

18-0005FC

**NOTICE OF FORECLOSURE SALE**

February 8, 2018

RECORDED FOR RECORD  
SHELBY COUNTY, TEXAS  
2018 FEB 8 PM 2 03

Home Equity Deed of Trust ("Deed of Trust"):

Dated: December 23, 2014

Grantor: Thomas C. Trussell

Trustee: Matthew D. Mettauer

Lender: Shelby Savings Bank, SSB

Recorded in: Document No. 2015000043 of the real property records of Shelby County, Texas.

JENNIFER L. FOUNTAIN  
COUNTY CLERK  
BY *Jennifer L. Fountain* DEPUTY

Legal Description:

BEING 0.373 acres of land, more or less, a part of the JAMES SMITH SURVEY, A-632, and being Lot N-2 of Shelby Beach Addition, Shelby County, Texas, and being the land described in the Warranty Deed with Vendor's Lien from Robert W. Brantley to Tom Trussell, a single man, dated April 23, 2008, recorded under Instrument No. 2008003568, Official Public Records, Shelby County, Texas, and being described by metes and bounds as follows, to-wit:

BEGINNING at a 5/8 inch iron rod found for the NWC of this Lot N-2, being the SWC of Lot N-1 (626/306);

THENCE S. 01 deg. 41 min. 04 sec. E. 225.98 feet to a 1/2 inch iron rod for the SWC of this Lot N-2;

THENCE N. 88 deg. 19 min. 41 sec. E. 57.59 feet to a point for the SEC of this Lot N-2 in the West edge of a road, a 1/2 inch iron rod found for reference corner brs. S. 88 deg. 19 min. 41 sec. W. 23.74 ft;

THENCE along West edge of said road as follows:

N. 02 deg. 46 min. 47 sec. E. 100.59 ft;

N. 11 deg. 53 min. 08 sec. E. 96.01 ft;

N. 19 deg. 35 min. 31 sec. E. 31.61 ft. to a point in said road for the NEC of this Lot N-2, being the SEC of Lot N-1, a 5/8 inch iron rod found for reference corner brs. W. 20.20 ft;

THENCE W. 99.46 ft. along the SBL of Lot N-1 to the point of beginning, containing 0.373 acres of land, more or less.

Surveyed by Carl O. Birdwell, Registered Professional Land Surveyor, No. 4343, State of Texas, on April 14, 2008.

TOGETHER with that certain 12x60 ft. mobile home, the title to which has been surrendered and elected as real property as evidenced by the Statement of Ownership and Location recorded in Vol. 1050, Page 579, Official Public Records of Shelby County, Texas, described as a Southern Homes mobile home bearing Label/Seal No. NTA0311640 and Serial Number SSDAL5465.

Secures: Texas Home Equity Real Estate Lien Note ("Note") in the original principal amount of \$36,000.00, executed by Thomas C. Trussell ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, March 6, 2018

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. and not later than three hours thereafter.

Place: Front steps of the Shelby County Courthouse located at 200 San Augustine Street, Center, Texas 75935.

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 Substitute 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, Substitute 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

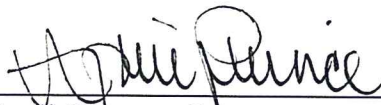
rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

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 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, 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.**



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Texas Bar No. 24047247

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Telecopier (936) 598-6122

**NO. CV-2017-34,255**

**IN RE: ORDER FOR  
FORECLOSURE CONCERNING**

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**IN THE DISTRICT COURT**

**THE ESTATE OF THOMAS C.  
TRUSSELL, DECEASED**

**OF**

**AND**

**1102 CR 2650, Shelbyville, Texas 75973**

**SHELBY COUNTY, TEXAS**

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**ORDER TO PROCEED WITH NOTICE OF SALE  
AND SALE OF PROPERTY**

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On the below date came on to be considered the Application filed by Shelby Savings Bank, SSB, requesting permission to foreclose on a lien under Tex. Const. Art. XVI, Subsection 50(a)(6)(D) for a home equity loan executed by Thomas C. Trussell, now deceased. The Court finds that Deck Jones in his capacity as Temporary Administrator of the Estate of Thomas C. Trussell, Deceased, was properly notified with service of citation which was mailed on December 28, 2017 and that he has failed to file an answer within the thirty-eight (38) day period allowed by law and is accordingly in default.

The Court is of the opinion that the Application should be GRANTED.

It is accordingly ORDERED that Applicant be and is hereby authorized to proceed with foreclosure under the terms of the Home Equity Deed of Trust in question, and TEX. PROPERTY CODE SUBSECTION 51.002, in regard to the property described as follows, and having a mailing address of **1102 CR 2650, Shelbyville, Texas 75973**, being more specifically described as follows:

BEING 0.373 acres of land, more or less, a part of the JAMES SMITH SURVEY, A-632, and being Lot N-2 of Shelby Beach Addition, Shelby County, Texas, and being the land described in the Warranty Deed with Vendor's Lien from Robert W. Brantley to Tom Trussell, a single man, dated April 23, 2008, recorded under Instrument No. 2008003568, Official Public Records, Shelby County, Texas, and being described by metes and bounds as follows, to-wit:

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It is further **ORDERED** that a copy of this Order shall be sent to Respondent at his last known address according to the records of the holder of the debt, with the Notice of Sale, and that Applicant may communicate with Respondent and all third parties reasonable necessary to conduct the foreclosure sale. If Respondent is represented by counsel, the Notice of foreclosure sale shall also be mailed to said counsel by certified mail, return receipt requested.

It is further **ORDERED** that a copy of this Order shall be filed in the Real Property Records of Shelby County, Texas, within ten (10) days of the date of entry of this Order.

Signed the 6th day of February, 2018.

  
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JUDGE PRESIDING