

16-0027 FC

FILED FOR RECORD
Notice of Foreclosure Sale
SHELBY COUNTY, TEXAS

August 15, 2016 AUG 15 PM 12 43

Deed of Trust ("Deed of Trust"):

JENNIFER L. FOUNTAIN
COUNTY CLERK
BY *J. Carroll* DEPUTY

Dated: November 21, 2003
Grantor: Lauro M. Ruiz
Trustee: J. Ken Muckelroy
Lender: Shelby Savings Bank, SSB
Recorded in: Vol. 975, Page 968, Official Public Records, Shelby County, Texas

Legal Description: BEING 1.050 acres of land, more or less, a part of the DAVID STRICKLAND SURVEY, A-633, and being a portion of the land described in deed from Stacey Swift to Dan Swift by deed dated August 20, 1998, recorded in Vol. 844, Page 431, Official Public Records of Shelby County, Texas, and being more particularly described in Exhibit A attached hereto and made a part hereof for all intents and purposes.

Secures: Adjustable Real Estate Lien Note ("Note") in the original principal amount of \$25,500.00, executed by Lauro M. Ruiz ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, September 6, 2016
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.

Place: Upon the steps in front of the Shelby County Courthouse, said steps being located between the main entrance of the Shelby County Courthouse and San Augustine Street

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 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, 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 refilled 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, 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 service to the sender of this notice immediately.


J. Ken Muckelroy

108 Foster Street
Center, TX 75935
Telephone (936) 598-6110
Telecopier (936) 598-7070

L. G. A. L. D E S C R I P T I O N

BEING 1.050 acres of land out of the DAVID STRICKLAND SURVEY, ABSTRACT NO. 633 and being a portion of the same tract of land conveyed by Stacey Swift to Dan Swift by deed dated August 20, 1998, recorded in Volume 844, Page 433, of the Official Public Records of Shelby County, Texas, and being further described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the southeast corner of the above referenced tract in the north margin of County Road 4360, being the southwest corner of LOT 2, of the ARROWHEAD SUBDIVISION;

THENCE South 79 degrees 12 minutes 22 seconds West generally with the said road margin, at 162.65 ft; pass a 1/2" iron rod found for a reference corner, in all a distance of 182.81 ft. to the southeast corner of LOT 13 in the center of a 40 ft. wide street reservation;

THENCE North 01. degrees 27 minutes 36 seconds East with the center of the said street and east line of LOTS 10, 12 and 11, a distance of 280.34 ft. to the southwest corner of LOT 4 and in the east line of LOT 11;

THENCE North 79 degrees 14 minutes 02 seconds West along the south line of the said LOT 4, at 19.38 ft. pass a 1/2" iron rod found for reference corner, in all a distance of 151.10 to a 1/2" iron rod found for the corner, being the northwest corner of the aforementioned LOT 2;

THENCE South 05 degrees 00 minutes 00 seconds East with the line of the said LOT 2 a distance of 275.28 ft. to the POINT OF BEGINNING.

Surveyed October 27, 2003, by Burl W. Youngblood
Registered Professional Land Surveyor no. 1476

Burl W. Youngblood

