

17-0005FC

Notice of Foreclosure Sale

FILED FOR RECORD
SHELBY COUNTY, TEXAS

1. *Property to Be Sold.* The property to be sold is described as follows:

2017 APR 8 AM 10 22

SEE EXHIBIT "A" ATTACHED AND INCORPORATED HEREIN.

SHARON L. MANTON
COUNTY CLERK

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust recorded under clerk no. 2014000610 of the Official Public Records of Shelby County, Texas.

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: April 4, 2017

Time: The sale will begin no earlier than 1:00 p.m. or no later than three hours thereafter. The sale will be completed by no later than 4:00 p.m.

Place: Shelby County Courthouse in Center, Texas, at the following location:
THE AREA WITHIN A RADIUS OF 100 FEET OF THE
SOUTHEASTERN DOOR OF THE HOUSE PROVIDED FOR THE
HOLDING OF THE DISTRICT COURT IN THE CITY OF CENTER,
IN SHELBY COUNTY, TEXAS OR AS DESIGNATED BY THE
COUNTY COMMISSIONER'S COURT recorded in the Real Property
Records of Shelby County, Texas.

The deed of trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the deed of trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiled may be after the date originally scheduled for this sale.

4. *Terms of Sale.* The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions 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.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

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.

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.

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.

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 or any substitute trustee.

5. *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 Christopher Robin Davis and Jennifer Lynn Davis.

The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

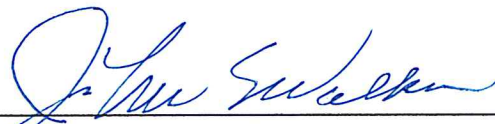
6. *Obligations Secured.* The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to the promissory note executed by Christopher Robin Davis and Jennifer Lynn Davis, and payable to the order of Christopher Wayne Tyre.

Christopher Wayne Tyre is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiary, Christopher Wayne Tyre at 3432 State Highway 87 North, Center, Texas 75935.

7. *Default and Request to Act.* Default has occurred under the deed of trust, and the beneficiary 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.

Dated: March 8, 2017.



John S. Walker, Trustee
Attorney at Law
State Bar No.: 20713000
110 N. Church Street
Center, Texas 75935
Telephone (936) 598-2494
Telecopier (936) 598-5831

EXHIBIT "A"

All that certain 3.41 acre tract of land, more or less, located in **SHELBY COUNTY, TEXAS**, on the **WILLIAM LEACH SURVEY, A-431**, and being described by metes and bounds as follows:

BEGINNING at a one-half inch iron pipe set in a fence corner for a corner on the South right-of-way line of Texas Highway 87 being the Northwest corner of the original tract and point of beginning as found in a General Warranty Deed recorded in volume 463, Page 577, Deed Records, Shelby County, Texas, out of which this tract is carved, the same being the Point of Beginning;

THENCE South $21^{\circ} 08' 50''$ West, 515.41 feet to a one-half inch iron pipe set in a fence corner for a corner on the West line of the original tract;

THENCE South $56^{\circ} 09' 20''$ East, 250.19 feet to a one-half inch iron pipe set in a fence corner for a corner;

THENCE North $26^{\circ} 57' 41''$ East, 569.67 feet to a one-half inch iron pipe set in a fence corner for a corner, on the South right-of-way of Texas Highway 87;

THENCE North $68^{\circ} 03' 36''$ West with the South right-of-way with the said Highway 87, 301.82 feet to the **POINT OF BEGINNING**, containing 3.41 acres of land, more or less, and being the same land conveyed in Warranty Deed dated February 16, 1981 from Vallie Bell Harbison to Willie Lynn Harbison Shofner and Everett Duke Harbison, and recorded in the Deed Records of Shelby County, Texas.