

2022-001-FC

Notice of Foreclosure Sale

DATE OF SALE: March 1, 2022

Renewal and Extension Deed of Trust ("Deed of Trust"):

Dated: February 22, 2019
Grantor: Heith L. Harper
Trustee: Matthew D. Mettaufer
Lender: Shelby Savings Bank, SSB

Recorded in: Document No. 2019000764 of the real property records of Shelby County, Texas, being in renewal and extension of Deed of Trust recorded in Document 2017001409 of the real property records of Shelby County, Texas

Legal Description: See Exhibit "A" attached hereto and incorporated by reference for all purposes herein

Secures: Promissory Note ("Note") in the original principal amount of \$380,800.00, executed by Heith L. Harper ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, March 1, 2022

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 St., 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.

FILED FOR RECORD
2022 JAN 18 PM 1:33
COURT CLERK
SHELBY COUNTY TEXAS

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 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, 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.

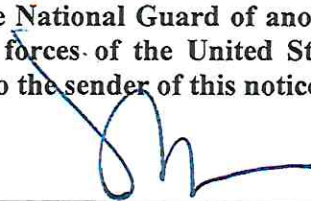
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain 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, 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 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.



Matthew D. Mettauer
Attorney for Shelby Savings Bank, SSB
State Bar No.24007674
matthew@mettauerlaw.com
403 Nacogdoches Street, Suite 1
Center, TX 75935
(936) 598-9400

EXHIBIT "A"

Property Description

BEING 110.75 acres of land, being 115.75 acres of land, more or less, a part of the MANNAN SMITH SURVEY, A-831, Shelby County, Texas, less and except 5.0 acre of land, LEAVING HEREIN: 110.15 acres, and being the land described in the Warranty Deed from Aleck Booker Featherston, Jr. and others to Health L. Harper, a single man, dated November 25, 2014, recorded under Instrument No. 2014004454, Official Public Records, Shelby County, Texas, and being described by metes and bounds as follows, to-wit:

BEGINNING at the SWC of the tract herein conveyed, the same being S. O. Walker's SEC on the S. B. Line of the Mannon Smith Survey, a rock from which a red oak 6 inch brs. N. 41 W. 2 vrs., X;
THENCE N. 31 W. with S. O. Walker's EBL 432 vrs. to a stake in the Joaquin and Willow Grove Road, a post oak 30 inch brs. S. 31 W. 6-1/5 vrs. mkd. X;
THENCE N. 22-1/4 E. with said road 385 vrs. to corner made for Lee Cox, a red oak 20 inch brs. S. 28-1/2 E. 5-2/5 vrs. mkd. X;
THENCE N. 81 E. with Lee Cox's SBL 1101 vrs. to a stake at fence on the EBL of J. M. McGee tract;
THENCE S. 31 E. with Viola Rushings' 66-1/2 acre tract 266 vrs. to her SWC and the SEC of the McGee tract;
THENCE S. 59 W. at 752 vrs. passed the corner of said 2 tracts at 1349 vrs. to the Place of Beginning, containing 115-3/4 acres of land, more or less.

LESS AND EXCEPT 5.0 acres described in Warranty Deed from Howard Overbeek and wife, Betty R. Overbeek and Ruth Featherston to April Gates and husband, Brad Gatse, dated January 9, 2002, recorded in Vol. 928, Page 618, Official Public Records, Shelby County, Texas, and being described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch iron rod found for corner in County Road 3790, said beginning corner being the West corner of said 5.00 acre tract and the West corner of a 115-3/4 acre tract described in a conveyance from Millard Bailey et ux to A. B. Featherston et al, dated November 30, 1973 and recorded in Vol. 495, Page 54, Deed Records, Shelby County, Texas, and also being in the NEBL of a 150 acre tract described as First Tract in a conveyance from S. O. Walker et ux to Mrs. F. M. Taylor et al, dated January 4, 1939, and recorded in Vol. 196, Page 214, Deed Records, Shelby County, Texas;
THENCE N. 22 deg. 30 min. 00 sec. E. 437.69 ft. with the NWBL of said 5.00 acre tract and the NWBL of said 115-3/4 acre tract to a point for corner in County Road 3790 from which a 1/2 inch iron rod found for witness bears S. 35 deg. 11 min. 02 sec. E. 20.61 ft.;
THENCE S. 35 deg. 11 min. 02 sec. E. 299.89 ft. with the NEBL of said 5.00 acre tract to an angle corner of same, a 1/2 inch iron rod found for corner;
THENCE S. 22 deg. 21 min. 39 sec. E. 462.81 ft. continuing with the NEBL of said 5.00 acre tract to the East corner of same, a 1/2 inch iron rod found for corner;
THENCE S. 59 deg. 00 min. 00 sec. W. 304.20 ft. with the SEBL of said 5.00 acre tract to the South corner of same, a 1/2 inch iron rod found for corner in the SWBL of said 115-3/4 acre tract and the NEBL of said 150 acre tract;
THENCE N. 31 deg. 00 min. 00 sec. W. 496.30 ft. (Bearing base) with the SWBL of said 5.00 acre tract, the SWBL of said 115-3/4 acre tract and the NEBL of said 150 acre tract to the place of beginning, containing 5.00 acres of land, more or less.

LEAVING HEREIN 110.75 acres of land, more or less.