

2023-001-FC

NOTICE OF FORECLOSURE SALE

January 10, 2022

FILED FOR RECORD

2023 JAN 11 AM 11:39

JENNIFER L. FOUNTAIN
COUNTY CLERK

BY _____ DEPUTY

Deed of Trust ("Deed of Trust"):

Dated: April 5, 2019
 Grantor: James Robert Collins
 Trustee: J. Ken Muckelroy
 Lender: Shelby Savings Bank, SSB
 Recorded in: Instrument No. 2019001079 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: Adjustable Real Estate Lien Note ("Note") in the original principal amount of \$57,000.00, executed by James Robert Collins ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

Foreclosure Sale:

Date: Tuesday, February 7, 2023
 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.

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.

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.



April Prince
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Telephone (936) 598-3100
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EXHIBIT A

BEING 13,214 square ft. or 0.3034 acre of land out of the NANCY SMITH SURVEY, ABST. NO. 644, Shelby County, Texas, lying and being situated within the corporate limits of the City of Center, Texas, and being the remaining portion of two lots or parcels of land described in a Deed from J.R. Watson to C.W. Youngblood, and wife, recorded in Vol. 350, Page 497, Deed Records, Shelby County, Texas, and being further described by metes and bounds as follows, to-wit:

BEGINNING at a ½ in. iron rod set for the W. common corner of the above referenced tracts of land, being Lot 1C and Lot 3D described in the said referenced tracts, and being an angle corner of Lot 1B;

THENCE N. 19 deg. 46 min. 48 sec. E. with the line of Lot 1C and Lot 1B a distance of 94.85 ft. to a ½ in. iron rod set for the N.W.C. of Lot 1C, being the S.W.C. of a lot at one time owned by Charlie Bridges and described in Vol. 314, Page 613, Deed Records, Shelby County, Texas;

THENCE S. 49 deg. 15 min. 00 sec. E. with the line of Lot 1C and Lot 1B a distance of 126.00 ft. to a ½ in. iron rod set for the corner in the W. margin of Airport Road;

THENCE S. 27 deg. 05 min. 00 sec. W. with the said road margin a distance of 100.00 ft. to a 1/2 in. iron rod set for the E. common corner of Lot 1C and Lot 3D;

THENCE S. 30 deg. 31 min. 53 sec. W. continuing with the said street margin and Lot 3D a distance of 14.13 ft. to a ½ in. iron rod set for the corner;

THENCE N. 49 deg. 03 min. 45 sec. W. through Lot 3B a distance of 119.52 ft. to a ½ in. iron rod set for the corner in the E. line of Lot 1B;

THENCE N. 44 deg. 10 min. 42 sec. E. with the line of Lot 3B and Lot 1B a distance of 22.16 ft. to the Point of Beginning, containing 0.3034 acres of land, more or less.