

AT 2:50 O'CLOCK P M     

SEP 09 2019

NOTICE OF FORECLOSURE SALE

BOBBIE DAVIS  
COUNTY CLERK, PANOLA COUNTY, TEXAS  
BY G. Goldner DEPUTY

1. ***Property to Be Sold.*** The property to be sold is described as follows:

All that certain 18.469 acre tract situated in the Isaac Reed Survey, Abstract No. 560 and the Levi Landers Survey Abstract No. 417, Panola County, Texas, and being 23.469 acres described in Vol. 1821, Page 804 of the Official Public Records of Panola County, Texas, SAVE AND EXCEPT that certain 5 acre tract described in Vol. 2019, Page 672 of said Official Public Records, and being further described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all intents and purposes.

2. ***Instrument to be Foreclosed.*** The instrument to be foreclosed is the Deed of Trust, dated May 2, 2019, recorded in Volume 2023, Page 96, Official Public Records of Panola County, Texas, executed by Cody Metcalf and Jamie Metcalf, Grantor, to Robert A. Sherman, Trustee, for the benefit of Donna Campbell (the "Deed of Trust"), securing the payment of that one certain promissory note in the original principal amount of \$75,000.00 (the "Note");

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

Date: October 1, 2019

Time: The sale will begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale will be completed no later than 4:00 p.m.

Place: Panola County Courthouse in Carthage, Texas, at the following location: 110 South Sycamore Street, Carthage, Texas, at area designated by the Panola County Commissioners Court.

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 beneficiary thereunder to have the bid credited to the note 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 their bid immediately in cash, or by cashier's check or certified funds, if their bid is accepted.

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. The sale will be made subject to all property taxes which may be owed on the property.

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. ***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 the promissory note in the original principal amount of \$75,000.00, executed by Cody Metcalf and Jamie Metcalf, and payable to the order of Donna Campbell. Donna Campbell is the

current owner and holder of the Note and the current beneficiary of the Deed of Trust.

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

Dated: September 9, 2019.



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Robert A. Sherman, Trustee  
312 West Sabine Street  
Carthage, Texas 75633  
(903) 693-2206

All that certain 23.469 acre tract of land situated in Panola County, Texas, being a part of the Isaac Reed Survey, Abstract No. 560 and the Levi Landers Survey, Abstract No. 47 and being all of that certain tract conveyed by William Turner Latham and wife, Amy Latham to Jesse Mims by deed dated July 30, 1952 and recorded in Volume 325 on Page 49 of the Panola County Deed Records and a part of that certain tract conveyed by C. L. Mims and wife, Annie Mims to J. L. Mims by deed dated May 27, 1928 and recorded in Volume 78 on page 56 of the Panola County Deed Records, said 23.469 acre tract being that portion of the J. L. Mims lands lying West of Texas Farm Road No. 1971 and being more particularly described as follows:

BEGINNING at the point of intersection of the South boundary of Texas Highway No. 315 with the center of a branch which is the West boundary of said J. L. Mims lands;

THENCE Southerly down said branch, as follows:

S 4° 18' 51" E	129.92 feet;
S 68° 25' 23" W	124.04 feet;
S 0° 31' 24" W	100.50 feet;
S 21° 53' 18" E	104.40 feet;
S 20° 49' 48" E	129.81 feet;
S 18° 00' 40" W	190.39 feet;
S 10° 53' 52" E	100.50 feet;
S 20° 49' 45" E	55.48 feet and
S 0° 17' 23" W	62.49 feet to the Northwest

corner of the C. L. Mims tract;

THENCE S 77° 39' 14" E, along and with the fence for the North boundary of said C. L. Mims tract, 655.44 feet to an iron stake for corner in the West boundary of Texas Farm Road No. 1971;

THENCE N 1° 16' 18" W, along and with the West boundary of said Farm Road, 174.63 feet to the point of curvature to the right in same;

THENCE Northerly, along and with said curve (whose radius is 982.01 feet and whose long chord bears N 13° 07' 47" E, 487.93 feet), 492.88 feet to the point of tangency to said curve;

THENCE Northerly, continuing along and with the West boundary of said Farm Road, as follows:

N 27° 30' 53" E	374.90 feet;
N 21° 43' 13" E	201.00 feet;
N 27° 30' 52" E	333.94 feet and
N 28° 16' 11" W	177.43 feet to the point of

intersection of same with the South boundary of said Texas Highway No. 315;

THENCE Westerly along and with the South boundary of said Highway, as follows:

S 61° 43' 49" W	250.00 feet;
S 58° 52' 06" W	400.50 feet;
S 61° 43' 49" W	400.00 feet and
E 54° 53' 00" W	142.69 feet to the place

of beginning and containing 23.469 acres of land.

**SAVE AND EXCEPT:**

Being 5.00 acres of land situated in the I. Reed Survey, A-560, Panola County, and being part of a called 23.469 acre tract described in a deed to Max Malone, Et Ux, recorded in Volume 1821, Page 804, Panola County Official Public Records, (PCOPR), said 5.00 acre tract being more particularly described by metes and bounds as follows as shown on the plat prepared by MTX Surveying, LLC on file as Job No. 19085, (Bearing Basis: SPC Texas North Central 4202, NAD83, GRID):

**Exhibit A**

BEGINNING at a ½" iron rod found for the southeast corner of this tract, same being the southeast corner of said 23.469 acre tract, on the north line of a called 12.000 acre tract described in a deed to Brandi Elaine-Stotts Stephens, recorded in Volume 1967, Page 489 (PCOPR) and on the west right of way of Farm to Market Road 1971, from which a 90D nail found for a reference to the apparent southeast corner of said 12.000 acre tract bears S 02° 56' 48" E, 822.93 feet;

THENCE N 79° 14' 31" W, with the common line between said 23.469 acre tract and said 12.000 acre tract, at 627.84 feet passing a ½" iron rod found for reference and continuing on for an overall total distance of 644.86 feet to a point in the centerline of a creek for the northwest corner of said 12.000 acre tract, same being the southwest corner of said 23.469 acre tract and on the east line of a called 53.00 acre tract described in a deed to J.C. Pike, Jr., Et Ux, recorded in Volume 432, Page 42, Panola County Deed Records (PCDR);

THENCE over and across said 23.469 acre tract the following courses and distances:

- 1) N 40° 41' 16" E, at 25.08 feet passing a ½" iron rod with plastic cap stamped "MTX Surveying" set for reference and continuing on for an overall total distance of 510.73 feet to a set ½" iron rod with plastic cap stamped "MTX Surveying";
- 2) EAST, a distance of 325.94 feet to a ½" iron rod with plastic cap stamped "MTX Surveying" set for the northeast corner of this tract, same being on the east line of said 23.469 acre tract, on the west right of way of Farm to Market Road 1971 and in a curve to the left, from which a found concrete right of way monument bears N 24° 00' 33" E, 549.20 feet;

THENCE with the west right of way of Farm to Market Road 1971 the following courses and distances:

- 1) with the west right of way of Farm to Market Road 1971 and said curve to the left, having an arc length of 321.34 feet, a radius of 983.01 feet, and a delta angle of 18° 43' 47", (Chord Bearing of S 06° 16' 46" W, 319.91 feet) to a found 6" wooden right of way monument;
- 2) S 02° 54' 06" E, a distance of 189.89 feet to the PLACE OF BEGINNING and containing 5.00 acres of land, more or less.

**Exhibit A**