

FILLED FOR RECORD
IN COUNTY OFFICE
AT 2:25 O'CLOCK P. M.

FEB 12 2018

NOTICE OF FORECLOSURE SALE

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

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

1.873 acres of land situated within the George Goodwin Survey, Panola County, Texas, same being Lot No. 2, Block No. 455, and Lot No. 457, as shown on the city tax plat of the City of Carthage, Texas; said 1.873 acres of land being more particularly described as follows:

BEGINNING at a ½" rebar, set for the Northeast corner of said Lot No. 2, Block No. 455, of the City of Carthage, Texas;
THENCE S 2° 24' 33" E - 294.74 ft. to an angle iron found for corner;
THENCE S 66° 42' 55" W - 214.08 ft. to a 2-1/2" iron pipe found for corner;
THENCE S 62° 40' 25" W - 95.25 ft. to a ½" rebar, set for corner;
THENCE N 10° 02' 12" W - 100.00 ft. to a ½" rebar, set for corner;
THENCE S 62° 40' 25" W - 50.00 ft. to a ½" rebar, set for corner;
THENCE N 10° 02' 12" W - 74.49 ft. to a ½" rebar, set for corner;
THENCE N 64° 04' 53" E - 150.00 ft. to a ½" rebar, set for corner;
THENCE N 10° 02' 12" W - 100.00 ft. to a ½" rebar, set for corner;
THENCE N 64° 04' 53" E - 251.49 ft. to the Place of Beginning and containing 1.873 acres of land.

This being the same property identified as Tract One of the Second Tract identified in that certain Warranty Deed with Vendor's Lien, J. K. Cain, Trustee, to Mitchell Vernon McMillan and Susan Cain McMillan, dated June 15, 2005, recorded in Volume 1271, Page 230, Official Public Records of Panola County, Texas.

2. **Instrument to be Foreclosed.** The instrument to be foreclosed is that certain Deed of Trust, dated June 17, 2013, duly recorded in Volume 1731, Page 49, Official Public Records of Panola County, Texas, executed by Jason Allison, 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 \$85,100.00 (the "Note").
3. **Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:

Date: March 6, 2018

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 \$85,100.00, executed by Jason Allison, and payable to the order of Mitchell Vernon McMillan and Susan Cain McMillan. Mitchell Vernon McMillan and Susan Cain McMillan are the current owners and holders of the Note and the current beneficiaries 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: February 12, 2018.



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