

Notice of Foreclosure Sale

FILED FOR RECORD
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1. *Property to Be Sold.* The property to be sold is described as follows:

See Exhibit "A" attached hereto and made a part hereof for all purposes.

VICKIE SMITH
CO. CLERK, MARION CO

BY D. Smith DEPUTY C. CLK.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust recorded in Volume 845, Page 63, Official Public Records of Marion County, Texas.

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

Date: March 3, 2020

Time: The sale will begin no earlier than 10:00 A.M. or no later than three hours thereafter.

Place: Marion County Courthouse, at the alternate location of Thomas Jefferson Park, 114 West Austin Street, Jefferson, Texas 75657, or as designated by the Marion County Commissioner's Office or as designated by the Marion County Commissioner's Court, pursuant to Section 51.002 of the Texas Property Code.

If beneficiary abandons 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 Texas Property Code. The reposting or refiled 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 their bid immediately in cash if 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 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 non-judicial deed of trust lien foreclosure sale being conducted pursuant to the deed of trust executed by Brandi Tidwell (subsequently assumed by David Calhoun a/k/a David Michael Calhoun by instrument recorded in Volume 945, Page 11, Official Public Records, Marion County, Texas, and modified, renewed and/or extended by instrument recorded in Volume 945, Page 18, Official Public Records, Marion County, Texas).

The real property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust.

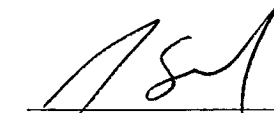
6. *Obligations Secured.* The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively, the "Obligations") including but not limited to the promissory note dated September 25, 2012 in the original principal amount of \$100,000.00, executed by Brandi Tidwell, payable to the order of First National Bank of Gilmer, and subsequently assumed by David Calhoun a/k/a David Michael Calhoun by instrument recorded in Volume 945, Page 11, Official Public Records, Marion County, Texas, and modified, renewed and/or extended by instrument recorded in Volume 945, Page 18, Official Public Records, Marion County, Texas. First National Bank of Gilmer is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiary at 206 US Hwy 271 N, Gilmer, Texas 75644.

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 substitute trustee to conduct the 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.

Date: February 10, 2020 .



J. Scott Miller, Substitute Trustee
1516 Judson Road
Longview, Texas 75601
P: (903) 757-8900

Exhibit "A"

TRACT I:

All that certain tract or parcel of land situated in the JAMES BURNETT SURVEY A-31 and being situated approximately North 76 deg. 00' West a distance of 5.3 miles from the City of Jefferson, Marion County, Texas. Said 1.09 acre of land being more particularly described as follows:

BEGINNING at an iron pin set in the South right-of-way line of Farm Road No. 729 for the northeast corner of this tract of land. Said iron pin being in the west right-of-way line of (old) Farm Road No. 726. Said iron pin being the north northeast corner of a 69.64 acre tract of land conveyed to William Greene and Earl Barren;

THENCE South 14 deg. 20' East along and with the west right-of-way line of said (old) Farm Road No. 726 a distance of 212.6 feet to an iron pin for the southeast corner of this tract of land;

THENCE South 83 deg. 50' West a distance of 232.4 feet to an iron pin for the southwest corner of this tract of land;

THENCE North 05 deg. 12' West a distance of 230.0 feet to an iron pin set in the south right-of-way line of the said Farm Road No. 729 the Northwest corner of this tract of land;

THENCE North 89 deg. 27' East along and with the said right-of-way line of said Farm Road No. 729 a distance of 199.4 feet to the PLACE OF BEGINNING and containing 1.09 acres of land, more or less.

TRACT II:

All that certain tract or parcel of land situated in the JAMES BURNETT SURVEY, A-31, Marion County, Texas, and described as being 0.516 acre tract situated on the South side of F.M. Highway 729 from Jefferson to Lone Star, Texas, and in the NWC of a certain 60 acre tract in said Burnett Survey, and being the residue of a 1.00 acre tract described in Deed of Trust from M.L. Puerifoy et ux to V.S. Brabham, Trustee of Atlanta Federal Savings and Loan Association, dated February 18, 1963, and described as follows:

BEGINNING at an iron rod at fence corner on the South Right of Way line of said highway for the NWC of this tract, on the WL of said 60 acre tract, and being 48.17 feet South 0° 31' West from its original NWC;

THENCE Southeasterly with a curve in said Right of Way line as follows, South 83° 29' 30" 76.50 ft. to iron rod; South 85° 29' 30" East 60.08 feet to an iron rod set on same for the NEC of this tract;

THENCE South 0° 31' 40" West 159.69 ft. to an iron rod for SEC this tract;

THENCE North 89° 28' 20" West 136.00 feet to an iron rod for the SWC of this tract;

THENCE North 0° 31' 40" East 171.83 ft. to the PLACE OF BEGINNING and containing 0.516 acre of land in the JAMES BURNETT SURVEY A-31, Marion County, Texas.

TRACT III:

All that certain 5.02 acres of land, more or less, located in the JAMES BURNETT SURVEY, A-31, Marion County, Texas, said 5.02 acre tract being a part of a 73.052 acre tract described in two tracts: (1) a 60 acre tract described in deed of record in Volume 146, Page 119, and (2) an 18.11 acre tract described in Deed of Record in Volume 144, Page 310, Deed Records, Marion County, Texas, said 5.02 acre tract being more particularly described as follows:

BEGINNING at a point in the South Right of way line of FM Highway No. 729, said point being the Northeast corner of a 0.516 acre tract described in a Deed of Trust from M.L. Puerifoy, et ux to V.S. Brabham, Trustee for the Atlanta Federal Savings and Loan Association dated February 18, 1963, recorded in Volume E-2, Page 361, Marion County, Texas;

THENCE South 85° 30' East, 42.3 feet; South 87° 30' East, 102.4 feet and South 89° 30' East 27.4 feet along the South Right of Way line of said FM 729, to a point in same for corner;

THENCE South 0° 42' East, 724.8 feet to a point for corner;

THENCE South 79° 13' West, 330.0 feet to a point in the WBL of the above mentioned 60 acre tract;

THENCE North 0° 32' East, 636.15 feet along the WBL of said 60 acre tract to the SWC of the above mentioned 0.516 acre tract;

THENCE South 89° 28' East, 135 feet along the SBL of said 0.516 acre tract to the SEC of same for corner;

THENCE North 0° 32' East, 159.7 feet along the EBL of said 0.516 acre tract to the PLACE OF BEGINNING and containing 5.02 acres of land, more or less.

TRACT IV:

All that certain tract or parcel of land situated in the James Burnett Survey, Abstract No. 31, Marion County, Texas, being a part of a 73.052 acre tract described in the two tracts: (1) a 60 acre tract described in Volume 146, Page 119 and (2) an 18.11 acre tract described in Volume 144, Page 310, Deed Records of Marion County, Texas, and being more particularly described as follows:

BEGINNING at a point on the South ROW line of State Highway No. 729, said beginning point being S. 85 deg. 30' E., 42.3 feet; S. 87 deg. 30' E. 102.4 feet and S. 89 deg. 30' E. 27.4 feet from NE corner of a 0.516 acre tract described in Deed of Trust from M.L. Puerifoy et ux to V.S. Brabham, Trustee for Atlanta Federal Savings & Loan Association, dated February 18, 1963, and recorded in Volume E-2, Page 361, Deed of Trust Records of Marion County, Texas;

THENCE S. 89 deg. 30' E. 75.0 feet and N. 87 deg. 04' E., 234.5 feet, along the South ROW line of said Highway No. 729, to a point for corner;

THENCE S. 5 deg. 12' E., 230.0 feet to a point for corner;

THENCE N. 83 deg. 50' E, 232.4 feet to point on the West ROW line of State Highway No. 726;

THENCE S. 14 deg. 16' E., along the West ROW line of State Highway No. 726, 420 feet;

THENCE S. 79 deg. 13' W., 667.6 feet to point for corner;

THENCE N. 0 deg. 42' W., 724.8 feet to the place of beginning, and containing 8.0 acres of land, more or less.