

2023-016 FC
FILED FOR RECORD
SHELBY COUNTY, TEXAS

Notice of Foreclosure Sale

2023 NOV -6 AM 9:06

JENNIFER L. FOUNTAIN
COUNTY CLERK

October 31, 2023

Deed of Trust, Security Agreement - Financing Statement BY ~~(Deed of Trust)~~ Y

Dated: June 8, 2018

Grantor: Samuel Eric Perry and Mandy Perry

Trustee: Edward B. Pickett

Lender: First Liberty Bank, formerly The First Liberty National Bank, Liberty, Texas

Recorded in: 2018001909 of the real property records of Shelby County, Texas, being in renewal and extension of Modification and Extension Agreement recorded in 2020002362 of the real property records of Shelby County, Texas

Legal Description: Being a 0.4648 acre of land, more or less, a part of the NANCY SMITH SURVEY, A-644, Shelby County, Texas and being more particularly described in Exhibit "A" attached hereto and made part hereof for all intents purpose.

Secures: Promissory Note ("Note") in the original principal amount of \$231,200, executed by Samuel Eric Perry ("Borrower") and payable to the order of Lender

Modifications and Renewals: Modification and Extension Agreement (as used herein, the terms "Note" and "Deed of Trust" mean the Note and Deed of Trust as so modified, renewed, and/or extended)

Foreclosure Sale:

Date: Tuesday, December 5, 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 Courthouse located at 200 San Augustine Street, Center, Texas 75935 in Shelby County, Texas

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 First Liberty Bank'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, First Liberty Bank, 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 First Liberty Bank's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with First Liberty Bank'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 First Liberty Bank 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 First Liberty Bank. 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.

Respectfully,

Christina Varela Cheseo

cc: Bryan Ingram, Asst. V-P for FLB

~~EXHIBIT A~~

Being 0.4648 of an acre of land situated in the Nancy Smith Survey, Abstract 644, Shelby County, Texas, and part of Lot 4 of the Plat of J. F. Willis Lands, dated June 22, 1946, and recorded in Volume 260, Page 28, in the Deed Records of Shelby County, Texas, and being the same called 0.466 of an acre tract described in a Warranty Deed (with Vendor's Lien) from Malcolm Weaver, Joy Ann Havran and Mark Weaver to Shawn Danley and wife, Regina Danley, dated May 11, 2011, and recorded under Document No. 2011004413, in the Official Public Records of Shelby County, Texas, said 0.4648 of an acre being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod with plastic cap set for the South corner of said called 0.466 of an acre tract and at the intersection of the Northeastly right-of-way line of Tenaha Street (State Highway 87, based on 100-foot right-of-way) with the Northwestly margin of Hudson Street and 20.5 feet from its approximate centerline, and 1.5 feet North of a power pole;

THENCE N 42°48'24" W, with said Northeastly right-of-way line of Tenaha Street as the Southwestly line of said called 0.466 of an acre tract (called N 45°06'58" W), and 50.0 feet from its paved centerline, a distance of 107.33 feet (called 107.37 feet) to an "X" out in a concrete driveway for the West corner of said called 0.466 of an acre tract and being the South corner of a called 22,500 square foot tract described as "First Tract" in a Warranty Deed from L. D. Weaver and wife, Madge Weaver, to Community Baptist Church of Center, Texas, dated December 17, 1957, and recorded in Volume 367, Page 89, in the Deed Records of Shelby County, Texas;

THENCE N 35°07'07" E, with the Northwestly line of said called 0.466 of an acre tract (called N 32°48'07" E) and with the Southeastly line of said called 22,500 square foot tract, crossing a concrete parking lot, a distance of 193.03 feet (called 193.27 feet) to a 1/2-inch iron rod with plastic cap found for the North corner of said called 0.466 of an acre tract and the East corner of said called 22,500 square foot tract, and being in the Southwestly line of a called 9,555 square foot tract described as "Second Tract" in a Special Warranty Deed from Eartis Polley and wife, Agnes Polley, to Earnestine Bailey-Patton, dated April 3, 2003, and recorded in Volume 959, Page 858, in the Official Public Records of Shelby County, Texas;

THENCE S 42°41'41" E, with the Northeastly line of said called 0.466 of an acre tract (called S 45°06'58" E) and with said Southwestly line of the called 9,555 square foot tract, a distance of 107.37 feet to a 1/2-inch iron rod found for the East corner of said called 0.466 acre tract and in said Northwestly margin of Hudson Street and 20.5 feet from its approximate centerline;

THENCE S 35°07'07" W, with the Southeastly line of said called 0.466 of an acre tract (called S 32°48'07" W) and with said Northwestly margin of Hudson Street, a distance of 192.81 feet (called 193.27 feet) to the POINT of BEGINNING and containing 0.4648 of an acre of land within these calls.