

24-013 FC

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**SUBSTITUTE TRUSTEE'S NOTICE**

THE STATE OF TEXAS }

COUNTY OF SHELBY }

NOTICE IS HEREBY GIVEN THAT, WHEREAS, on the 7th day of November, 2017, MOUNTAIN FARM, LLC, executed a Deed of Trust to David Chadwick, for the benefit of Farmers State Bank, in Center, Texas, on the hereinafter described real estate, which Deed of Trust appears of record as Instrument No. 2017003719 in the Official Public Records of Shelby County, Texas, to which record, reference is here made to more fully show the wording and effect of such instrument and the property covered by it; and

WHEREAS, the said Deed of Trust specifically authorizes the appointment of a Substitute Trustee by the beneficiary of said Deed of Trust; and

WHEREAS, the said Trustee has become incapacitated to serve as such, or has resigned or has failed and refused to act as such; and

WHEREAS, by authority of the said Deed of Trust, the beneficiary thereunder did, on the 13<sup>th</sup> day of June, 2024, appoint me, RANDY McLEROY, as Substitute Trustee;

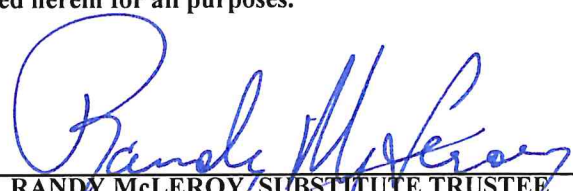
WHEREAS, the said Mountain Farm, LLC, has made default in the payment of the note described in such instrument, leaving a delinquent balance on this date remaining unpaid thereon; and

WHEREAS, FARMERS STATE BANK, the said beneficiary, has requested me to enforce such trust;

NOW, THEREFORE, I, RANDY McLEROY, Substitute Trustee has aforesaid, hereby give notice that I will accordingly, after due posting of this notice as required by said Deed of Trust and the law, for at least twenty-one days successively next before the day of sale at the Door of the District Courthouse in cENTER, Texas, and, after serving written notice of such sale, at least twenty-one days preceding the date specified herein as the date upon which said property will be sold, by certified mail, return receipt requested, on each debtor obligated to pay the above mentioned debt according to the records of the holder of said indebtedness, sell at public venue to the highest bidder, or bidders, for cash, in the area designated by the Commissioners' Court of Shelby County, Texas, pursuant to TEX. PROP. CODE, § 51.002, or, if no such area has been designated, within 100 feet of the main entrance to the building where the district court is usually held in Center, Shelby County, Texas, that being the county in which said property is situated, between the hours of 10:00 o'clock a.m., and 4:00 o'clock p.m., but no earlier than 1:00 o'clock p. m., nor later than 4:00 o'clock p. m., of the first Tuesday in the month of August, 2024, the same being the 6th day of August, 2024, the following described real estate so described in and secured by such Deed of Trust:

See Exhibit "A" attached hereto and incorporated herein for all purposes.

WITNESS my hand on this, the 13<sup>th</sup> day of June, 2024.

  
RANDY McLEROY, SUBSTITUTE TRUSTEE  
P. O. Box 668  
Center, Texas 75935

Notice pursuant to Section 51.002, Texas Property Code:

**"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 MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY."**

## EXHIBIT A

All that certain tract of land situated in Shelby County, in the J.D. FREELAND SURVEY, A-223, being all of a called 16.10 acre tract conveyed from Terry Gene Allen and wife, Jan Peace Allen to Desperation Knoll, LLC and recorded in Clerk File No. 2008000971 of the Official Public Records of Shelby County, Texas, and part of a called 153.13 acre tract listed as FIRST TRACT conveyed from Tyson Foods, Inc. to Terry Gene Allen and wife, Jan Peace Allen and recorded in Volume 812 Page 18 of the Official Public Records of Shelby County, Texas, and being more particularly described as follows:

Bearings refer to Grid North of the Texas Coordinate System of 1983 (Central Zone 4203).

**BEGINNING** at a 1/2" Iron Pipe found for the southeast corner of the called 16.10 acre tract conveyed to Desperation Knoll, LLC and recorded in Clerk File No. 2008000971 of the Official Public Records of Shelby County, Texas;

**THENCE** S 78° 43' 22" W with the most easterly south line of the called 16.10 acre tract conveyed to Desperation Knoll, LLC and recorded in Clerk File No. 2008000971 of the Official Public Records of Shelby County, Texas, and with an internal north line of the remainder of the called 153.13 acre tract listed as FIRST TRACT conveyed to Terry Gene Allen and wife, Jan Peace Allen and recorded in Volume 812 Page 18 of the Official Public Records of Shelby County, Texas, and generally with a barbed wire fence, a distance of 620.08 feet to a 1/2" Iron Pipe found for corner;

**THENCE** N 22° 58' 07" W with the most southerly west line of the called 16.10 acre tract conveyed to Desperation Knoll, LLC and recorded in Clerk File No. 2008000971 of the Official Public Records of Shelby County, Texas, and with an internal east line of the remainder of the called 153.13 acre tract listed as FIRST TRACT conveyed to Terry Gene Allen and wife, Jan Peace Allen and recorded in Volume 812 Page 18 of the Official Public Records of Shelby County, Texas, and generally with a barbed wire fence, a distance of 133.58 feet to a 1/2" Iron Pipe found for corner;

**THENCE** S 86° 18' 19" W with a westerly south line of the called 16.10 acre tract conveyed to Desperation Knoll, LLC and recorded in Clerk File No. 2008000971 of the Official Public Records of Shelby County, Texas, a distance of 28.71 feet to a 1/2" Iron Pipe found for a southwest corner of the called 16.10 acre tract conveyed to Desperation Knoll, LLC and recorded in Clerk File No. 2008000971 of the Official Public Records of Shelby County, Texas;

**THENCE** S 88° 00' 25" W across the remainder of the called 153.13 acre tract listed as FIRST TRACT conveyed to Terry Gene Allen and wife, Jan Peace Allen and recorded in Volume 812 Page 18 of the Official Public Records of Shelby County, Texas, a distance of 58.69 feet to a 5/8" Iron Rod set for corner with cap stamped "ETSM, LLC at a fence corner;

THENCE S 89° 00' 56" W across the remainder of the called 153.13 acre tract listed as FIRST TRACT conveyed to Terry Gene Allen and wife, Jan Peace Allen and recorded in Volume 812 Page 18 of the Official Public Records of Shelby County, Texas, a distance of 469.48 feet to a 5/8" Iron Rod set for corner with cap stamped "ETSM, LLC" on the east right-of-way of Farm-to-Market Road 699;

THENCE N 03° 17' 37" W with the east right-of-way of Farm-to-Market Road 699 at 327.97 feet pass a 1/2" Iron Pipe found at the most westerly southwest corner of the called 16.10 acre tract conveyed to Desperation Knoll, LLC and recorded in Clerk File No. 2008000971 of the Official Public Records of Shelby County, Texas, and at a total distance of 715.17 feet to a 1/2" Iron Pipe found for the northwest corner of the called 16.10 acre tract conveyed to Desperation Knoll, LLC and recorded in Clerk File No. 2008000971 of the Official Public Records of Shelby County, Texas;

THENCE N 03° 16' 18" W with the most northerly west line of the remainder of the called 153.13 acre tract listed as FIRST TRACT conveyed to Terry Gene Allen and wife, Jan Peace Allen and recorded in Volume 812 Page 18 of the Official Public Records of Shelby County, Texas, and with the east right-of-way of Farm-to-Market Road 699 a distance of 299.72 feet to a 5/8" Iron Rod with disk found for corner;

THENCE N 08° 37' 46" E with the east line of a called 0.415 acre tract conveyed to the State of Texas and recorded in Volume 1025 Page 611 of the Official Public Records of Shelby County, Texas, and with the east right-of-way of Farm-to-Market Road 699 a distance of 78.61 feet to a 5/8" Iron Rod with disk found for corner;

THENCE with a curve turning to the right with an arc length of 199.62 feet, with a radius of 2784.79 feet, with a chord bearing of N 89° 13' 42" E, with a chord length of 199.58 feet and with the south boundary of the called 0.415 acre tract conveyed to the State of Texas and recorded in Volume 1025 Page 611 of the Official Public Records of Shelby County, Texas, with the south right-of-way of U.S. Highway 84 to a 5/8" Iron Rod with disk found for corner;

THENCE N 88° 57' 39" E with a south boundary of the called 0.415 acre tract conveyed to the State of Texas and recorded in Volume 1025 Page 611 of the Official Public Records of Shelby County, Texas, and with the south right-of-way of U.S. Highway 84 a distance of 249.03 feet to a 5/8" Iron Rod with disk found for corner;

THENCE S 88° 43' 38" E with a south boundary of the called 0.415 acre tract conveyed to the State of Texas and recorded in Volume 1025 Page 611 of the Official Public Records of Shelby County, Texas, and with the south right-of-way of U.S. Highway 84 a distance of 600.03 feet to a 5/8" Iron Rod with disk found for corner;

THENCE N 87° 35' 08" E with a south boundary of the called 0.415 acre tract conveyed to the State of Texas and recorded in Volume 1025 Page 811 of the Official Public Records of Shelby County, Texas, and with the south right-of-way of U.S. Highway 84 a distance of 250.45 feet to a 5/8" Iron Rod with disk found for corner;

THENCE S 88° 25' 26" E with a south boundary of the called 0.415 acre tract conveyed to the State of Texas and recorded in Volume 1025 Page 811 of the Official Public Records of Shelby County, Texas, and with the south right-of-way of U.S. Highway 84 a distance of 58.61 feet to a 12" Fence Corner post found for corner at the northwest corner of a called 0.23 acre tract conveyed to Paxton Water Supply corporation and recorded in Volume 450 Page 860 of the Deed Records of Shelby County, Texas;

THENCE S 04° 22' 33" E with the west line of the called 0.23 acre tract conveyed to Paxton Water Supply corporation and recorded in Volume 450 Page 860 of the Deed Records of Shelby County, Texas, and generally with a barbed wire fence, a distance of 100.00 feet to a 5/8" Iron Rod set for corner with cap stamped "ETSM, LLC";

THENCE S 88° 01' 35" E with the south line of the called 0.23 acre tract conveyed to Paxton Water Supply corporation and recorded in Volume 450 Page 860 of the Deed Records of Shelby County, Texas, and generally with a barbed wire fence, a distance of 100.02 feet to a 3/4" Iron Rod found for corner;

THENCE S 04° 22' 33" E with a west line of the called 5.7979 acre tract conveyed to Jose Servin and recorded in Volume 861 Page 169 of the Official Public Records of Shelby County, Texas, and generally with a barbed wire fence, a distance of 241.55 feet to a 5/8" Iron Rod set for corner with cap stamped "ETSM, LLC";

THENCE N 84° 18' 43" E with the most westerly south line of the called 5.7979 acre tract conveyed to Jose Servin and recorded in Volume 861 Page 169 of the Official Public Records of Shelby County, Texas, and generally with a barbed wire fence, a distance of 217.51 feet to a 1/2" Iron Pipe found for corner;

THENCE S 06° 00' 01" E with the most southerly west line of the called 5.7979 acre tract conveyed to Jose Servin and recorded in Volume 861 Page 169 of the Official Public Records of Shelby County, Texas, and generally with a barbed wire fence, a distance of 226.31 feet to a 5/8" Iron Rod set for corner with cap stamped "ETSM, LLC";

THENCE S 86° 53' 10" W across the remainder of the called 153.13 acre tract listed as FIRST TRACT conveyed to Terry Gene Allen and wife, Jan Peace Allen and recorded in Volume 812 Page 18 of the Official Public Records of Shelby County, Texas, and generally with a barbed wire fence, a distance of 267.75 feet to a 5/8" Iron Rod set for corner with cap stamped "ETSM, LLC";

THENCE S 89° 24' 30" W across the remainder of the called 153.13 acre tract listed as FIRST TRACT conveyed to Terry Gene Allen and wife, Jan Peace Allen and recorded in Volume 812 Page 18 of the Official Public Records of Shelby County, Texas, and generally with a barbed wire fence, a distance of 229.55 feet to a 5/8" Iron Rod set for corner with cap stamped "ETSM, LLC";

THENCE S 85° 58' 17" W across the remainder of the called 153.13 acre tract listed as FIRST TRACT conveyed to Terry Gene Allen and wife, Jan Peace Allen and recorded in Volume 812 Page 18 of the Official Public Records of Shelby County, Texas, and generally with a barbed wire fence, a distance of 61.03 feet to a 5/8" Iron Rod set for corner with cap stamped "ETSM, LLC";

THENCE S 77° 18' 21" W across the remainder of the called 153.13 acre tract listed as FIRST TRACT conveyed to Terry Gene Allen and wife, Jan Peace Allen and recorded in Volume 812 Page 18 of the Official Public Records of Shelby County, Texas, and generally with a barbed wire fence, a distance of 16.29 feet to a 5/8" Iron Rod set for corner with cap stamped "ETSM, LLC";

THENCE S 17° 58' 15" E with the most northerly east line of the called 16.10 acre tract conveyed to Desperation Knoll, LLC and recorded in Clerk File No. 2008000971 of the Official Public Records of Shelby County, Texas, and generally with a barbed wire fence, a distance of 156.27 feet to a 5/8" Iron Rod set for corner with cap stamped "ETSM, LLC";

THENCE S 13° 20' 21" E with the most southerly east line of the called 16.10 acre tract conveyed to Desperation Knoll, LLC and recorded in Clerk File No. 2008000971 of the Official Public Records of Shelby County, Texas, and generally with a barbed wire fence, a distance of 371.29 feet to the Point of Beginning being 34.845 acres of land more or less.

BY \_\_\_\_\_ DEPUTY

JENNIFER L. FOUNTAIN  
COUNTY CLERK

2024 JUN 13 PM 3:37

FILED FOR RECORD  
SHELBY COUNTY, TEXAS

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FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Jennifer L. Fountain*



Jennifer L. Fountain, County Clerk  
Shelby County, Texas

November 08, 2017 02:13:23 PM

FEE: \$54.00 BACKLISON  
DT

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