

AT 11:13 O'CLOCK A M

APR 12 2018

NOTICE OF SUBSTITUTE TRUSTEE'S FORECLOSURE SALE

Panola County, Texas

BOBBIE DAVIS  
COUNTY CLERK, PANOLA COUNTY, TEXAS  
BY P. Woodard DEPUTY

WHEREAS, by that certain Deed of Trust dated December 6, 2010, executed by Howard Nixon and Audrey Richard, (the "Grantor") to Scotty Cawthon, Trustee, filed for record in Volume 1596, Page 537, et seq., Official Public Records of Panola County, Texas, Grantors conveyed to the Trustee certain property (the "Mortgaged Premises") situated in Panola County, Texas. Said Deed of Trust was assumed by Howard Nixon by Assumption Warranty Deed dated December 22, 2015, but effective as of December 5, 2015 and recorded in Volume 1856, Page 262, et seq., Official Public Records of Panola County, Texas. Said Deed of Trust was modified, renewed and extended by Modification, Renewal and Extension Agreement by and between Texas Bank as Lender, Howard Nixon as Borrower, and Howard Nixon and Audrey Richard as Old Borrower dated December 21, 2015, but effective as of December 5, 2015, recorded at Volume 1856, Page 267, et seq., Official Public Records of Panola County, Texas. Said Deed of Trust was modified, renewed and extended by Extension of Real Estate Note and Lien by and between Texas Bank as Holder of Note and Lien and Howard Nixon as Obligor dated March 7, 2018, Effective March 2, 2018, recorded at Volume 1854, Page 537, et seq., Official Public Records of Panola County, Texas.

Said Mortgaged Premises includes real property more particularly described as:

All that certain 0.967 acre tract of land in the JOHN M. BRADLEY SURVEY, A-49, in Panola County, Texas, being all of the same land conveyed from Ed Hall and wife, Johnnie Hall to Ed Hall Enterprises, Inc., by Warranty Deed dated August 14, 1986, and recorded in Volume 796, Page 248, of the Deed Records of Panola County, Texas, said 0.967 acre tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod found in the North right-of-way line of FM Highway 999 for the most Southerly Southwest corner of the called 24.5 acre trace conveyed from Julia Young to Sharon Rhoades et al, by Warranty Deed dated August 1, 1984, and recorded in Volume 761, Page 91, of said Deed Records; said iron rod being N 39 deg. 29' 50" W 40.5 feet from the intersection of said FM Highway 999 with County Road 129;

THENCE S 42 deg. 26' 48" W with said right-of-way line 210.00 feet to a 5/8" iron rod set for the Southeast corner of the Lovie Phillips called 5 acre trace, from which a fence corner post bears N 44 deg. 32' 25" W 3.90 feet;

THENCE N 30 deg. 25' 27" W generally along a fence and with the East line of said Phillips tract 210.00 feet to a 5/8" iron rod found for the most Westerly Southwest corner of said called 24.5 acre tract, from which a found axle bears S 37 deg. 06' E 2.52 feet, and a fence corner post bears S 66 deg. 28' E 2.7 feet;

THENCE N 42 deg. 24' 36" E with the most Northerly South line of said called 24.5 acre tract 209.60 feet to a 5/8" iron rod found for an ell corner of same from which a fence corner post bears N 13 deg. 07' W 9.7 feet and a 12" sweet gum bears N 42 deg. 02' W 2.8 feet;

THENCE S 30 deg. 32' 23" E with the most Easterly West line of said called 24.5 acre tract 210.01 feet to the point of beginning, CONTAINING 0.967 acres of land, more or less.

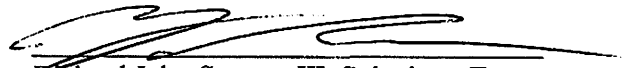
WHEREAS, default has occurred in the payment of said indebtedness, and the same is now wholly due, and the owner and holder of said indebtedness has requested the undersigned to sell the mortgaged property to satisfy said indebtedness.

NOW THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, the 7<sup>th</sup> day of May, 2019, at 1:30 o'clock p. m., or within three (3) hours thereafter, I will sell for cash the mortgaged property, or any interest or estate in the mortgaged property together or in lots or parcels, as the undersigned shall deem expedient, on the steps of the Panola County Courthouse, such steps being located on the East side of the Panola County Courthouse, Carthage, Texas, (or at such other location as may be designated by the County Commissioners of Panola County after sending of this notice and before the time of sale) to the highest bidder.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER THE BENEFICIARY NOR THE SUBSTITUTE TRUSTEE MAKES ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, NOR WITH RESPECT TO CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

**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 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.**

WITNESS my hand this the 9 day of April, 2019.

  
Richard John Segura, III, Substitute Trustee

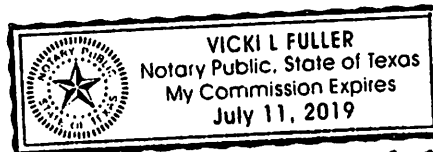
STATE OF TEXAS 0

COUNTY OF RUSK 0

This instrument was acknowledged before me on this 9 day of April, 2019, by John Richard Segura, III.

*Vicki L. Fuller*  
Notary Public, State of Texas

My Commission Expires: 7-11-19



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