

Notice of Trustee's Sale

FILED FOR RECORD  
IN MY OFFICE  
AT 3:00 O'CLOCK P M

Date: September 8, 2016

SEP 09 2016

Trustee:

GENE GILES

Trustee's Address:

P.O. Drawer 579  
Carthage, Texas 75633

BOBBIE DAVIS  
COUNTY CLERK, PANOLA COUNTY, TEXAS  
BY Endoley DEPUTY

Mortgagee: FIRST STATE BANK AND TRUST COMPANY, CARTHAGE, TEXAS, a Texas bank

Note: Note dated October 28, 2009 in the amount of \$248,310.00 executed by Michael L. Gary and payable to the order of FIRST STATE BANK AND TRUST COMPANY, CARTHAGE, TEXAS.

Deed of Trust

Date: October 28, 2009

Grantor: MICHAEL L. GARY

Mortgagee: FIRST STATE BANK AND TRUST COMPANY, CARTHAGE, TEXAS, a Texas bank

Recording information: Volume 1533, Page 226, Official Public Records of Panola County, Texas.

Property:

TRACT ONE:

All that certain 12.887 acre tract of land, a part of the Cyrena McCreary Survey, Abstract No. 428, Panola County, Texas, and being a part of that certain tract of land called 21.987 acres conveyed to J. B. Hardin and wife, Ethyle Hardin by G. C. Chatham, by deed dated April 7, 1976, recorded in Volume 620, Page 53, of the Deed Records of Panola County, Texas, said 12.887 acre tract of land being more particularly described as follows:

BEGINNING at the Southeast corner of the above-mentioned tract of land called 21.987 acres, a fence corner for a corner and Point of Beginning;

THENCE with the fence along the Easterly South line of the said tract S. 79° 08' W. 500.4 feet and S. 83° 07' W. 401.2 feet to a fence corner for an inner corner of the same;

THENCE S. 60° 13' E with the fence along the Southerly East line of the said tract a distance of 132.7 feet to a fence corner for the Southerly Southeast corner of the same;

THENCE S 83° 17' W with the fence along the Westerly South line of the said tract a distance of 171.0 feet to an iron pipe set for a corner;

THENCE N 8° 48' W through the said tract a distance of 611.6 feet to an iron pipe found in a fence corner for an inner corner of the same;

THENCE N 79° 46' E with the general run of the fence along the North line of the said tract a distance of 1078.6 feet to a fence corner for the Northeast corner of the same;

THENCE with the fence along the East line of the said tract S 5° 57' E 301.7 feet and S 12° 51' E 206.9 feet to the Point of Beginning containing 12.887 acres.

And being the same land described in that certain Warranty Deed dated May 10, 1988 from Welta Wynn Burris and husband, Harold Burris to Charles E. Nerger and wife, Wanda Nerger, and recorded in Volume 822, Page 824, Deed Records of Panola County, Texas.

**TRACT TWO:**

All that certain 28.9 acres of land, a part of the Cyrena McCreary Survey, Abstract no. 428, about 5 miles Southwest of Carthage, Texas; said 28.9 acres of land comprising all of a tract conveyed to A. C. Soape by Eva Liem by deed recorded in Volume 428, Page 531, of the Deed Records of Panola County, Texas, and a part of a tract conveyed to A. C. Soape by A. L. Rogers (the old Graham Lilly 34 ½ acres) by deed recorded in Volume 303, Page 46, of the Deed Records of Panola County, Texas, and more particularly described as follows, to wit:

BEGINNING at original 3/8 inch steel and a 1 ¼ inch steel rod set by John Klotz for Northwest corner of Eva Liem tract and inside corner of Goldis Chatham, et al, 21.08 acres;

THENCE South 10° 35 min, East at 140 feet the Southernmost Southeast corner of Chatham and Northeast corner of Mary Bonner (now Burl Hardin) and in all 708.3 feet to old buggy spring and 1 ¼ inch steel rod for Southwest corner of Liem and Northwest corner of Henry Lilly 26 acres;

THENCE with his line South 8° 47 min. East 171.8 feet to a 1 ¼ inch steel rod for Northwest corner of Fred I. Soape 45.9 acres of this subdivision;

THENCE North 80° 50 min. East, at 867 feet crossed Northernmost East line of 26 acres and West line of 34 ½ acres and continued at 1646.6 feet a 1 ¼ inch steel rod and in all 1696.6 feet to a 60 penny galvanized iron nail in pavement on Snap road for Northeast corner of Fred I. Soape 45.9 acres of this subdivision;

THENCE North 7° West 574.5 feet to Southeast corner of Ralph E. Soape 16.55 acres of this subdivision;

THENCE South 80° 50 min. West, at 50 feet, a 1 ¼ inch steel rod and in all 835.4 feet, another 1 ¼ inch steel rod for Southwest corner of 16.55 acres in East line of Liem tract;

THENCE with said line North 7° 35min. West 310.7 feet to a 1 ¼ inch steel rod for Northeast corner of Liem tract whence bears a 6 inch Red Oak in fence N. 29 ½ W. 8.7 feet and a 12 inch Red Oak South 60-3/4 East 29.5 feet;

THENCE South 80° 32 min. West 907.7 feet to beginning, containing 28.9 acres of land.

Being the same land and premises described as Tract No. 3 in deed from R. E. Soape, et al, to Mrs. Jessie Fae (Soape) Baker, dated February 10, 1967, recorded in Volume 494, Page 797, of the Deed Records of Panola County, Texas, to which reference is here made for all purposes. And being the same land described in that certain Warranty Deed dated May 3, 1982 from James W. Lovil and wife, Janet Lovil to Charles E. Nerger and wife, Wanda Nerger, and recorded in Volume 718, Page 299, Deed Records of Panola County, Texas.

**County:** Panola

**Date of Sale (first Tuesday of month):** October 4, 2016

**Time of Sale:** The sale will begin no earlier than 1:00 p.m. and no later than three hours thereafter. The sale will be completed by no later than 4:00 p.m.

**Place of Sale:** Panola County Courthouse in Carthage, Texas, at the following location:  
Courthouse steps on the East side of the Panola County Courthouse situated on 110 S. Sycamore Street, Carthage, Texas 75633

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.

GENE GILES is Trustee under the Deed of Trust. Mortgagee has instructed Trustee to offer the Property for sale toward the satisfaction of the Note.

Notice is given that on the Date of Sale, Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash, "AS IS". The sale will begin at the Time of Sale or not later than three hours thereafter. The sale will be conducted subject to the right of rescission contained in section 51.016 of the Texas Property Code.

FIRST STATE BANK AND TRUST COMPANY  
CARTHAGE, TEXAS



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GENE GILES, Vice President and Trustee  
P.O. Drawer 579  
Carthage, Texas 75633