

MAY 03 2017

NOTICE OF FORECLOSURE SALE

1. **REAL PROPERTY TO BE SOLD:** The Real Property to be sold is described as follows: All that certain tract or parcel of land containing 17.219 acres of land in the JAMES P. FOSTER SURVEY, A-208, and the WESLEY GOODEN SURVEY, A-221, Panola County, Texas, being a portion of a tract which was called 185.27 acres and conveyed from Bruncie S. McKee, Trustee, and individually, to K.R. Smith Wood Transfer, Inc., by an instrument of record in Volume 988, Page 828, of Panola County Deed Records (PCDR), together with a 0.731 non-exclusive easement and right of way for purposes of ingress and egress to the said 17.219 acre tract, said 17.219 acre tract and said 0.731 acre non-exclusive easement being more fully described in Exhibit "A" to this Notice of Foreclosure Sale.

SOBIE DAVIS
COUNTY CLERK, PANOLA COUNTY, TEXAS
DEPUTY

2. **LEGAL INSTRUMENTS TO BE FORECLOSED:** The Legal Instrument to be foreclosed is the Deed of Trust recorded at Panola County Clerk's File Number 165492, Volume 1, Page 717, Official Public Records of Panola County Texas.

3. **DATE OF THE SALE:** The Date the Sale is to be conducted is on June 6, 2017.

4. **TIME OF THE SALE:** The Sale will be conducted at the following time:

The Sale will begin no earlier than 10:00 a.m. or no later than three hours thereafter.

5. **PLACE OF THE SALE:** The Sale will be conducted at the Panola County Courthouse in Carthage, Texas, at the location designated for foreclosure sales by Order of the Panola County Commissioner's Court.

The Deed of Trust permits the Beneficiary to postpone, withdraw, or reschedule the Sale for another day. In that case, the Trustee or Substitute Trustee under the Deed of Trust need not appear at the date, time, and place of a scheduled Sale to announce the postponement, withdrawal, or rescheduling of the Sale. Notice of the date of any rescheduled Foreclosure Sale will be posted and filed in accordance with the posting and filing requirements of the Texas Property Code. The posting or filing of the date, time and place of a postponed Sale may be after the date, time and place originally scheduled for this Sale.

6. **TERMS OF THE 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 of the Deed of Trust 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.

A Buyer desiring to purchase the Real Property will need to demonstrate the ability to pay cash on the day the Real Property is sold.

The Sale of the Real Property 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

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necessarily be made subject to all prior matters of record affecting the Real Property, if any exist, to the extent that the prior matters of record remain in force and effect and have not been subordinated to the Deed of Trust. The Sale shall not cover any part of the Real 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 public real property records to determine the nature and extend of such matters, if any.

Pursuant to the Deed of Trust, the Beneficiary has the right to direct the Trustee or Substitute Trustee to sell the Real Property in one or more parcels and/or to sell all or only part of the Real Property.

Pursuant to Section 51.009 of the Texas Property Code, the Real 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 Real Property.

Pursuant to Section 51.0075 of the Texas Property Code, the Trustee or Substitute 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.

7. **TYPE OF SALE:** The Sale is a non-judicial Deed-of-Trust Lien Foreclosure Sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by Hahn Investments, LLC.
8. **OBLIGATION SECURED:** The Deed of Trust provided that it secures the payment of the indebtedness and obligations therein described (collectively, the "Obligations") including but not limited to the Promissory Note, dated February 29, 2012, in the original principal amount of \$276,250.00, executed by CIRCLE Z PRESSURE PUMPING, LLC and being payable to the order of Austin Bank, Texas N.A.

Austin Bank, Texas N.A. is the current owner and holder of the Obligations and is the Beneficiary under the Deed of Trust.

Questions concerning the Sale may be directed to the undersigned or the Beneficiary, Austin Bank, Texas N.A. at telephone number (903) 295-4400 in the Longview Oak Forest branch of Austin Bank, Texas N.A.

9. **DEFAULT AND REQUEST TO ACT:** Default has occurred under the Deed of Trust, and the Beneficiary has requested the Substitute Trustee, to conduct this Sale. Notice is given that before the sale the Beneficiary may appoint another person as the Substitute Trustee to conduct the Sale.

FAIR DEBT COLLECTION ACT PRACTICES NOTIFICATION

This notice is sent to you in an attempt to collect the indebtedness due as stated above, and any information obtained from you will be used for that purpose. Within thirty

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(30) days of receipt of this notice, you may notify Lender or the undersigned in writing of any dispute you may have regarding the validity of the indebtedness. If you fail to dispute the indebtedness within said thirty days, Lender and the undersigned will assume that the indebtedness is valid. If you dispute the indebtedness, the undersigned will provide you with verification of the indebtedness. Upon your request within said thirty days, the undersigned will provide you with the name and address of the original Lender, if different from Lender. Any request for verification of this indebtedness shall in no way extend the deadline for the payment of this debt.

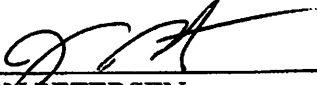
NOTICE REQUIRED BY TEXAS PROPERTY CODE SECTION 51.002(b)(1)

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.

PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.

Mr. Jason Petersen
Austin Bank, Texas N.A.
911 NW Loop 281
Longview, Texas 75604

Dated: April 25, 2017



JASON PETERSEN
Substitute Trustee
911 NW Loop 281
Longview, Texas 75604
(903) 295-4400

EXHIBIT "A"

Property Description

All that certain tract or parcel containing 17.219 acres of land in the JAMES P. FOSTER SURVEY, A-208 and the WESLEY GOODEN SURVEY, A-221, Panola County, Texas, being a portion of a tract which was called 185.27 acres and conveyed from Bruncie S. McKee, Trustee, and individually, to K.R. Smith Wood Transfer, Inc., by an instrument of record in Volume 988, Page 828, of Panola County Deed Records (PCDR), said 17.219 acres being more particularly described by metes and bounds as follows, to-wit:

COMMENCING for reference at a 1/2" iron rod found in the northeast right of way (R-O-W) line of Santa Fe Railroad (SF RR), marking the west corner of the aforementioned 185.27 acre tract;

THENCE S 56 deg. 04' 46" E, 1103.92 feet along with the northeast R-O-W line of the SF RR and southwest line of said 185.27 acre tract to a 5/8" iron rod set for the PLACE OF BEGINNING of the tract herein described;

THENCE departing said common line, N 33 deg. 55' 14" E, at 80.00 feet pass a 5/8" iron rod set at the east corner of an access easement, and continuing for a distance in all of 360.00 feet to a 5/8" iron rod set for easterly northwest corner;

THENCE S 74 deg. 26' 17" E 562.72 feet to a 5/8" iron rod set for corner at the end of a fence;

THENCE S 66 deg. 27' 21" E, 471.23 feet generally along a fence to a 5/8" iron rod set at an angle point;

THENCE S 52 deg. 19' 43" E, 573.09 feet generally along a fence to a 5/8" iron rod set for east corner;

THENCE S 65 deg. 04' 15" W, 683.12 feet generally along a fence to a 5/8" iron rod set for south corner in the northeast R-O-W line of the SF RR and southwest line of said 185.27 acre tract, said iron rod also being located N 56 deg. 04' 46" W, 96.51 feet along said common line from a 1/2" iron rod found marking an angle point in said common line;

THENCE N 56 deg. 04' 46" W, 1216.09 feet along the northeast R-O-W line of the SF RR, and southwest line of said 185.27 acre tract to the PLACE OF BEGINNING and containing 17.219 acres of land, more or less.

TOGETHER WITH a non-exclusive easement and right-of-way for purposes of ingress and egress to the subject 17.219 acre tract over and across all that certain tract or parcel containing 0.731 acre of land in the JAMES P. FOSTER SURVEY, A-208, Panola County, Texas, being a portion of a tract which was called 185.27 acres and conveyed from Bruncie S. McKee, Trustee, and individually,

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to K.R. Smith Wood Transfer, Inc., by an instrument of record in Volume 988, Page 828, of Panola County Deed Records (PCDR), said 0.731 acre being more particularly described by metes and bounds as follows, to-wit:

COMMENCING for reference at a 1/2" iron rod found in the northeast right of way (R-O-W) line of the Santa Fe Railroad (SF RR), marking the west corner of the aforementioned 185.27 acre tract;

THENCE S 56 deg. 04' 46" E, 726.90 feet along the northeast R-O-W line of the SF RR and Southwest line of said 185.27 acre tract to a point on the west edge of said gravel drive, being the PLACE OF BEGINNING of the tract herein described;

THENCE departing the SF RR N 06 deg. 13' 22" E, 90.35 feet along the west line of said gravel drive to a point for northwest corner;

THENCE S 56 deg. 04' 46" E, along a line parallel to and 80 feet northeast of the northeast R-O-W line of the SF RR, at 83.98 feet pass a 5/8" iron rod set for reference, and continuing for a distance in all of 419.02 feet to a 5/8" iron rod set for east corner, lying in the northwest line of a 17.219 acre tract;

THENCE S 33 deg. 55' 14" W, 80.00 feet along the northwest line of said 17.219 acre tract to a 5/8" iron rod set for south corner in the northeast R-O-W line of the SF RR and southwest line of said 185.27 acre tract, being the west corner of said 17.219 acre tract;

THENCE N 56 deg. 04' 46" W, along the northeast R-O-W line of the SF RR, and southwest line of said 185.27 acre tract, at 299.22 feet pass a 5/8" iron rod set for reference and continuing for a distance in all of 377.02 feet to the PLACE OF BEGINNING and containing 0.731 acre of land, more or less.

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