

17-00074C

**Notice of Foreclosure Sale**

FILED FOR RECORD  
SHELBY COUNTY, TEXAS

2017 APR 10 AM 10 51

JENNIFER L. FOUNTAIN

CLERK  
SHELBY COUNTY CLERK  
DEPUTY

Deed of Trust ("Deed of Trust"):

Dated: July 20, 2012

Grantor: Jimmy H. Jacobs, Jr. and Sandra D. Jacobs

Trustee: Robert G. Neal, Sr.

Lender: First Bank and Trust East Texas

Recorded in: Clerk File No. 2012004346 of the Official Public Records of Shelby County, Texas

Legal Description:

All that certain tract or parcel of land situated in **SHELBY COUNTY, TEXAS**, on the **NANCY SMITH SURVEY, A-644**, about 500 vrs. North from the Courthouse in Center, Texas, and being the same land described in a Deed from W. W. Lane, et ux., to Luke Motley, Jr., dated November 13, 1968, and recorded in Volume 458, Page 892, Deed Records of Shelby County, Texas, being described by metes and bounds as follows, to-wit:

**BEGINNING** at the Southeast corner of a lot heretofore conveyed to Jack McLeroy, being a point on the North margin of Lane Street, said point being South 60 East, 200 feet from the intersection of the North margin of Lane Street and the East margin of Payne Street;

**THENCE** South 60 East, with the North margin of Lane Street 427 feet to the intersection of the North margin of Lane Street with the West margin of Logansport Street;

**THENCE** North 36 East, with the West margin of Logansport Street 160 feet to a stake on the West margin of Logansport Street;

**THENCE** North 56-1/2 West, 467 feet to the Northeast corner of the heretofore mentioned lot owned by Jack McLeroy;

**THENCE** South 24 West, 192 feet with the East boundary line of Jack McLeroy's lot to the **PLACE of BEGINNING, containing 1.66 acres of land, more or less;**

**SAVE LESS and EXCEPT:** All that certain tract of land situated in **SHELBY COUNTY, TEXAS**, on the **NANCY SMITH SURVEY, A-644**, in the City of Center, Texas, and being a part of the 1.66 acre tract described in Deed from W. W. Lane, et ux., to Luke Motley, Jr., dated November 13th, 1968, and recorded in Volume 458, Page 892, et seq.; Deed Records of Shelby County, Texas, and being the same land described in a Deed from Luke Motley, Jr., et ux., to Marletta Todd Chadwick, dated August 20, 1975, and recorded in Volume 510, Page 80. Deed Records of Shelby County, Texas, being 6/10ths of an acre, more or less, and being described by metes and bounds as follows, to-wit:

**BEGINNING** at the Southwest corner of said Jack Motley 1.66 acre tract and the Southeast corner of the Jack McLeroy 1 acre tract and at a point on the North curb line of Lane Street, this corner being South 60 East, 200 feet from the intersection of the North concrete curb line of Lane Street and the East concrete curb line of Payne Street;

**THENCE** South 60 East, with the North concrete curb line of Lane Street, a distance of 154 feet to point in line with the West edge of the Jack Motley brick wall fence;

**THENCE** about North 25 East and past the West edge of said brick wall fence and continue with same and about 171 feet past the Northwest corner of same and on same course about 6 feet more, or a total of about 177 feet, to point on the North line of said Jack Motley 1.66 acre tract;

**THENCE** North 56-1/2 West, with the North line of said Jack Motley 1 acre tract;

158 feet to the Northeast corner of the Jack McLeroy 1 acre tract;  
**THENCE** about South 24 West, with said McLeroy line about 192 feet to the **PLACE** of **BEGINNING**, and containing 6/10ths of an acre, more or less;

Secures: Adjustable Rate Note ("Note") in the original principal amount of \$198,000.00, executed by Jimmy H. Jacobs, Jr. and Sandra D. Jacobs ("Borrower") and payable to the order of Lender

Substitute Trustee: J. Ken Muckelroy

Substitute Trustees

Address: 108 Foster Street, Center, Texas, 75935

Foreclosure Sale:

Date: Tuesday, May 2, 2017

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 First Bank and Trust East Texas'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 Bank and Trust East Texas, 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 Bank and Trust East Texas'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 Bank and Trust East Texas'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 Bank and Trust East Texas 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 Bank and Trust East Texas. 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.**

  
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J. Ken Maekelroy

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