

FILED FOR RECORD
IN MY OFFICE
AT 3:20 O'CLOCK P M

FEB 09 2016

NOTICE OF FORECLOSURE SALE

BOBBIE DAVIS
COUNTY CLERK, PANOLA COUNTY, TEXAS
BY T. Endrey DEPUTY

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

A 1.055-acre lot, tract or parcel of land situated in the **GEORGE GOODWIN Survey, Abstract No. 224**, and being a part of **Lot 3, Block 641** as shown by the plat of the City of Carthage, Panola County, Texas, recorded in Volume 3, Page 396 of the Plat Records of Panola County, Texas, and being further described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all intents and purposes (the "Property"):

The Property is the same property and necessarily includes the property identified and described in that certain Cash Warranty Deed, Harold Brent Cain, Grantor, Connie F. Danielson, Grantee, dated August 22, 2005, recorded in Volume 1294, Page 207, Official Public Records of Panola County, Texas.

2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust, dated April 5, 2012, recorded in Volume 1667, Page 811, Official Public Records of Panola County, Texas, Tyler Austin Frachiseur, Grantor, Robert A. Sherman, Trustee, for the benefit of Beneficiary John Cain, Trustee of the J.K. & J. B. Cain Living Trust, Dated June 21, 1994 (the "Deed of Trust"), securing the payment of that one certain promissory note in the original principal amount of \$138,500.00 (the "Note"), as assumed by Kenneth Paul Frachiseur by Special Warranty Deed with Assumption, dated May 3, 2014, Tyler Austin Frachiseur, Grantor, Kenneth Paul Frachiseur, Grantee, recorded in Volume 1777, Page 26, Official Public 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: March 1, 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 dated April 5, 2012, in the original principal amount of \$138,500.00, executed by Tyler Austin Frachiseur, as assumed by Kenneth Paul Frachiseur by Special Warranty Deed with Assumption, dated May 3, 2014, Tyler Austin Frachiseur, Grantor, Kenneth Paul Frachiseur, Grantee, recorded in Volume 1777, Page 26, Official Public Records of Panola County, Texas, payable to the order of John Cain, Trustee for the J.K. & J.B. Cain Living Trust, Dated June 21, 1994, which 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: February 9, 2016.



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