

# 35

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 military service to the sender of this notice immediately.

NOTICE OF TRUSTEE'S SALE

THAT WHEREAS, by Contract for Sale dated July 23, 2012, executed by Jarrel McClearen, Jr., and wife, Tammy McClearen, as Buyer, and Ted Higginbottom, as President of Harvest Guard, Inc., on its behalf, as Seller, Jarrel McClearen and wife, Tammy McClearen, agreed to purchase that 26.14 acre tract of land located in Gaines County, Texas, described on Exhibit A attached hereto, for the consideration specified in said Contract for Sale; and

WHEREAS, Harvest Guard, Inc., as Seller, has appointed the undersigned as Trustee as required by Section 5.066 of the Property Code of the State of Texas; and

WHEREAS, default has occurred under said Contract for Sale and Harvest Guard, Inc., as Seller, has requested the undersigned Trustee to sell the Buyer's interest in the property as required by law.

NOW THEREFORE, notice is hereby given that on Tuesday, the 5<sup>th</sup> day of December, 2017, between the hours of 10:00 o'clock a.m. and 4:00 o'clock p.m., I will sell said real property described on Exhibit A attached hereto on the porch outside the West door of the Gaines County Courthouse in Seminole, Texas, to the highest bidder for cash. The earliest time at which said sale will occur is 10:00 o'clock a.m. This sale will begin not later than three (3) hours after said time.

DATED this 7<sup>th</sup> day of November, 2017.

*Russell Casselberry*  
\_\_\_\_\_  
Russell Casselberry, Trustee

STATE OF TEXAS  
COUNTY OF DAWSON

This instrument was acknowledged before me on this the 7<sup>th</sup> day of November, 2017, by Russell Casselberry, Trustee.



*Anissa Gonzales*  
\_\_\_\_\_  
Notary Public, State of Texas  
Vicki Phillips, County Clerk  
Gaines County, Texas  
*Vicki Phillips*

## EXHIBIT "A"

A 26.14 acre tract of land located in the Northwest corner of Section 439, Block G, C.C.S.D. & R.G.N.G.Ry.Co. Survey, Gaines County, Texas, and being more particularly described as follows:

BEGINNING at a spindle found in pavement at the intersection of Paved County Road 331 (50' right-of-way Volume 208, page 371, Deed Records) with Graded County Road 306 (40' right-of-way Volume 269, page 157, Deed Records), for the Northwest corner of said Section 439 and for the Northwest corner of this tract;

THENCE S.87°39'27"E., along the North line of said Section 439 and along said County Road 306, a distance of 600.00 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" buried in said road, 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.2°22'44"W., at 40.00 feet pass a set ½" iron rod with cap marked "NEWTON SURVEYING", in all 1300.00 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" set for a corner of this tract;

THENCE S.52°37'16"E. 262.47 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" set for the Southeast corner of this tract;

THENCE S.68°20'21"W. 20.01 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" set for a corner of this tract;

THENCE N.52°37'16"W. 30.08 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" set for a corner of this tract;

THENCE in a Southwesterly direction, along the arc of a non-tangential curve to the left (radius = 1346.00 feet, Long Chord = S.42°01'41"W. 1147.33 feet), a distance of 1185.26 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" set for a corner of this tract;

THENCE N.87°39'27"W. 40.00 feet to a spindle set in the West line of said Section 331 and in said County Road 331, for the Southwest corner of this tract;

THENCE N.2°22'44"E., along said West line of Section 439 and along said County Road 331, a distance of 2324.50 feet to the place of beginning;

SAVE AND EXCEPT all oil, gas, and other minerals.