 deg. 51 min. West along an old fence on the South line of the Tom Watson tract a distance of 214.75 feet to a 3/4 inch galvanized iron pipe at an old fence corner, at the Northwest corner of the Furman Hays 1.0 acre tract;

THENCE South 8 deg. 31 min. West along an old fence on the West line of said Hayes 1.0 acre tract a distance of 210.49 feet to a 3/4 inch galvanized iron pipe at an old fence corner on the North line of the Fred Graves tract, and from which pipe an 8 inch prickly ash we marked "X", hack above and below bears North 7 deg. East 4.5 feet;

THENCE South 56 deg. 42 min. East along an old fence on the South line of the Furman Hays 1.0 acre tract and the North line of the Fred Graves tract a distance of 222.91 feet to a 3/4 inch galvanized iron pipe at an angle in said fence;

THENCE South 72 deg. 45 min. East along the same old fence a distance of 62.48 feet to a 2 inch by 2 inch angle iron stake;

THENCE South 77 deg. 25 min. East a distance of 174.42 feet to the PLACE OF BEGINNING, and containing 1.49 acres of land, more or less;