

#47

NOTICE OF FORECLOSURE SALE

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, both real and personal, is described as follows:

A 5.00 acre tract of land (w/improvements) in Gaines County, Texas described in Exhibit "A" attached hereto.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust and Security Agreement (the "deed of trust") recorded as Document #2014-7023 in the Official Public Records of Gaines County, Texas.

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: December 6, 2016 (Tuesday)

Time: The sale will begin no earlier than 10:00 A.M. and no later than three hours thereafter. The sale will be completed by no later than 1:00 P.M.

Place: IN THE AREA BOUNDED BY THE WEST BY THE WEST EDGE OF THE WEST PORCH OF THE COURTHOUSE AND ON THE EAST BY THE MIDDLE LANDING OF THE INSIDE STAIRS LEADING INTO THE COURTHOUSE FROM THE WEST DOOR OR AS DESIGNATED BY THE COUNTY COMMISSIONERS, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE.

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 reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refileing may be after the date originally scheduled for this sale.

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 cash on the day the property is sold.

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.

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 or any substitute trustee.

5. *Type of Sale.* The sale is a nonjudicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust and security agreement executed by Tex-Star Windows, Inc.

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 (a) the real estate lien note in the original principal amount of \$200,000.00, executed by Tex-Star Windows, Inc., and payable to the order of Commercial State Bank; (b) all renewals and extensions of the note; and (c) any and all present and future indebtednesses of Tex-Star Windows, Inc. to Commercial State Bank. Commercial State Bank is the current owner and holder of the Obligations and is the beneficiary and mortgagee under the deed of trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiary, Commercial State Bank, Attn: Kevin Petty, at 505 North Main Street, Seminole, Texas 79360, phone 432/758-9595.

7. *Default and Request to Act.* Default has occurred under the deed of trust, and the beneficiary has requested me, as substitute trustee or any other duly appointed substitute 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: November 14, 2016.



ROBERT W. ST. CLAIR, Substitute Trustee
4716 4th Street, Suite 200
Lubbock, Texas 79416

EXHIBIT "A"

A 5.00 acre tract of land located in the Northwest corner of Lot 1, Camp No. 5, a subdivision located in the West part of the Northwest quarter of Section 331, Block G, C.C.S.D & R.G.N.G. R.R. Co. Survey, Gaines County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with cap marked "NEWTON SURVEYING" set previously for the Northwest corner of said Lot 1, for the Northwest corner of this tract;

THENCE S.87°37'38"E., along the North line of said Lot 1 and the South right-of-way line of U.S. Highway 62 and 180, a distance of 420.00 feet to a 1/2" iron rod with cap marked "NEWTON SURVEYING" set for the Northeast corner of this tract (all bearings are compared to the Texas Coordinate System of 1983, North Central Zone. All distances are true at an averaged surface elevation);

THENCE S.3°23'15"W. 518.58 feet to a 1/2" iron rod with cap marked "NEWTON SURVEYING" set for the Southeast corner of this tract;

THENCE N.87°37'38"W. 420.00 feet to a 1/2" iron rod with cap marked "NEWTON SURVEYING" set in the West line of said Lot 1, for the Southwest corner of this tract;

THENCE N.3°23'15"E., along said West line of Lot 1, a distance of 518.58 feet to the place of beginning; SAVE AND EXCEPT all oil, gas and other minerals.

FILED
11-15-11
Vicki Phillips
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