

2018-94
FILED FOR RECORD
AT 3:21 O'CLOCK P M.

SEP 07 2018

NOTICE OF TRUSTEE'S SALE
(NON-JUDICIAL FORECLOSURE)

SHERRY DOWD, County Clerk
NAVARRO COUNTY, TEXAS
BY Shelby DEPUTY

September 6, 2018

Notice is hereby given of a public, non-judicial foreclosure sale.

Notice to Member(s) of Armed Forces: 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 a as a member of the 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. The address of the sender of this notice is set forth below.

Deed of Trust:

Dated: July 14, 2017

Grantor: Trent Freeman

Trustee: David K. Waggoner

Beneficiary: Robert L. Phipps and Cynthia L. Phipps

Recorded in: Clerk's Instrument Number 00005373,
Official Public Records of Navarro County, Texas

Secures: Real Estate Lien Note (the "Note") in the original principal amount of \$54,900.00, executed by Trent Freeman and payable to the order of Robert L. Phipps and Cynthia L. Phipps

Deed with Retained Vendor's Lien:

Dated: July 14, 2017

Grantor: Robert L. Phipps and Cynthia L. Phipps

Grantee: Trent Freeman

Recorded in: Clerk's Instrument Number 00005372,
Official Public Records of Navarro County, Texas

Description of the Real Property: All that certain lot, tract, or parcel of land containing approximately 1.198 acres of land lying in Navarro County, Texas, in the J. HOUSTON SURVEY, ABSTRACT NO. 376, being part of a called 43.892 acres tract described in Clerk's Document No. 2009-9529, Official Public Records of Navarro County, Texas, and being more fully described on **Exhibit "A"** attached hereto and incorporated herein for all purposes (the "Property").

Trustee: David K. Waggoner

Trustee's Address: 103 West Elm Street
P.O. Box 875
Hillsboro, Texas 76645

Foreclosure Sale (the "Sale"):

Date: Tuesday, October 2, 2018

Time: The Sale shall begin no earlier than 1:00 P.M., or no later than three hours thereafter. The Sale shall be completed by no later than 4:00 P.M.

Place: On the ground level of the south exterior steps of the Navarro County Courthouse, 300 West Third Avenue, in Corsicana, Texas, in the area designated for foreclosure sales by the Commissioners Court of Navarro County, Texas, pursuant to Section 51.002 of the Texas Property Code.

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 the Sale. 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.

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. Notice of the date of any rescheduled foreclosure sale will be re-posted and re-filed in accordance with the posting and filing requirements of the Texas Property Code. Such re-posting or re-filing may be after the date originally scheduled for this Sale.

Those desiring to purchase the Property will need to demonstrate their ability to pay cash on the day the property is sold. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

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.

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. 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.

Pursuant to section 51.009 of the Texas Property Code, the Property shall be sold on an "AS IS, WHERE IS" basis, without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust.

Default has occurred under the Deed of Trust and the Beneficiary has requested me, as the duly appointed Trustee, to conduct the Sale. Notice is given that before the Sale the Beneficiary may appoint another person as Substitute Trustee to conduct the Sale.

Executed this 6th day of September, 2018.



David K. Waggoner, Trustee

State Bar No. 50511604

103 West Elm Street

P.O. Box 875

Hillsboro, Texas 76645

Telephone: 254-580-0265

Info@WaggonerLawFirm.net

EXHIBIT "A"

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All that certain lot, tract, or parcel of land containing approximately 1.198 acres of land lying in Navarro County, Texas, in the J. HOUSTON SURVEY, ABSTRACT NO. 376, being part of a called 43.892 acres tract described in Clerk's Document No. 2009-9529, Official Public Records of Navarro County, Texas, and being more fully described by metes and bounds as follows:

BEGINNING at a Magnetic nail set for the south corner of this tract and on a southeast line of said 43.892 acres, also being the east corner of the herein described "Tract 2", which bears N 26°13'03" E, 162.76 feet from a ½" steel rod found at the southernmost southeast corner of said 43.892 acres, being in the centerline of N.W. C.R. 2290 (a county road), with the bearing basis for this description from GPS observation, Texas North Central Zone, having beginning Co-Ordinates of Northing = 6708352.639, Easting = 2533328.154;

THENCE N 62°39'23" W, 281.64 feet along the southwest line of this tract, and being the northeast line of said Tract 2, and into the said 43.892 acres tract to a ½" steel rod set for the west corner of this tract, being the north corner of said Tract 2;

THENCE N 32°08'08" E, 229.54 feet along the northwest line of this tract and across the said 43.892 acres tract to a ½" steel rod set for the north corner of this tract;

THENCE S 49°59'49" E, 103.32 feet along the northeast line of this tract and across the said 43.892 acres tract to a ½" steel rod set for the northeast corner of this tract;

THENCE S 40°56'43" E, along a northeast line of this tract and across the said 43.892 acres tract at 162.94 feet passing a ½" steel rod set for witness, in all 179.40 feet to a Magnetic nail set for the east corner of this tract, being in the centerline of said N.W. C.R. 2290;

THENCE with the centerline of said road, being along the southeast lines of this tract and same for said 43.892 acres as follows: S 37°19'44" W, 40.06 feet (Deed - S 37°43'18" W) to a Magnetic nail set for the southeast corner of this tract, and S 26°13'03" W, 100.30 feet (Deed - S 26°36'37" W) to the common POINT OF BEGINNING of Tract 1 and Tract 2, and containing approximately 1.198 acres of land.