

AT 3:14 O'CLOCK P M

APR 18 2017

NOTICE OF FORECLOSURE SALE

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

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

All that certain tract or parcel of land situated in Panola County, Texas, and being a part of the Samuel Duncan Survey, Abstract No. 158, and being a part of the 6 acre tract described in deed from John S. Moore to B. H. Nail, dated August 17, 1968, and recorded in Volume 509, Page 184, of the Deed Records of Panola County, Texas, and described as follows, to wit:

BEGINNING at SW corner of said 6 acre tract in the center line of Highway 149, where it intersects the center line of the old Carthage and Beckville road, a 1" iron rod in the fence corner NE of Highway 149, and West of C & B road;

THENCE with the centerline of said Highway 149, N. 51° 19' West. 150 feet and N. 58° 11' W. 150 feet to corner in said line, a 1" iron rod in the NE right-of-way line of Highway 149, this point being 185.7 feet SE from the NW corner of said 6 acre tract;

THENCE N. 30 E. 22.5 feet, a 1" iron rod;

THENCE S. 56-1/2 E. 413 feet to the centerline of old Carthage and Beckville road in the SE line of said 6 acre tract, a 1" iron rod located N. 56-1/2 W. 20.5 feet;

THENCE with the centerline of said road S. 56° 54' W. 252 feet to the place of beginning, and containing 1.863 acres of land, and being the same land described in that certain deed dated August 30, 1982, from John B. Aderhold to Charles Travis Harris and recorded in Volume 826, Page 767, Deed Records of Panola County, Texas, and also being the same land described in deed dated September 22, 1989, from Linda H. Nelms to James E. Watters, et ux, recorded in Volume 850, Page 285, of the Deed Records of Panola County, Texas; and also being the same tract of land described in Trustee's Deed dated November 5, 2002, executed by Lynn C. Vincent, Trustee, to First State Bank and Trust Company, Carthage, Texas, recorded in the Official Public Records of Panola County, Texas.

2. ***Instrument to be Foreclosed.*** The instrument to be foreclosed is that certain Deed of Trust, dated March 18, 2014, duly recorded in Volume 1770, Page 208, Official Public Records of Panola County, Texas, executed by Rick Aguilar, Laura Aguilar and Abraham Aguilar, Grantor, to Robert A. Sherman, Trustee, for the benefit of the Beneficiary therein identified (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: June 6, 2017

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, 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,

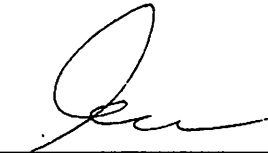
where is" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the deed of trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

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 Rick Aguilar, Laura Aguilar and Abraham Aguilar, and payable to the order of Mitchell V. McMillan. Mitchell V. McMillan 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 substitute 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: April 17, 2017.



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