

FOR RECORD
IN MY OFFICE
AT 1:25 O'CLOCK P.M.

NOV 07 2016

NOTICE OF FORECLOSURE SALE

BOBBIE DAVIS
COUNTY CLERK, PANOLA COUNTY, TEXAS
BY Indalgar

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.

1. **Property to Be Sold.** The property to be sold is described as follows: ALL THAT CERTAIN LOT OR PARCEL OF LAND, A PART OF THE GEORGE GOODWIN SURVEY, ABSTRACT NO. 224, PANOLA COUNTY, TEXAS, AND BEING LOT 7 AND THE SOUTH HALF OF LOT NO. 8 OF BLOCK NO. 416 OF THE CITY OF CARTHAGE, TEXAS, PER CITY PLAT RECORDED IN VOL. 3, PAGE 396 OF THE PLAT RECORDS OF PANOLA COUNTY, TEXAS SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 01/28/2004 and recorded in Book 1210 Page 34 Document 90173 real property records of Panola County, Texas.


3. **Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:
Date: 11/01/2016
Time: 01:00 PM
Place: Panola County Courthouse, Texas, at the following location: THE STEPS OF THE PANOLA COUNTY COURTHOUSE, SUCH TEEPS BEING LOCATED ON THE EAST SIDE OF THE PANOLA COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.

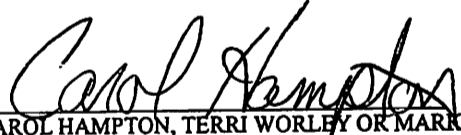
4. **Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. Pursuant to section 51.009 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.

5. **Obligations Secured.** The Deed of Trust executed by JAMES L. MARSHALL AND TINA MARSHALL, provides that it secures the payment of the indebtedness in the original principal amount of \$59,276.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. MIDFIRST BANK is the current mortgagee of the note and deed of trust and MIDLAND MORTGAGE, A DIVISION OF MIDFIRST BANK is mortgage servicer. A servicing agreement between the mortgagee, whose address is MIDFIRST BANK c/o MIDLAND MORTGAGE, A DIVISION OF MIDFIRST BANK, 999 N.W. Grand Blvd, Oklahoma City, OK 73118 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. **Substitute Trustee(s) Appointed to Conduct Sale.** In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint CAROL HAMPTON, TERRI WORLEY OR MARK HARTMAN, Substitute Trustee to act under and by virtue of said Deed of Trust.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.


Mackie Wolf Zientz & Mann, P.C.
Brandon Wolf, Attorney at Law
L/Keller Mackie, Attorney at Law
Vori Liane Long, Attorney at Law
Tracey Midkiff, Attorney at Law
Joseph Modric, Attorney at Law
Parkway Office Center, Suite 900
14160 North Dallas Parkway
Dallas, TX 75254


CAROL HAMPTON, TERRI WORLEY OR MARK HARTMAN
c/o AVT Title Services, LLC
1101 Ridge Rd. Suite 222
Rockwall, TX 75087

Certificate of Posting
I am _____ whose address is 14160 N. Dallas Pkwy, Suite 900, Dallas, TX 75254. I declare under penalty of perjury that on _____ I filed this Notice of Foreclosure Sale at the office of the Panola County Clerk and caused it to be posted at the location directed by the Panola County Commissioners Court.

EXHIBIT "A"

All that certain lot or parcel of land, a part of the GEORGE GOODWIN Survey, Abstract No. 224, Panola County, Texas, and being Lot No. 7 and the South half of Lot No. 8 of Block No. 416 of the City of Carthage, Texas, per City Plat recorded in Vol. 3, Page 396 of the Plat Records of Panola County, Texas, the said lots also being designated as Lot Nos. 57 and 58, respectively, of the Hillcrest Addition to the City of Carthage, Texas, per plat recorded in Vol. 202, Page 655 of the Deed Records of Panola County, Texas, and being that same parcel of land described in a deed from Charles E. Jacobs and wife, Emma Sue Jacobs, to Jesse N. Thomas and wife, Mavis Thomas, dated January 8, 1980, recorded in Vol. 668, Page 733 of the said Deed Records, and the said subject lot or parcel of land is more particularly described as follows:

BEGINNING at a 1/2-inch iron pipe found for the Southeast corner of the said Lot No. 7 of the said Block No. 416, same being the Southeast corner of the said Lot No. 57 of the Hillcrest Addition, and also being the Northeast corner of Lot No. 6 of the said Block;

THENCE South 80° 02' 43" West generally with a chain-link fence and its projection along the North boundary line of the said Lot No. 6 a distance of 139.95 feet to a 1/2-inch iron pipe found for the Southwest corner of the subject lot in the East Right-of-Way line of North Gholston Street;

THENCE North 6° 43' 43" West with the said street Right-of-Way line a distance of 79.97 feet to a 1/2-inch iron pipe found for the Northwest corner of the said Lot No. 7, same being the Southwest corner of the aforesaid Lot No. 8 of the said Block, same being Lot No. 58 of the said Hillcrest Addition;

THENCE North 6° 45' 06" West continuing with the said East Right-of-Way line of North Gholston Street a distance of 40.07 feet to a 1/2-inch iron rod set for the Northwest corner of the subject lot, same being the Southwest corner of that certain parcel of land described in a deed from Dana Charles Doan to Theresa Gayle Doan, dated March 7, 2000, recorded in Vol. 1087, Page 303 of the Official Public Records of Panola County, Texas;

THENCE North 79° 59' 24" East with the South boundary line of the said Doan parcel a distance of 139.87 feet to a 1/2-inch iron rod set for its Southeast corner near a chain-link fence corner, same being the Northeast corner of the subject lot;

THENCE South 6° 47' 48" East with the East boundary line of the subject lot a distance of 40.24 feet to a 1/2-inch iron pipe found for the Southeast corner of the said Lot No. 8, same being the Northeast corner of the aforesaid Lot No. 7;

THENCE South 6° 46' 08" East generally with a chain-link fence along the East boundary line of the said Lot No. 7 a distance of 79.93 feet to the Point of Beginning, containing a total area of 16,777 square feet.

SAVE AND EXCEPT all right, title and interest in and to all easements and rights-of-way of record and apparent on the ground burdening the above described tract with all privileges appurtenant thereto including but not exclusively all rights of ingress and egress.

SAVE AND EXCEPT all right, title and interest in and to all oil, gas and other minerals, together with right of ingress and egress, mining and oil drilling privileges appurtenant thereto, heretofore reserved or conveyed by predecessors in title.

SIGNED FOR IDENTIFICATION:

James L. Marshall *Jina Marshall*

FILED FOR RECORD
IN MY OFFICE

AT 1:35 O'CLOCK P. M.

JAN 28 2004

MICKEY DORMAN
COUNTY CLERK, PANOLA COUNTY, TEXAS
BY *[Signature]* DEPUTY

\$ 39.00
100
500
500
\$ 50.00 pd

First Preference Mortgage Corp
800 Washington Ave
Waco, TX 76703