

Notice of Foreclosure Sale

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

1.52 acres of land out of the East part of Lot 102, a re-plat of Lots 1 & 2, Block D, Section 2, Ft. Phantom Hill Subdivision as recorded in Jones County Instrument #123332 and Plat Slide 366, Jones County, Texas, described by metes and bounds on Exhibit "A" hereto, together with all improvements, fixtures, and appurtenances thereto.
- Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust recorded in Volume 407, Page 33 of the official public records of Jones County, Texas.
- The term Trustee, as used herein, shall include Substitute or Successor Trustee, as the case may be.
- Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: February 7, 2017.

Time: The sale will begin no earlier than 1:00 p.m. or no later than three hours thereafter. The sale will be completed by no later than 4:00 P.M.

Place: Jones County Courthouse in Anson, Texas, at the following location: The South entrance of the courthouse at the intersection of 12th street and Commercial Avenue.

The deed of trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the 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. Notice of the date of any rescheduled foreclosure sale will be reposted and re-filed in accordance with the posting and filing requirements of the Texas Property Code. The reposting or re-filing may be after the date originally scheduled for this sale.
- 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 there-under 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 the exact amount of cash bid immediately after 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

POSTED NOTICE

DATE 1/27/17 **TIME** 11:15 AM
Deedna Jennings
JONES COUNTY CLERK, JONES CO., TX

BY: Janice McFee

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.

Pursuant to the deed of trust, the beneficiary 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. 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.

5. *Type of Sale.* The sale is a non-judicial deed-of-trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust and security agreement executed by Joe P. McMurtrey and Cassandra M. McMurtrey.

6. *Obligations Secured.* The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to the promissory note in the original principal amount of \$177,589.00, executed by Joe P. McMurtrey, and payable to the order of Haskell National Bank, who is the current owner and holder of the Obligation and is the beneficiary under the deed of trust.

As of January 5, 2017, there was owed \$169,057.27 on the note, being principal and interest in the following amounts: \$165,721.50 of principal and \$3,335.77 of interest. The note is bearing interest at the rate of \$21.52 per day thereafter.

Questions concerning the sale may be directed to the beneficiary, Haskell National Bank, attn: Daniel M. Nasser, Senior Vice President, at 3202 Buffalo Gap Road, Abilene, Texas 79605, Tel. (325) 692-3300

7. *Default and Request to Act.* Default has occurred under the deed of trust, and the beneficiary has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person as Substitute Trustee to conduct the sale.

Dated: January 12, 2017



Gary L. Hacker
500 Chestnut St., Suite 1402
(325) 672-7824
(325) 672-2158 Fax
glh@whittenfirm.com

EXHIBIT "A"

Property:

Metes and bounds description of 1.52 acres of land out of the East part of Lot 102, a re-plot of Lots 1 & 2, Block D, Section 2, Ft. Phantom Hill Subdivision as recorded in Jones County Instrument #123332 and Plat Slide 366, Jones County, Texas.

BEGINNING at a 1/2" rebar with cap marked "Sheppard 3697" recovered on the South Right of Way line of Cheyenne Circle (60' wide) for the Northeast corner of aforesaid Lot 102 and of this tract.

THENCE S 30° 32' 10" E for a distance of 310.21' to 1/2" rebar with cap marked "Sheppard 3697" recovered for the Southeast corner of said Lot 102 and of this tract;

THENCE along the 1636.2' (NAVD 88) contour, being at spillway elevation, with its meanders as follows:

S 68° 34' 21" W for a distance of 66.98' to a point;

S 59° 45' 22" W for a distance of 117.06' to a 1/2" rebar with cap marked "Sheppard 3697" set for a corner of this tract;

THENCE N 30° 13' 26" W for a distance of 24.03' to a 1/2" rebar with cap marked "Sheppard 3697" set for a corner of this tract;

THENCE S 59° 58' 32" W for a distance of 30.44' to a 1/2" rebar with cap marked "Sheppard 3697" set for a corner of this tract;

THENCE S 75° 50' 35" W for a distance of 65.89' to a 1/2" rebar with cap marked "Sheppard 3697" set for a corner of this tract;

THENCE S 52° 35' 49" W for a distance of 6.60' to a 1/2" rebar with cap marked "Sheppard 3697" set for the Southwest corner of this tract;

THENCE N 30° 30' 44" W for a distance of 186.29' to a 1/2" rebar with cap marked "Sheppard 3697" set for the most Westerly Northwest corner of this tract;

THENCE N 56° 45' 23" E for a distance of 242.97' to a 1/2" rebar with cap marked "Sheppard 3697" set for an ell corner of this tract;

THENCE N 30° 32' 25" W for a distance of 57.20' to a 1/2" rebar with cap marked "Sheppard 3697" set on the South Right of Way line of Cheyenne Circle for a corner of this tract;

THENCE N 56° 42' 01" E along said right of way for a distance of 40.54' to the place of beginning and containing 1.52 acres of land.