

AT 10:04 O'CLOCK 11 M

Notice of Trustee's Sale

FEB 26 2020

Date: February 25, 2020

Substitute Trustee:

Mitch Davis

Trustee's Address:

P.O. Drawer 579
Carthage, Texas 75633

BOBBIE DAVIS
COUNTY CLERK, PANOLA COUNTY, TEXAS
BY J. McDonald DEPUTY

Mortgagee: First State Bank and Trust Company, Carthage, Texas, a Texas bank

Note: Note dated September 21, 2016 in the amount of Sixty Thousand and No/100 (\$60,000.00) Dollars

Deed of Trust

Date: September 21, 2016

Grantor: Michael Don Capps and Phyllis Caps, a married couple

Mortgagee: First State Bank and Trust Company, Carthage, Texas, a Texas bank

Recording information: *Deed of Trust* dated September 21, 2016, executed by Michael Don Capps and Phyllis Capps, a married couple, to Jim Payne, Trustee for First State Bank and Trust Company, Carthage, Texas, recorded in Vol. 1890, Page 590, Official Public Records of Panola County, Texas.

Property: All that certain lot, tract, or parcel of land situated in Panola County, Texas, within the Corporate Limits of the City of Carthage, being a part of the GEORGE GOODWIN SURVEY, A-224, and being a part of Block 411, of said City as shown by map of the City of Carthage recorded in Volume 3, Page 396, of the Plat Records of said County, and being that same land described in a *Deed of Trust* from Larry Stone, et ux to Security State Bank, Elysian Fields, Texas, and recorded in Volume 189, Page 567, Deed of Trust Records of said county, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set in the East margin of U.S. Highway 59 at its point of intersection with the center of a branch and highway drainage, for the Southwest corner of this tract;

THENCE North 07° 40' West with said East margin, at 40 feet pass the centerline of a transmission line, and continuing in all 260.00' to a 1/2" iron rod set for the Northwest corner of this tract;

THENCE North 82° 25' East - 257.33 feet to a 1/2" iron rod set in the West margin of the Sante Fe Railroad, for the Northeast corner of this tract;

THENCE with said margin, a 03° curve to the right having the following curve data: Radius - 1909.861 feet, Delta - 06° 29' 37", Length - 216.46 feet, and a chord bearing and distance of South 17° 26' East 216.34 feet to a point of Tangency of aid margin;

THENCE South 14° 28' East, continuing with said margin, 47.20 feet to a 1/2" inch rod set for the Southeast corner of this tract;

THENCE South 82° 25' West - at 255 feet pass the centerline of a transmission line, and continuing in all 299.63 feet to the Place of Beginning and containing **1.678 acres** of land.

The property herein described is the same land described in that certain *Substitute Trustee's Deed*, dated May 6, 2003, from Panola Timber Resources, Inc., acting by and through Steve Davis, President, executed by Rick McPherson, Substitute trustee, to Bob Ballard, recorded in Volume 1183, Page 471, Official Public Records, Panola County, Texas.

County: Panola

Date of Sale (first Tuesday of month): April 7, 2020

Time of Sale: The sale will begin no earlier than 1:00 pm, and no later than three hours thereafter. The sale will be completed by no later than 4:00pm.

Place of Sale: Panola County Courthouse in Carthage, Texas, at the following location: Courthouse steps on the East Side of the Panola County Courthouse situated on 110 S. Sycamore Street, Carthage, Texas 75633

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.

Mitch Davis is the Substitute-Trustee under the Deed of Trust. Mortgagee has instructed Trustee to offer the Property for sale toward the satisfaction of the Note.

Notice is given that on the Date of Sale, Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash, "AS IS". The sale will begin at the Time of Sale or not later than three hours thereafter. The sale will be conducted subject to the right of rescission contained in section 51.016 of the Texas Property Code.



Mitch Davis
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Carthage, Texas 75633