

Notice of Foreclosure Sale

April 8, 2019

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VICKIE SMITH
CO. CLERK, MARION CO

BY E. Johns DEPUTY

“Second Lien Deed of Trust and Security Agreement”:

Dated: February 10, 2017

Grantor: Jefferson Refuge, LLC, by Joseph B. Harker its manager/member and Steve Collins its manager/member

Trustee: Jesse M. DeWare, IV

Lender: Carol M. Harrell, Noah Paul Harrell and Robert W. McKenzie

Recorded in: Volume 940, Page 603 of the Official Public Records of Marion County, Texas.

Legal Description: All that certain tract of Real Property being 170.85 acres of land situated in the J.T. Lakey survey, A-252, the S.H. Ellis survey, A-128, the S.G. Slayton survey, A-356, Marion County, Texas, described in the Warranty Deed with Vendor’s Lien (Second Lien) dated February 10, 2017 from Carol M. Harrell and Noah Paul Harrell and Robert W. McKenzie, Grantors, to Jefferson Refuge, LLC, Grantee, which is Recorded in Volume 940, page 591 of the Official Public Record’s of Marion County, Texas and more particularly described by metes and bounds in Exhibit “A” attached hereto and incorporated by reference herein.

Secures: Promissory Note (Second Lien) dated February 10, 2017 in the original principal amount of seven hundred thousand dollars (\$700,000.00) executed by Jefferson Refuge, LLC/Joseph B. Harker its manager/member and Steve Collins its manager/member and Joseph B. Harker, Guarantor and payable to lender.

1. Failure to pay principal and interest due on maturity (February 10, 2019) of Promissory Note (Second Lien) in the amount of

Foreclosure Sale:

Date: May 7, 2019

Time: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 A.M.

Place: Marion County Courthouse, 102 W. Austin St., Jefferson, Texas, at the location designated by the Marion County Commissioners Court.

Terms of Sale: The Foreclosure Sale will be conducted as a public action and the Property will be sold to the highest bidder for cash, except that Carol M. Harrell and Noah Paul Harrell and Robert W. McKenzie's bid may be by credit against the indebtedness secured by the lien of the Second Lien Deed of Trust Securing Agreement.

Default has occurred in the payment of the Promissory Note (Second Lien) and in the performance of the obligations of the Second Lien Deed of Trust and Security Agreement. Because of that default, Carol M. Harrell and Noah Paul Harrell and Robert W. McKenzie, the owner and holder of the Promissory Note, has requested Trustee to sell the Property.

The Second Lien Deed of Trust and Security Agreement may encumber both real and personal property. Formal notice is hereby given of election by Carol M. Harrell and Noah Paul Harrell and Robert W. McKenzie, to proceed against and sell both real property and any personal property described in the Second Lien Deed of Trust and Security Agreement accordance with Carol M. Harrell and Noah Paul Harrell and Robert W. McKenzie The Rights and Remedies of under the Second Lien Deed of Trust and Security Agreement and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Trustee will sell the Property in accordance with the Terms of Sale described above, the Second Lien Deed of Trust and Security Agreement, and applicable Texas law.

If Carol M. Harrell and Noah Paul Harrell and Robert W. McKenzie pass the Foreclosure 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 Second Lien Deed of Trust and Security Agreement and the Texas Property Code.

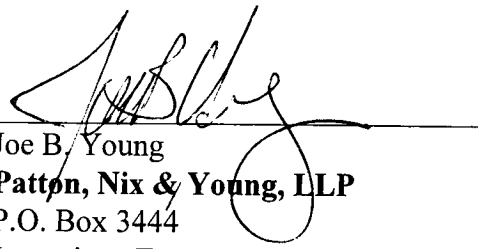
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Second Lien Deed of Trust and Security Agreement, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and not have not been subordinated to the Second Lien Deed of Trust and Security Agreement. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Second Lien Deed of Trust and Security Agreement by Carol M. Harrell and Noah Paul Harrell and Robert W. McKenzie. Prospective bidders are strongly 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 "AS IS," without any expressed or implies warranties, except as to the warranties (if any) provided for

under the Second Lien Deed of Trust and Security Agreement. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

Pursuant to section 51.0075(a) of the Texas Property Code, Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by 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.



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EXHIBIT A

That certain 170.85 acre tract of land situated in the J.T. Lakey Survey, A-252, the S.H. Ellis Survey, A-128, the S.G. Slayton Survey, A-356, Marion County, Texas, and being out of tracts recorded in Volume 110, Page 214, Volume 150, Page 441, and Volume 432, Page 779, of Deed Records of Marion County, Texas said 170.85 acres of land being more particularly described by metes and bounds as follows: (Bearing Basis: Geodetic North.)

Commencing at a concrete monument found for the Southwest corner of the S.H. Ellis Survey, A-128 and an "L" corner of the J.T. Lakey Survey, A-252;

Thence: N 00 deg. 12' 49" E along a common boundary of said Ellis Survey and Lakey Survey, 215.22 feet to a 1/2" iron rod found for an "L" corner of this tract and the Point of Beginning;

Thence: N 00 deg. 12' 49" E along said Survey line, 919.32 feet to a 1/2" iron rod set in the center line of Woodland Shores Road for an "L" corner of this tract;

Thence: N 88 deg. 12' 44" E along said centerline, 119.30 feet to a 1/2" iron rod set in the West right-of-way of Farm Road No. 729 for an "angle" corner of this tract;

Thence: S 19 deg. 04' 48" E along said right-of-way, 288.88 feet to a type 1 right-of-way monument found at the beginning of a curve for an "angle" corner of this tract;

Thence: Southeasterly along said right-of-way, 464.36 feet, along the Arc of a Curve to the left, Delta Angle = 15 deg. 51' 54", Radius = 1677.02, Chord S 27 deg. 00' 48" E 462.88 feet to a type 1 right-of-way monument found for an "angle" corner of this tract;

Thence: S 35 deg. 02' 36" E along said right-of-way, 45.48 feet to a type 1 right-of-way monument found at the beginning of a curve for an "angle" corner of this tract;

Thence: Southeasterly along said right-of-way, 409.72 feet, along the Arc of a Curve to the left, Delta Angle = 17 deg. 52' 32", Radius = 1313.24, Chord S 43 deg. 51' 42" E - 408.06 feet to a type 1 right-of-way monument found for an "angle" corner of this tract;

Thence: S 52 deg. 48' 48" E along said right-of-way, 209.85 feet to a 1/2" iron rod found for the Northeast corner of this tract;

Thence: S 00 deg. 33' 40" E along the centerline of a Private Road, 755.30 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: S 00 deg. 16' 34" W along the centerline of a Private Road, 2009.78 feet to a 1/2" iron rod found for the Southeast corner of this tract;

Thence: N 89 deg. 25' 04" W, 1264.21 feet to a 1/2" iron rod found in U.S.A. Fee line

for an "angle" corner of this tract;

Thence: N 32 deg. 07' 22" E along U.S.A. Fee line, 247.62 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: N 69 deg. 57' 57" E along U.S.A. Fee line, 261.77 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: N 18 deg. 43' 51" W along U.S.A. Fee line, 88.12 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: N 62 deg. 46' 14" W along U.S.A. Fee line, 170.49 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: S 77 deg. 02' 23" W along U.S.A. Fee line, 133.15 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: S 64 deg. 17' 43" W along U.S.A. Fee line, 157.95 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: S 74 deg. 56' 54" W along U.S.A. Fee line, 175.95 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: S 47 deg. 40' 59" W along U.S.A. Fee line, 115.08 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: S 89 deg. 15' 15" W along U.S.A. Fee line, 188.77 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: S 80 deg. 04' 42" W along U.S.A. Fee line, 168.05 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: S 80 deg. 04' 42" W along U.S.A. Fee line, 47.49 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: N 68 deg. 00' 04" W along U.S.A. Fee line, 92.87 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: N 55 deg. 22' 17" W along U.S.A. Fee line, 109.24 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: N 33 deg. 48' 55" W along U.S.A. Fee line, 91.55 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: N 24 deg. 49' 46" W along U.S.A. Fee line, 94.78 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: N 75 deg. 50' 08" W along U.S.A. Fee line, 233.19 feet to a 1/2" iron rod found for the most Southerly Southwest corner of this tract, a 1/2" iron rod found in the East right-of-way of Summit Drive bears North 75 deg. 50 min. 08 sec. West, 64.31 feet;

Thence: N 00 deg. 54' 49" E along and with a new line, 94.40 feet to a 1/2" iron rod set for an "angle" corner of this tract;

Thence: N 75 deg. 08' 07" W along and with a new line, 45.58 feet to a 1/2" iron rod set for an "angle" corner of this tract;

Thence: N 28 deg. 50' 08" W along and with a new line, 37.00 feet to a 1/2" iron rod set in the East line of Summit Drive found for an "L" corner of this tract;

Thence: N 00 deg. 54' 49" E along the East line of Summit Drive, 872.30 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: N 80 deg. 25' 49" E, 213.53 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: S 83 deg. 24' 26" E, 35.17 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: S 00 deg. 54' 49" W, 35.27 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: S 82 deg. 03' 06" E, 280.00 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: N 00 deg. 54' 49" E, 87.66 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: S 82 deg. 03' 06" E, 70.00 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: S 00 deg. 54' 49" W, 52.39 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: S 82 deg. 03' 06" E, 70.00 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: N 00 deg. 54' 49" E, 52.39 feet to a 1/2" iron rod found;

Thence: N 00 deg. 54' 49" E, 52.90 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: N 82 deg. 03' 06" W, 70.00 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: N 00 deg. 54' 49" E, 52.90 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: N 82 deg. 03' 06" W, 350.38 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: S 89 deg. 33' 45" W, 86.19 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: S 80 deg. 20' 35" W, 161.33 feet to a 1/2" iron rod found in a common boundary of the S. G. Slayton Survey, A-356 and the J. T. Lakey Survey, A-252 for an "L" corner of this tract;

Thence: N 00 deg. 31' 31" E along said Survey line, 113.96 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: S 89 deg. 51' 51" W, 279.99 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: N 00 deg. 54' 49" E, 87.22 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: N 75 deg. 48' 51" W, 71.92 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: S 89 deg. 51' 51" W, 422.39 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: N 23 deg. 42' 25" E, 93.02 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: N 78 deg. 25' 59" W, 38.30 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: N 11 deg. 08' 51" E, 51.32 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: S 81 deg. 32' 45" E, 246.23 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: N 39 deg. 59' 36" W, 177.78 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: N 55 deg. 40' 04" E, 730.91 feet to a 1/2" iron rod set for an "angle" corner of this tract;

Thence: N 00 deg. 31' 31" E, 219.25 feet to a 1/2" iron rod set for the Northwest corner of this tract;

Thence: S 89 deg. 13' 42" E, 608.27 feet to a 1/2" iron rod found for an "angle" corner of this tract;

Thence: N 11 deg. 36' 10" W, 220.33 feet to a 1/2" iron rod found for an "L" corner of this tract;

Thence: S 89 deg. 13' 42" E, 1091.61 feet to the Point of Beginning, containing 170.85 acres of land gross, more or less.

LESS, SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACTS OF LAND, TO-WIT:

FIRST TRACT:

All that certain tract or parcel of land being all of Lot 16, Block 1, of the Woodland Shores Subdivision, Unit No. 1, of a portion of the S. G. Slayton Survey, Abstract No. 356, Marion County, Texas, according to Plat of said subdivision recorded Volume 1, Page 119, Plat Records, Marion County, Texas.

SECOND TRACT:

A 50' x 105' x 70' x 106.875' lot, same being a portion of the Sanford G. Slayton Survey, Abstract No. 356, Marion County, Texas, and more fully described as follows:

BEGINNING at the Southeast corner of Lot No. 16, Block 1, Unit 1, of the Woodland Shores Subdivision as per Plat of said subdivision of record in Volume 1 at Page 119, of the Plat Records of Marion County, Texas;

THENCE West with said Lot 16 East Boundary line 105 feet to the mutual Easterly corner of Lots 16 and 11 of Block 1;

THENCE due South 50 feet to an iron stake for corner in the West boundary line of a proposed street;

THENCE in a Southeasterly direction 106.875 feet along North boundary line of said proposed street to an iron stake for corner;

THENCE due North 70 feet to the place of beginning and containing 0.14 acre of land, more or less.

THIRD TRACT:

All that certain tract or parcel of land being the West 1/2 of Lot 23, Unit No. 3, of the Woodland Shores Subdivision, a portion of the J. T. Lakey Survey, Abstract No. 252, Marion County, Texas, according to Plat of said subdivision recorded Volume 1, Page 162, Plat Records, Marion County, Texas.

FOURTH TRACT:

All those certain lots or parcels of land being Lot 1, Lot 2, Lot 3, Lot 4, and Lot 5, Block 8, Unit No. 5, of the Woodland Shores Subdivision, a portion of the S. G. Slayton Survey, Abstract No. 356, Marion County, Texas, according to Plat of said subdivision recorded Volume 1, Page 173, Plat Records, Marion County, Texas.

FIFTH TRACT:

All that certain 70' x 350' lot out of the Woodland Shores Subdivision of a portion of the S. G. Slayton Survey, Abstract No. 356, Marion County, Texas, as shown by Plat of record in Volume 1, Page 173, of the Plat Records of Marion County, Texas, and more fully described as follows:

BEGINNING at the Southwest corner of Lot No. 1, Block 8, Unit 5, of said Woodland Shores Subdivision;

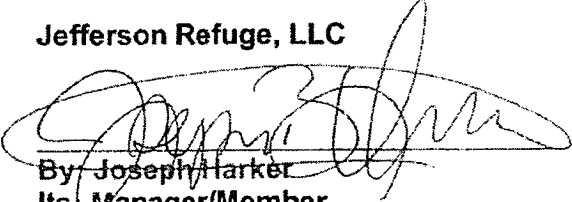
THENCE South 82 deg.15 min. East 350 feet to the Southeast corner of Lot No. 5, Block 8, Unit 5, of the Woodland Shores Subdivision;

THENCE due South 70 feet to an iron stake for corner;

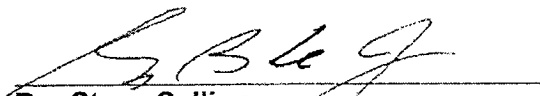
THENCE 82 deg. 15 min. West 350 feet to an iron stake for corner;

THENCE due North 70 feet to the place of beginning and containing 0.562 of and acre of land, more or less.

Jefferson Refuge, LLC



By: Joseph Harker
Its: Manager/Member



By: Steve Collins
Its: Manager/Member