

FILED FOR RECORD

NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF SUBSTITUTIONARY TRUSTEE

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. Sender is: Frost Brown Todd LLC, 100 Crescent Court, Suite 350, Dallas, Texas 75201.

INSTRUMENT BEING FORECLOSED AND OBLIGATIONS SECURED

Deed of Trust dated May 7, 2014 from SGN Inc., as Grantor, to CertusBank, N.A., as Trustee, for the benefit of CertusBank, N.A., as Beneficiary, and recorded on May 9, 2014 under Instrument Number 1433, Volume 882, Page 166 of the real property records of MARION County, Texas (the "Deed of Trust").

The Deed of Trust secures the payment of the indebtedness and obligations described therein, including, but not limited to, that certain promissory note dated as of May 7, 2014, payable to the order of CertusBank, N.A., in the original principal amount of One Million Five Hundred Sixty-Eight Thousand and No/100 Dollars (\$1,568,000.00) (the "Note"), including all accrued and unpaid interest and all other amounts payable by the debtor as described in the Note, any other related documents and all modifications, renewals and extensions thereof. BankUnited, N.A. ("Mortgagee") is the current owner and holder of the Note pursuant to that certain Allonge to Note dated effective as of May 1, 2015, and the current beneficiary under the Deed of Trust pursuant to that certain Assignment of Deed of Trust dated as of August 21, 2015 from CertusBank, N.A., as Assignor, to Mortgagee, as assignee, recorded under Instrument Number 1889, Volume 910, Page 295 of the real property records of MARION County, Texas.

NOTICE OF FORECLOSURE SALE

Notice is given that the Property described below shall be sold at public auction on the date, at the time, and in accordance with the terms contained in this Notice of Trustee's Sale and the applicable laws of the State of Texas.

PROPERTY TO BE SOLD

The Deed of Trust covers all of the real property, personal property, fixtures, rights and interests described therein, including, but not limited to, all the property, rights and interests (the "Property") described on in Exhibit A attached hereto and made a part hereof as if fully set forth herein. The addresses of the Property are 4579 State Highway 155, Lone Star, TX 75668 (with respect to Tract One) and 3320 State Highway 155, Avinger, TX 75630 (with respect to Tract Two). The real property tax identification numbers of the Property are 00150-00012-00000-000000 (with respect to Tract One) and 00292-0005-00000-000000 (with respect to Tract Two).

DATE, TIME, AND PLACE OF SALE

Date: The sale shall be held on Tuesday, September 3, 2019.

Time: The sale will begin at 10:00 a.m. and will be conducted within three hours thereafter.

Place: THE SALE SHALL BE HELD AT THE MARION COUNTY COURTHOUSE, TEXAS, AT THE FOLLOWING LOCATION: THE THOMAS JEFFERSON PARK, LOCATED AT 114 W. AUSTIN STREET, JEFFERSON, TEXAS 75657, OR IF THE PRECEDING AREA IS NO LONGER THE DESIGNATED AREA, AT THE AREA MOST RECENTLY DESIGNATED BY THE COUNTY COMMISSIONER OF MARION COUNTY.

TERMS OF SALE

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Mortgagee, the beneficiary of the Deed of Trust and the current owner and holder of the Note, has requested and hereafter appointed Substitute Trustee to sell the Property by public auction to the highest bidder for cash, except that Mortgagee's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust, and to distribute or apply the proceeds of said sale in accordance with the terms of the Deed of Trust. Pursuant to the Deed of Trust, the Mortgagee has the right to direct the Trustee to sell the Property in one or more parcels and/or to sell all or any part of the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is given of Mortgagee's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Mortgagee's rights and remedies under the Deed of Trust and Section 9.604(a) of the Texas Business and Commerce Code.

Notice is given that on and at the Date, Time, and Place for the sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described herein, the Deed of Trust, and applicable Texas law.

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 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 released or subordinated to the Deed of Trust. For the avoidance of doubt, the sale will not cover any part of the Property that has been released of public record by Mortgagee from the security interest of the Deed of Trust. Prospective bidders are urged to examine the applicable property records to determine the nature and extent of such matters, if any.

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 (if any) 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.

If the sale is set aside for any reason, the purchaser at the sale shall be entitled only to a return of the funds paid. The purchaser shall have no further recourse against the Mortgagor, the Mortgagee or Mortgagee's attorney.

If Mortgagee passes the sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

Pursuant to Section 51.0075(a) of the Texas Property Code, Substitute 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 Substitute Trustee.

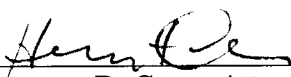
THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT/DEED OF TRUST IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE.

WHEREAS, in my capacity as attorney for the Mortgagee, and pursuant to Section 51.0076 of the Texas Property Code, **I HEREBY APPOINT AND DESIGNATE Hampton Crow, Austin Conner, Lisa Tesh, Kim McCardell, Faith Eaton or Ben West as Substitute Trustee.**

The address for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:

Frost Brown Todd
100 Crescent Court, Suite 350
Dallas, Texas 75201
(214) 545-3472

Executed on this 12th day of August, 2019



Hampton D. Crow, Attorney at Law
Frost Brown Todd, LLC
100 Crescent Court, Suite 350
Dallas, Texas 75201
(214) 545-3472


Posted and filed by: 
Printed Name: Kim Wise, Deputy

EXHIBIT A
(Legal Description)

TRACT ONE:

Being a lot, tract, or parcel of land situated in the Claiborne Ferguson Survey, Abstract No. 150, Marion County, Texas, and being all of that certain 0.73 acre tract of land, called Tract I, and being part of the remainder of that certain 1.75 acre tract of land, called Tract II, both conveyed from AFTAB Enterprises, Inc. to Dilip Patel et ux, by Warranty Deed, as recorded in Volume 615, Page 551, Deed Records, Marion County, Texas, and being all of 1.735 acre tract of land, called Lot 1, as shown by plat attached to that Judgment in Cause #17,545, District Court, Marion County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found marked (Morphew) at the Northeast corner of said 0.73 acre tract, the Northeast corner of said 1.735 acre Lot 1, and the Northwest corner of a 2 acre tract of land conveyed to William Morrison, by deed recorded in Volume 749, Page 85, Official Public Records, Marion County, Texas, said point lying in the South line of State Highway No. 155, (Variable Width R.O.W.);

THENCE, South 01 Degrees 59 Minutes 09 Seconds East, along the East line of said 0.73 acre tract, the East line of said 1.735 acre Lot 1, and the West line of said 2 acre tract, passing the Southwest corner of said 2 acre tract, and the Northwest corner of a 6.0 acre tract of land conveyed to Bobby Starkey et ux, by deed recorded in Volume 489, Page 349, Deed Records, Marion County, Texas, and continuing the same course along the East line of said 0.73 acre tract, the East line of said 1.735 acre Lot 1, and the West line of said 6.0 acre tract, passing the Southeast corner of said 0.73 acre tract, and the Northeast corner of the remainder of said 1.75 acre tract, and continuing the same course along the East line of the remainder of said 1.75 acre tract, the East line of said 1.735 acre Lot 1, and the West line of said 6.0 acre tract in all a total distance of 522.62 feet to a 1/2 inch iron pipe found at the Southeast corner of the remainder of said 1.75 acre tract, the Southeast corner of said 1.735 acre Lot 1, and the Northeast corner of a 5.72 acre tract of land, called Lot 1, as shown by plat attached to that Judgment in Cause #17,545, District Court, Marion County, Texas;

THENCE, South 65 Degrees 56 Minutes 10 Seconds West, along the South line of said 1.735 acre Lot 1, and the North line of said 5.72 acre Lot 1, passing the West line of the remainder of said 1.75 acre tract, and continuing the same course along the South line of said 1.735 acre Lot 1, and the North line of said 5.72 acre Lot 1 in all a total distance of 96.36 feet to a 1/2 inch iron pipe found at the Southwest corner of said 1.735 acre Lot 1, the Northwest corner of said 5.72 acre Lot 1, an angle point in the East line of a tract of land conveyed to Ricky Montgomery, by deed recorded in Volume 662, Page 848, Official Public Records, Marion County, Texas, the Northeast corner of a 5.72 acre tract of land, called Lot 2, as shown by plat attached to that Judgment in Cause #17,545, District Court, Marion County, Texas, and the Southeast corner of a 1.735 acre tract of land, called Lot 2, as shown by plat attached to that Judgment in Cause #17,545, District Court, Marion County, Texas, from said point, a 3/8 inch iron rod found at the Southwest corner of the remainder of said 1.75 acre tract, bears South 26 Degrees 17 Minutes 04 Seconds East, a distance of 9.96 feet;

THENCE, North 15 Degrees 49 Minutes 22 Seconds West, along the West line of said 1.735 acre Lot 1, the East line of said Montgomery tract, and the East line of said 1.735 acre Lot 2, a distance of 482.12 feet to a 1/2 inch iron pipe found at the Northwest corner of said 1.735 acre Lot 1, the Northeast corner of said Montgomery tract, and the Northeast corner of said 1.735 acre Lot 2, said point lying in the South line of said State Highway No. 155;

THENCE, North 64 Degrees 06 Minutes 15 Seconds East, along the North line of said 1.735 acre Lot 1, and the South line of said State Highway No. 155, passing at a distance of 0.26 feet, a 1/2 inch iron rod found marked (Morphew) at the Northwest corner of said 0.73 acre tract, and continuing the same course along the North line of said 0.73 acre tract, the North line of said 1.735 acre Lot 1, and the South line of said State Highway No. 155 in all a total distance of 223.80 feet to the POINT OF BEGINNING and CONTAINING 76,452 square feet or 1.76 acres of land.

TRACT TWO:

Being a lot, tract, or parcel of land situated in the McKinney & Williams Survey, Abstract No. 292, Marion County, Texas, and being part of that certain called 12.51 acre tract of land conveyed from Nima Pandey et vir to Dillip Dhulabhai Patel et ux, by Warranty Deed, as recorded in Volume 595, Page 248, Deed Records, Marion County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set with a yellow plastic cap stamped (CBG INC) at a Southeast corner of a 12.10 acre tract this same day surveyed out, said point being in a Southeast line of said 12.51 acre tract, and the Northwest line of State Highway No. 155, (150' R.O.W.), from said point, a concrete right of way monument found, bears South 64 Degrees 17 Minutes 52 Seconds West, a distance of 4,439.90 feet;

THENCE, North 25 Degrees 35 Minutes 16 Seconds West, with an East line of said 12.10 acre tract, a distance of 61.62 feet to a 1/2 inch iron rod set with a yellow plastic cap stamped (CBG INC);

THENCE, North 24 Degrees 45 Minutes 09 Seconds East, with a Southeast line of said 12.10 acre tract, a distance of 115.76 feet to a 1/2 inch iron rod set with a yellow plastic cap stamped (CBG INC);

THENCE, North 59 Degrees 03 Minutes 42 Seconds East, with a South line of said 12.10 acre tract, a distance of 96.02 feet to a 1/2 inch iron rod set with a yellow plastic cap stamped (CBG INC) at a Southeast corner of said 12.10 acre tract, said point being in an East line of said 12.51 acre tract, and the West line of Farm To Market No. 729, (Variable Width R.O.W.), from said point, a 1/2 inch iron rod found, bears North 38 Degrees 21 Minutes 27 Seconds West, a distance of 87.51 feet;

THENCE, South 38 Degrees 21 Minutes 27 Seconds East, with an East line of said 12.51 acre tract, and the West line of said Farm To Market No. 729, a distance of 93.00 feet to a 3/8 inch iron rod found at an angle point in an East line of said 12.51 acre tract, and an angle point in the West line of said Farm To Market No. 729;

THENCE, South 16 Degrees 32 Minutes 32 Seconds West, with a Southeast line of said 12.51 acre tract, and a Northwest line of said Farm To Market No. 729, a distance of 72.05 feet to a 1/2 inch iron rod set with a yellow plastic cap stamped (CBG INC) at a Southeast corner of said 12.51 acre tract, said point being in the Northwest line of said State Highway No. 155, from said point, a concrete right of way monument found, bears North 64 Degrees 17 Minutes 52 Seconds East, a distance of 1,119.43 feet;

THENCE, South 64 Degrees 17 Minutes 52 Seconds West, with the Southeast line of said 12.51 acre tract, and the Northwest line of said State Highway No. 155, a distance of 156.93 feet to the POINT OF BEGINNING and CONTAINING 22,869 square feet or 0.53 acres of land.