

24-019FC

FILED FOR RECORD
SHELBY COUNTY, TEXAS

NOTICE OF FORECLOSURE SALE

2024 OCT 11 PM 12:48

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.

1. Property to Be Sold. The property (including any improvements) to be sold is located in Shelby County, Texas and is more fully described in **Exhibit A**, which is attached hereto and incorporated herein for all purposes, together with all improvements and fixtures upon, and appurtenances thereto, and all personal property secured by the loan agreement described in the Deed of Trust (as defined below).

The real property being sold is the same property described in the Deed of Trust (defined below).

2. Security Instrument to be Foreclosed. The instrument to be foreclosed on is that certain Deed of Trust and Security Agreement dated as of February 7, 2017, executed by LOY MORRIS SONMOR and wife, KATRENA LEANN SONMOR, as borrower, for the benefit of FIRST FINANCIAL BANK ("Lender"), recorded on February 8, 2017, under Document No. 2017000401 in the Official Public Records of Shelby County, Texas (the "Deed of Trust").

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

Date: November 5, 2024

Time: The sale will begin no earlier than 12:00 p.m. and no later than 3:00 p.m.

Place: Shelby County, 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 CENTER, IN SHELBY COUNTY, TEXAS OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE.

In the event Lender decides to postpone, withdraw, or reschedule the sale for another day, 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 refiling 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 Lender thereunder to have the

bid credited to the amount owed under the Loan Agreement (defined below) 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 cash on the day the property is sold.

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 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.

6. Obligations Secured. The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described (collectively, the "Obligations") including, but not limited to, that certain Loan Agreement dated February 7, 2017 (the "Loan Agreement") by and between Loy Morris Sonmor, as borrower, and Lender, and that certain Promissory Note in the original principal amount of \$281,000.00, dated February 7, 2017, executed by Loy Morris Sonmor, made payable to the order of Lender (as amended, the "Note"), such Note having a balance of approximately \$ 235,897.00, plus penalties and interest. In addition, the Loan Agreement and the Deed of Trust provide for reimbursement to Lender of its reasonable attorneys' fees and expenses incurred in collecting this debt.

7. Default and Request to Act. Default has occurred under the Loan Agreement and the Deed of Trust, and Lender has requested me, as substitute trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person as substitute trustee to conduct the sale.

[Signature page follows.]

EXECUTED to be effective as of October 10, 2024.

Ty Johnson

Ty Johnson, Substitute Trustee
2323 Ross Ave, Suite 1900
Dallas, Texas 75201

ACKNOWLEDGMENT

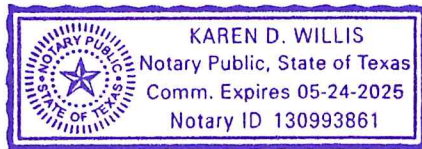
STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on October 10, 2024, by Ty Johnson.

Karen D. Willis

Notary Public in and for State of Texas

Name Printed: Karen D. Willis



AFTER RECORDING, RETURN TO:

**Ty Johnson
Bell Nunnally & Martin LLP
2323 Ross Street, Suite 1900
Dallas, Texas 75201
Telephone: (214) 740-1413**

EXHIBIT A

FIRST TRACT: Being 30.25 acres of land, more or less, in the B. ODELL SURVEY, A-535, Shelby County, Texas and being the land described as the First Tract in the Deed from J.E. Belrose and wife, Janet Belrose, to James O. Davis and wife, Jo Ann Davis dated December 5, 1984, recorded in Vol. 645, Page 554, Deed Records, Shelby County, Texas, and being described by metes and bounds, as follows, to wit:

BEGINNING at the N.W.C. of 30-1/4 acres surveyed for H.F. Willoughby on the S.B.L. of 10-1/2 acres surveyed for Mrs. M.B. Davis on the BENJAMIN ODELL SURVEY, A-535, being N. 58 W. 136 vrs. from said H.F. Willoughby N.W.C. ;

THENCE N. 58 W. 129 vrs to a stake on the S.B.L. of J.E. Willoughby 30-1/4 acre tract;

THENCE S. 31 W. 1350 vrs. to a stake on the North bank of Prairie Creek, bearing a sweetgum mkd. X;

THENCE down and with Prairie Creek to H.F. Willoughby S.W.C., magnolia brs. W. 1 vr.;

THENCE: N. 31 E. with H.F. Willoughby W.B.L. 1328 vrs. to the PLACE OF BEGINNING, containing 30.25 acres of land, more or less;

SAVE LESS & EXCEPT: 3 acres of land, more or less, conveyed out of the 30.25 acre hereinbefore described, by deed from Lloyd C. Belrose and wife Cecil Belrose to Gertrude Willoughby dated June 24, 1964, recorded in Vol. 422, Pg. 624, Deed Records, Shelby County, Texas; which said 3 acres is the North part of the 30-1/4th acre tract herein before described, being all of the such 30-1/4th acre tract that is situated on the North side of the Center-Sardis County Road; and being more particularly described as follows:

BEGINNING at the Northwest or most Northern Corner of said 30-1/4th acre tract;

THENCE S. 58 East with the North line of said tract a distance of 363 feet to its N.E.C. at the N.W.C. of the J.E. Willoughby et ux two acre tract;

THENCE South 31 West with the East line of said 30-1/4th acre tract and West line of said Willoughby two acre tract a distance of 275 ft. to the point on said county road;

THENCE about West with the North margin of said county road, a distance of 410 ft. to its intersection with the West line of said 30-1/4th acre tract;

THENCE N. 31 E. with the West line of said 30.25 acre tract a distance of 473 ft to the PLACE OF BEGINNING containing three acres of land, more or less, leaving 27.25 acres of land more or less, in this First Tract;

SECOND TRACT: Being 28.25 acres of land, more or less, in the B. ODELL SURVEY, A-535, Shelby County, Texas, and being the land described as Second Tract in the Deed from J.E. Belrose and wife, Janet Belrose, to James O. Davis and wife, Jo Ann Davis, dated December 15, 1984, recorded in Vol. 645, Page 554, Deed Records, Shelby County, Texas, and being described by metes and bounds, as follows, to wit:

BEGINNING at the S.E.C. of the BENJAMIN ODELL SURVEY, A-535, on Prairie Creek, White Oak mkd. B.O.;

THENCE N. 31 E. 1250 vrs. to stake;

THENCE N. 58 W. with Mrs. M.B. Davis; SBL 136 vrs. to stake on said line;

THENCE N. 31 W. 1328 vrs. with N.C. Clark E.B.L. to her corner on Prairie Creek a magnolia brs. W. 1 vara;

THENCE down with said creek to the PLACE OF BEGINNING, containing 30-1/4 acres of land, more or less;

SAVE, LESS & EXCEPT: 2 acres of land, more or less, out of said 30-1/4 acres which lies North of the Willoughby road;

LEAVING 28.25 acres of land, more or less, in this Second Tract.

SAVE LESS & EXCEPT OUT OF FIRST & SECOND TRACTS:

Being a legal description to a 25.00 acre tract in the Benjamin Odell Survey, A-535, Shelby County, Texas, being out of and part of the remaining portion of Tract #1 and Tract #2 described in a Deed to James O Davis, et ux, from J.E. Belrose, et ux, dated December 5, 1984 and recorded in Volume 645 Page 554 of the Deed Records of said County. Said 25.000 acre tract lies South of and adjoins the centerline of County Road #3047 and is further described by metes and bounds as follows to-wit:

BEGINNING: At a point in the centerline of County Road #3047 being the Northeast corner of this tract and said Tract #2, the Northwest corner of a called 46.647 acre tract recorded in Volume 955 Page 175 of the Official Public Records of said County, in the East boundary line of the Benjamin Odell Survey A-535; and in the West line of the Wm. Turpin Survey A-733; from which a 1/2" iron rod with cap Stamped "M Birdwell RPLS #5148" set for reference on the South side of said County Road bears : S 31°07'42" W 40.00'

THENCE: S 31°07'42" W 380.93' with said Survey lines, to a 1/2" iron rod found for an angle corner of this tract, said Tract #2, and said 46.647 acre tract;

THENCE: S 31°07'42" W 931.07' with said Survey lines, to a 1/2" iron rod found for an angle corner of this tract, said Tract #2, and said 46.647 acre tract;

THENCE: S 31°00'00" W 608.11' continuing with said Survey lines, ~~SOURCE OF BEARING~~ to a 1/2" iron rod with cap Stamped "M Birdwell RPLS #5148" set for the Southeast corner of this tract, in the East line of said Tract #2, and in the West line of said 46.647 acre tract; from which a 3/8" iron rod found on the North bank of Prairie Creek for reference bears S 31°00'00" W 1345.41';

THENCE: N 59°00'00" W 374.33' into Tract #1 and Tract #2, to a 1/2" iron rod with cap Stamped "M Birdwell RPLS #5148" set for the Southwest corner of this tract;

THENCE: N 30°32'24" E at 602.78' passing the point of termination of a 30.00' Wide Access Easement Surveyed this day by me Wm mark Birdwell RPLS #5148 and continuing a total distance of 714.47' to a 1/2" iron rod with cap Stamped "M Birdwell RPLS #5148" set for an interior angle corner of this tract;

THENCE: N 57°18'18" W 349.12' to a 1/2" iron rod with cap Stamped "M Birdwell RPLS #5148" set for the most Westerly corner of this tract, in the West line of said Tract #1, and in the East line of a 30.25 acre tract recorded in Document #2010009744 of the Official Public Records of said County; from which a 1/2" iron rod with cap Stamped "M Birdwell RPLS #5148" set on the North bank of Prairie Creek for reference bears S 31°13'00" W 2238.58';

THENCE: N 31°13'00" E 946.08' to a point in the centerline of County Road #3047 for the Northwest corner of this tract, in the West boundary line of Tract #1, and in the East boundary line of said 30.25 acre tract; from which a ½" iron rod with cap Stamped "M Birdwell RPLS #5148" set for reference on the South side of County Road #3047 bears S 31°13'00" W 40.00' and a ½" iron rod found for reference on the North side of said County Road bears N 31° 13' 00" E 36.40';

THENCE: with the centerline of County Road #3047 as follows:

- 1) N 86°18'56" E 113.91' to a point for corner of this tract;
- 2) S 89°05'58" E 147.60' to a point for corner of this tract and the point of beginning of a 30.00' Wide Access Easement Surveyed this day by me WM Mark Birdwell RPLS #5148;
- 3) S 80°00'24" E 188.38' to a point for corner of this tract;
- 4) S 72°31'41" E 146.53' to a point for corner of this tract;
- 5) S 62°01'50" E 132.75' to a point for corner of this tract;
- 6) S 60°36'46" E 56.16' to the point of beginning containing 25.000 acres of land;

THIRD TRACT:

Being a legal description to a 25.00 acre tract in the Benjamin Odell Survey, A-535, Shelby County, Texas, being out of and part of the remaining portion of Tract #1 and Tract #2 described in a Deed to James O Davis, et ux, from J.E. Belrose, et ux, dated December 5, 1984 and recorded in Volume 645 Page 554 of the Deed Records of said County. Said 25.000 acre tract lies South of and adjoins the centerline of County Road #3047 and is further described by metes and bounds as follows to-wit:

BEGINNING: At a point in the centerline of County Road #3047 being the Northeast corner of this tract and said Tract #2, the Northwest corner of a called 46.647 acre tract recorded in Volume 955 Page 175 of the Official Public Records of said County, in the East boundary line of the Benjamin Odell Survey A-535, and in the West line of the Wm. Turpin Survey A-733; from which a 1/2" iron rod with cap Stamped "M Birdwell RPLS #5148" set for reference on the South side of said County Road bears : S 31°07'42" W 40.00'

THENCE: S 31°07'42" W 380.93' with said Survey lines, to a 1/2" iron rod found for an angle corner of this tract, said Tract #2, and said 46.647 acre tract;

THENCE: S 31°07'42" W 931.07' with said Survey lines, to a 1/2" iron rod found for an angle corner of this tract, said Tract #2, and said 46.647 acre tract;

THENCE: S 31°00'00" W 608.11' continuing with said Survey lines, ~~SOURCE OF BEARING~~ to a 1/2" iron rod with cap Stamped "M Birdwell RPLS #5148" set for the Southeast corner of this tract, in the East line of said Tract #2, and in the West line of said 46.647 acre tract; from which a 3/8" iron rod found on the North a bank of Prairie Creek for reference bears S 31°00'00" W 1345.41';

THENCE: N 59°00'00" W 374.33' into Tract #1 and Tract #2, to a 1/2" iron rod with cap Stamped "M Birdwell RPLS #5148" set for the Southwest corner of this tract;

THENCE: N 30°32'24" E at 602.78' passing the point of termination of a 30.00' Wide Access Easement Surveyed this day by me Wm mark Birdwell RPLS #5148 and continuing a total distance of 714.47' to a 1/2" iron rod with cap Stamped "M Birdwell RPLS #5148" set for an interior angle corner of this tract;

THENCE: N 57°18'18" W 349.12' to a 1/2" iron rod with cap Stamped "M Birdwell RPLS #5148" set for the most Westerly corner of this tract, in the West line of said Tract #1, and in the East line of a 30.25 acre tract recorded in Document #2010009744 of the Official Public Records of said County; from which a 1/2" iron rod with cap Stamped "M Birdwell RPLS #5148" set on the North bank of Prairie Creek for reference bears S 31°13'00" W 2238.58';

THENCE: N 31°13'00" E 946.08' to a point in the centerline of County Road #3047 for the Northwest corner of this tract, in the West boundary line of Tract #1, and in the East boundary line of said 30.25 acre tract; from which a ½" iron rod with cap Stamped "M Birdwell RPLS #5148" set for reference on the South side of County Road #3047 bears S 31°13'00" W 40.00' and a ½" iron rod found for reference on the North side of said County Road bears N 31° 13' 00" E 36.40';

THENCE: with the centerline of County Road #3047 as follows:

- 1) N 86°18'56" E 113.91' to a point for corner of this tract;
- 2) S 89°05'58" E 147.60' to a point for corner of this tract and the point of beginning of a 30.00' Wide Access Easement Surveyed this day by me WM Mark Birdwell RPLS #5148;
- 3) S 80°00'24" E 188.38' to a point for corner of this tract;
- 4) S 72°31'41" E 146.53' to a point for corner of this tract;
- 5) S 62°01'50" E 132.75' to a point for corner of this tract;
- 6) S 60°36'46" E 56.16' to the point of beginning containing 25.000 acres of land;