

JUL 18 2016

NOTICE OF FORECLOSURE SALE

BOBBIE DAVIS
COUNTY CLERK, PANOLA COUNTY, TEXAS
BY A. Thur DEPUTY

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

9.41 acres, a part of the John Parmer Survey, A-899, in Panola County, Texas, being a part of that certain tract of land called 56.5 acres conveyed to M. C. Shadoin by S. R. Downs and wife, Lillie Downs, as described in deed recorded in Volume 67, Page 615, of the Deed Records of Panola County, Texas, and the same land conveyed by Mrs. Ruby Lawless and Mrs. Ceceal Ormand to Alfred Shadowens by deed dated January 19, 1979, which deed has been duly recorded in Volume 651, Page 24 of the Deed Records of Panola County, Texas, and more particularly described as follows:

BEGINNING at the Northeast corner of the above mentioned tract called 56.5 acres, a 24" oak marked "Z" for a fence corner and point of beginning;

THENCE S. 89 degrees 27' W. 881.5 feet along the North line of the said tract called 56.5 acres, to a fence corner for a corner;

THENCE N. 5 degrees 01' W. 90.2 feet to a point on the centerline of the county road;

THENCE along the centerline of the said county road as follows: S 65 degrees 16' W. 113.5 feet; S 56 degrees 52' W. 285.5 feet; S 55 degrees 07' W 75.6 feet and S 48 degrees 20' W. 154.90 feet;

THENCE, leaving the road, S 86 degrees 11' E. at 37.1 feet passing an iron pipe set for a reference corner at a garden fence corner, continuing the same course another 1406.2 feet for a total distance of 1443.3 feet to an iron pipe set for a corner on the East line of the said tract called 56.5 acres;

THENCE along the East line of the said tract called 56.5 acres, N. 0 degrees 20' E. 150.94 feet and N. 8 degrees 39' W. 215.7 feet to the point of beginning, and containing 9.41 acres, more or less.

2. ***Instrument to be Foreclosed.*** The instrument to be foreclosed is the Deed of Trust, dated April 7, 2015, recorded in Volume 1819, Page 280, Official Public Records of Panola County, Texas, executed by David Nail and Deanna Green, 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 \$50,000.00 (the "Note").

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

Date: September 6, 2016

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 \$50,000.00, executed by David Nail and Deanna Green, and payable to the order of Dorothy Hardee. Dorothy Hardee 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: July 15, 2016.



Robert A. Sherman, Trustee
312 West Sabine Street
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