

11-0012FC

FILED FOR RECORD
SHELBY COUNTY, TEXAS

**NOTICE OF ACCELERATION AND
NOTICE OF FORECLOSURE SALE BY TRUSTEE** FEB 23 AM 10 48

Date: February 23, 2016

JENNIFER L. FOUNTAIN

COUNTY CLERK

BY  DEPUTY

Trustee: W. Keith Swearingen, 304 US Hwy. 69 South, Post Office Box 1139, Huntington, Angelina County, Texas 75949-1139

Lender: Texas State Bank, Joaquin, Texas, 163 Cass-Caid, Center, Shelby County, Texas 75935

Note: Date: November 20, 2009

Original principal amount: \$ 349,881.50

Borrower: Jerry Lynn Mora and Kathy Lynn Mora

Lender: Texas State Bank, Joaquin, Texas

TSB Mortgage Loan Number: 287703

Original Maturity date: November 20, 2039

Unpaid Principal and Interest on Note: As of February 23, 2016, the sum of \$333,614.97 for the balance of the unpaid principal, accrued interest and late charges is due and owing; interest shall accrue daily after February 23, 2016, in the amount of \$5.09 on the unpaid principal balance.

Notice of Acceleration: Lender is the holder of the Note, and Lender has this date accelerated the unpaid principal balance of the Note together with all sums secured by the Deed of Trust to be immediately due and owing on account of defaults by the Borrower in the performance of the Note and the Deed of Trust, of which Borrower is hereby given notice of.

Deed of Trust: One certain Renewal Deed of Trust (“Deed of Trust”) dated November 20, 2009, made by Jerry Lynn Mora and Kathy Lynn Mora (collectively either the “Grantors” or “Borrowers”), conveying unto Trustee, W. Keith Swearingen, for the benefit of Lender, Texas State Bank, Joaquin, Texas, certain real property & improvements thereon (the “Property”) described in the said Deed of Trust which was Filed of Record on January 8, 2010, with the Office of the County Clerk of Shelby County, Texas under Document Number 2010000270 in the Official Public Records of Shelby County, Texas (reference to which is hereby made for any and all purposes, including incorporation and identification herein as though the said Deed of Trust was copied verbatim herein).

Property (and improvements situated thereon): BEING 6.078 acres, more or less, a part of the JOHN SCARBROUGH SURVEY, A-629, in Shelby County, Texas, which is more particularly described in Exhibit “A” which is attached hereto, incorporated herein by reference and made a part hereof for any and all purposes, the same as if copied herein verbatim.

County: Shelby County, Texas

Date of Sale: Tuesday, April 5, 2016

Time of Sale: 10:15 o’clock a.m., central time zone, or no later than three hours thereafter.

Place of Sale: The sale will be conducted on the front steps of the Shelby County Courthouse located at 200 San Augustine Street in Center, Shelby County, Texas 75935.

Terms of Sale:

A. The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions

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Mortgagor: Jerry Lynn Mora & Kathy Lynn Mora

Mortgagee: Texas State Bank, Joaquin, Texas

- of the Deed of Trust permitting the Beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale.
- B. Those desiring to purchase the Property will need to demonstrate their ability to pay cash on the day the property is sold.
 - C. The 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 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. The sale shall not cover any part of the Property that has been released of public record from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.
 - D. Pursuant to the Deed of Trust, the Beneficiary has the right to direct the Trustee to sell the Property in one or more parcels and/or to sell all or only part of the Property.
 - E. Pursuant to section 51.009 of the Texas Property Code, the Property will be sold in “**as is, where is**” condition, without any express or implied warranties, except as to the warranties of title (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.
 - F. Pursuant to section 51.0075 of the Texas Property Code, the Trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the Trustee.

Type of Sale: The sale is a nonjudicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by Jerry Lynn Mora and Kathy Lynn Mora.

Obligations Secured: The Deed of Trust provides that it secures the payment of the indebtedness evidenced by the Note in the original principal amount of \$349,881.50 executed by Borrower and payable to the order of Texas State Bank, Joaquin, Texas (herein called “Beneficiary” or “Lender”) owing by Jerry Lynn Mora and Kathy Lynn Mora to Texas State Bank. Texas State Bank, Joaquin, Texas (the “Lender” or “Beneficiary”) is the current owner and holder of the Note and is the beneficiary under the Deed of Trust. **As of February 23, 2016, there is owed to Lender the total sum in the amount of \$333,614.97 secured by the Deed of Trust on account of the unpaid principal balance, accrued interest and late charges owing by Borrower under the Note to the Lender. Texas State Bank, Joaquin, Texas.**

Questions Concerning Sale: Questions concerning the sale may be directed to the undersigned or to the beneficiary, Texas State Bank at:

Texas State Bank
Attn: Paul A. Clark, General Counsel
304 US Hwy 69 South – P O Box 1139
Huntington, Texas 75949-1139
Voice: (936) 422-3315 ext. 1027 Cell: (936) 414-9564 Fax (936) 422-3271
E-mail: pclark@texasstatebank.net

Default and Request to Act: Default has occurred under the Note secured by the Deed of Trust, and Texas State Bank, Joaquin, Texas, as the beneficiary under the Deed of Trust, has requested me, as Trustee to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

ACTIVE MILITARY DUTY NOTICE

A debtor who is serving on active military duty may have special rights or relief related to this notice under federal law, including the Servicemembers Civil Relief Act (50 USC § 501 et seq.) and state law, including §51.015 Texas Property Code. Assert and protect your rights as a member of the armed forces of the United States. If you 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

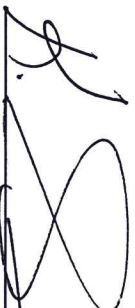
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Mortgagor: Jerry Lynn Mora & Kathy Lynn Mora

Mortgagee: Texas State Bank, Joaquin, Texas

of the active duty military service to the sender of this notice.

Dated this the 23rd day of February, 2016.



W. KEITH SWEARINGEN, Trustee
304 US Hwy 69 South – P O Box 1139
Huntington, Texas 75949-1139
E-mail: kswearingen@texasstatebank.net
Voice: (936) 422-3315
Cell: (936) 635-1589
Fax (936) 422-3271

EXHIBIT "A"

FIELD NOTES FOR 6.078 ACRES, A RESURVEY OF THE JERRY MORA TRACTS IN THE JOHN SCARBROUGH SURVEY A-629 SHELBY COUNTY TEXAS DESCRIBED IN DEED RECORDED IN VOLUME 729 PAGE 125 SHELBY COUNTY TEXAS

BEGINNING at 6" post we found on the west R.O.W. of Texas FM 699 at the recognized and occupied SEC of the Jerry Mora tracts in the John Scarbrough Survey A-629 Shelby County Texas described in deed recorded in volume 729 page 125 Shelby County Deed Records, said post being also the recognized and occupied NEC of the McMahan tract described in deed recorded in volume 860 page 516 Shelby County Deed Records;

THENCE N 21° 46' 37" E along the west R.O.W. of Texas FM 699 a distance of 396.58 feet to a crossie we found at the recognized and occupied most eastern or lower NEC of the aforementioned Mora tracts and the recognized and occupied SEC of the Jarvis tract described in deed recorded in volume 813 page 730 Shelby County Texas;

THENCE S 78° 00' 00" W along an old fence we found on the recognized and occupied lower NBL of the aforementioned Mora tracts and the recognized and occupied SBL of the aforementioned Jarvis tract a distance of 549.24 feet to a ½" steel rod we set at the intersection of the projection of two (2) old fences, said rod being at the recognized and occupied interior NEC of said Mora tracts and the recognized and occupied SWC of said Jarvis tract;

THENCE N 27° 57' 53" W along an old fence we found on the recognized and occupied upper or most western EBL of the aforementioned Mora tracts and the recognized and occupied WBL of the aforementioned Jarvis tract a distance of 175.06 feet to a ¾" steel rod we found at the recognized and occupied upper NEC of the said Mora tract and the recognized and occupied NWC of the said Jarvis tract;

THENCE S 81° 13' 08" W along an old fence we found on the recognized and occupied upper or most western NBL of the aforementioned Mora tract a distance of 756.253 feet to a ½" steel rod we set at an old fence corner we found at the recognized and occupied NWC of the said Mora tract on the recognized and occupied EBL of the Robie Koonce tract described in deed recorded in volume 305 page 375 Shelby County Deed Records;

THENCE S 08° 19' 30" E along an old fence we found on the recognized and occupied WBL of the aforementioned Mora tract and the recognized and occupied EBL of the aforementioned Koonce tract a distance of 193.36 feet to a crossie and fence corner we found at the recognized and occupied SWC of said Mora tract;

THENCE N 79° 18' 37" E along an old fence we found on the recognized and occupied SBL of the aforementioned Mora tract and the recognized and occupied NBL of the McMahon tract described in deed recorded in volume 860 page 516 Shelby County Deed Records a distance of 613.93 feet to a crossie we found at an angle in said line;

THENCE S 69° 51' 20" E continuing along the recognized and occupied SBL of the aforementioned Mora tracts a distance of 626.65 feet to the place of beginning and containing 6.078 acres of land more or less.