

14-0010FC

NOTICE OF FORECLOSURE SALE

FILED FOR RECORD
SHELBY COUNTY, TEXAS

February 9, 2016

2016 FEB 9 AM 11 34

STATE OF TEXAS
COUNTY OF SHELBY

§ KNOW ALL MEN BY THESE PRESENTS: FOUNTAIN
§ COUNTY CLERK

BY  DEPUTY

WHEREAS, by that certain Deed of Trust ("Deed of Trust"), dated February 20, 2009, JOSHUA PATE and his wife, SHANNON PATE ("Grantor"), conveyed to Mark Carey ("Trustee"), for the benefit of the Estate of Java Lloyd Woods, Deceased ("Original Beneficiary"), the property situated in the County of Shelby, Texas:

Being 6.722 acres of land, more or less, a part of the MANNON SMITH SURVEY, Abstract No. 631, Shelby County, Texas, and being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes,

("Property") to secure that certain Real Estate Lien Note therein of even date, executed by JOSHUA PATE and his wife, SHANNON PATE ("Borrower") and payable to Original Beneficiary, in the original principal amount of Eighty Thousand and No/100 Dollars (\$80,000.00) ("Note"), which Deed of Trust is recorded under Shelby County Clerk's File No. 2009001639 ("Deed of Trust");

WHEREAS, Original Beneficiary's interest in the Note and lien has been transferred to the Original Beneficiary's beneficiary, East Texas Baptist University ("Beneficiary"), and Beneficiary is the current holder of the Note and lien; and

WHEREAS, the undersigned is the Trustee pursuant to the terms of the Deed of Trust;

WHEREAS, default has occurred under the terms of the Note, secured by the Deed of Trust, the unpaid principal and accrued interest of the indebtedness evidenced therein is now wholly due, and the owner and holder of said indebtedness has requested the undersigned to sell the Property to satisfy the indebtedness; and

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

NOW, THEREFORE, notice is hereby given that on Tuesday, the 1st day of March, 2016, at the hour of 10:00 a.m. to 4:00 p.m. local time, I will sell, for cash, by public auction the Property at the Shelby County Courthouse, Center, Texas, to the highest bidder for cash, except that Beneficiary's bid may be by credit against the indebtedness. The sale will be conducted on the front steps of the Shelby County Courthouse located at 200 San Augustine Street, Center, Texas 75935, as designated by the Commissioner's Court of said County, pursuant to Section 51.002 of the Texas Property Code as amended.

If Beneficiary 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 Beneficiary. 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, 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 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 services to the sender of this notice immediately.

WITNESS MY HAND this 8th day of February, 2016.




Mark Carey, Trustee
1601 Elm Street, Suite 1700
Dallas, Texas 75201

STATE OF TEXAS §
COUNTY OF DALLAS §
§

This instrument was acknowledged by me on this 8th day of February, 2016, by Mark Carey.




Notary Public, State of Texas

After Recording Return to:
Baptist Foundation of Texas
1601 Elm, Suite 1700
Dallas, Texas 75201-7241
Attn: J. Russell Page

Prepared in the Law Office of:
J. Russell Page
1601 Elm, Suite 1700
Dallas, Texas 75201-7241
214/922-0125
Texas State Bar No. 24046578

EXHIBIT A

Being 6.722 acres of land, more or less, a part of the MANNON SMITH SURVEY, A-631, Shelby County, Texas, and being the land described in the Assumption Deed from Vicki J. Goings to David Jackson and Paul Jackson, dated June 29, 2000, recorded in Vol. 898, Page 441, Official Public Records, Shelby County, Texas and being described by metes and bounds as follows, to-wit:

BEGINNING at the Southern S.W.C. of the said 4.75 acre tract a ½ in. iron pipe found for corner at a fence corner and the Point of Beginning;

THENCE N. 01 deg. 30 min. 19 sec. W. 151.18 ft. with the fence line to an axle found for a corner;

THENCE S. 87 deg. 00 min. 00 sec. W. at 122 ft. pass a ½ in. iron rod set on the line in the E. margin of Texas F.M. No. 2428 (old Highway No. 7) continuing for a distance of 172 ft. for a corner;

THENCE N. 02 deg. 18 min. 21 sec. E. 388.44 ft. within the right-of-way of said Texas F.M. 2428 for a corner;

THENCE N. 84 deg. 55 min. 00 sec. E. at 58.94 ft. pass a ½ in. iron pipe found in the E. margin of Texas F.M. No. 2428 continuing for a total of 582 ft. to a ¾ in. iron pipe found for a corner;

THENCE S. 05 deg. 07 min. 34 sec. E. 456.41 ft. to a ½ in. iron rod set at a fence corner for a corner;

THENCE S. 68 deg. 17 min. 38 sec. W. 212.95 ft. to a ½ in. iron rod set at a fence corner for a corner;

THENCE S. 79 deg. 32 min. 16 sec. W. (called E) 266.97 ft. generally with the fence to the POINT OF BEGINNING, containing 6.722 acres of land, more or less.