

NOTICE OF TRUSTEE/SUBSTITUTE TRUSTEE'S SALE

Hunt County, Texas

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

All that real property described in Exhibit A to that Deed of Trust, a true and correct copy of said Exhibit A is attached hereto and incorporated herein.

2. *Instruments to be Foreclosed.*

Deed of Trust ("**2014 DT**") (collectively, "**Deed of Trust**")

Dated: May 19, 2014
Grantor: Lee Allen Miller
Trustee: Garon R. Horton, Richard T. Archibald and/or Beth Upchurch
Lender: Tom Chesna and Vicky Chesna
Recorded as: Document No. 2014-6089 in the Real Property Records of Hunt County, Texas
Secures: Real Estate Lien Note ("**Note**") dated May 19, 2014 in the original principal amount of \$24,900.00 executed by Lee Allen Miller and payable to the order of Tom Chesna and Vicky Chesna ("**Beneficiary**") and all other indebtedness of Grantor to Lender, including renewed and extended obligations referenced in deeds of trust described below.

Deed of Trust ("**2008 DT**"):

Dated: December 5, 2008
Grantor: Lee Allen Miller
Trustee: Karl V. Hunter or Charles E. Kramer or Ashley L. Cook
Lender: Tom Chesna and Vicky Chesna
Recorded as: Document No. 2008-17940 at Volume 1819, Page 552 in the Real Property Records of Hunt County, Texas
Secures: Real Estate Lien Note dated December 5, 2008 in the original principal amount of \$12,500.00 executed by Lee Allen Miller and payable to the order of Tom Chesna and Vicky Chesna and all other indebtedness of Grantor to Lender.

Deed of Trust ("**2003 DT**")

Dated: March 14, 2003
Grantor: Michelle Miller and Lee Miller
Trustee: David R. Marlett

FILE FOR RECORD
JENNIFER LINDENZWEIG
COUNTY CLERK HUNT CO. TX
17 OCT -6 AM 10:02
DEPUTY

Lender: Tom Chesna and wife, Vicky Chesna
Recorded as: Document No. 9539 at Volume 1021, Page 481 in the Real Property Records of Hunt County, Texas
Secures: Real Estate Lien Note dated March 14, 2003 in the original principal amount of \$40,000.00 executed by Michelle Miller and Lee Miller and payable to the order of Tom Chesna and wife, Vicky Chesna and all other indebtedness of Grantor to Lender.

Trustee/Substitute Trustee:
Garon R. Horton, Richard T. Archibald and/or Beth Upchurch

Trustee/Substitute Trustee
Address: 1020 W. Ralph Hall Parkway, Suite 105
Rockwall, Texas 75032

3. Trustee/Substitute Trustee's *Sale of the Property; Date, Time, and Place of Sale.* The owner and holder of the Note secured by the Deed of Trust has appointed the undersigned as Trustee/Substitute Trustee under the terms and provisions of the above-described Deed of Trust. In order to satisfy the indebtedness secured by the Note, and at the request of the owner and holder of said indebtedness, Trustee/Substitute Trustee (s) will sell the real property described in the Deed of Trust.

The above-described real property will be sold and such sale is scheduled to be held at the following date, time, and place:

Date: November 7, 2017

Time: Between the hours of 10:00 a.m. and 4:00 p.m. and to begin no earlier than 11:00 a.m. or no later than three hours thereafter.

Place: COMMON AREA AT THE BASE OF THE CENTRAL STAIRWAY ON THE 2ND FLOOR INSIDE THE COURTHOUSE OR THE BASE OF THE NORTH STEPS OUTSIDE OF THE COURTHOUSE, which is located at 2507 Stonewall Street, Greenville, Hunt County, Texas 75401.

Should the Beneficiary choose to postpone, withdraw, or reschedule the sale for another day, the trustee/substitute trustee(s) 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 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 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. The real property and personal property, if any, encumbered by the Deed of Trust will be sold at the sale in accordance with the provisions of the Deed of Trust and to the extent of any personal property as permitted by Section 9.604(a) of the Texas Business and Commerce Code.

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 Note. Additionally, the Note evidencing the indebtedness and Deed of Trust provide for reimbursement to the Beneficiary of costs associated with performing Grantor's obligations under the Note and Deed of Trust and its reasonable attorneys' fees and expenses.

As of September 4, 2017, there was owed \$18,749.21 on the Note, being principal and interest in the following amounts: \$16,382.39 of principal and \$1,631.82 of interest, plus late payment fees. The Note is bearing interest at the Annual Interest Rate of Maturity, Unpaid Amounts of \$8.0789 per day thereafter. Additionally, the Note evidencing the indebtedness and Deed of Trust provide for reimbursement of the Beneficiary of costs associated with performing Grantor's obligations under the Note and Deed of Trust and its reasonable attorneys' fees and expenses.

Questions concerning the sale may be directed to the undersigned.

7. *Default and Request to Act.* Default has occurred under the Deed of Trust, and the Beneficiary has requested the, as Trustee/Substitute Trustee to conduct this sale. Notice is given that before the sale the Beneficiary may appoint another person as substitute trustee to conduct the sale.

8. ***Statutory Notice of Servicemember Rights.*** **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 active duty military service to the sender of this notice immediately.**

Dated: September 5, 2017.



Garon R. Horton
State Bar No. 10017800
HORTON & ARCHIBALD, P.C.
1020 W. Ralph Hall Parkway, Suite 105
Rockwall, Texas 75032
Telephone: 972-772-0880
Facsimile: 972-772-4961

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Exhibit "A"

All that certain lot, tract or parcel of land situated in the Samuel McFADGIN SURVEY ABSTRACT NO. 651, Hunt County, Texas, and being all of that 3.00 acres tract of land as described in Warranty deed from Thomas Jerry Gray and wife, Patricia J. Gray to J. C. Casteel and wife, Robbie Nell Casteel, dated Janu5, 1984 and being recorded in Volume 931, Page 788 of the Deed Records of Hunt County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron rod found for corner in the Southeast right-of-way line of State Highway 276, said point being at the North corner of said 3.00 acres tract of land, said point also being at the West corner of a 5.08 acres tract of land as described in a Special Warranty deed from Carol Ann Tubesing to Roy Michael Tubesing, dated November 17, 1998 and being recorded in Volume 531, Page 475, of the Real Property Records of Hunt County, Texas;

THENCE S. 44 deg. 23 min. 24 sec. E. a distance on 670.23 feet to a ½" iron rod found for corner at the East most North corner of a 8.00 acres tract of land as described in a Deed from Agatha Wooldridge to Thomas Jerry Gray and wife, Patricia Gray, as recorded in Volume 931, Page 785 of the Deed Records of Hunt County, Texas;

THENCE S. 45 deg. 41 min. 31 sec. W. along the Northwest line of said 8.00 acres tract, a distance of 195.21 feet to a ½" iron rod found for corner;

THENCE N. 44 deg. 23 min. 25 sec. W. a distance of 669.37 feet to a 100 d nail found for corner in the rock pavement of Private Road 2477, said point being in the Southeast right-of-way line of State Highway 276 and at the North corner of said 8.00 acres tract;

THENCE N. 45 deg. 26 min. 17 sec. E. along the Southeast right-of-way line of State Highway 276, a distance of 3.00 acres of land.

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Save & Except the following tract

BEING 0.192 acres (8,368 square feet) of land more or less, situated in Hunt County, Texas, part of the SAMUEL McFADGIN SURVEY A-651, and being part of that certain tract of land conveyed by a Deed from Thomas Jerry Gray and wife, Patricia J. Gray to J. C. Casteel and wife, Robbie Nell Casteel as recorded in Volume 931, Page 788, Deed Records, Hunt County, Texas. Said 0.192 acres being more particularly described by metes and bounds as follows;

BEGINNING at a 5/8" iron rod with aluminum cap stamped "TxDOT" set in the WBL of said Casteel tract, same being the EBL of that certain tract of land conveyed to Thomas Jerry Gray and wife, Patricia J. Gray as Tract 1, recorded in Volume 931, Page 785, Deed Records, Hunt County, Texas, said iron rod being in the proposed South R.O.W. line S.H. 276, said iron rod being South 45° 29' 31" East, 42.76 feet from for the NWC of said Casteel tract and the existing South R.O.W. line S.H. 276;

1) THENCE North 45° 29' 31" West, with the common line between said Casteel and Gray tracts, a distance of 42.76 feet to the NWC of said Casteel tract and the existing South R.O.W. line S.H. 276;

2) THENCE North 44° 28' 17" East, with the existing South R.O.W. line S.H. 276, a distance of 194.97 feet to the NEC of said Casteel tract; from which, a 1/2" iron rod found bears North 30° 36' 07" West, 0.61 feet, same being NWC of that certain tract of land conveyed to Mike Tubesing and wife, Carol Tubesing as recorded in Volume 286, Page 751, Real Property Records, Hunt County, Texas

4) THENCE South 45° 29' 40" East, with the common line between said Casteel and Tubesing tracts, a distance of 42.88 feet to a 5/8" iron rod with aluminum cap stamped "TxDOT" set for the proposed South R.O.W. S.H. 276;

5) THENCE South 44° 26' 18" West, with the proposed South R.O.W. line of S.H. 276, a distance of 158.69 feet to a 5/8" iron rod with aluminum cap stamped "TxDOT" set for the beginning of a curve to the right, whose center bears North 45° 33' 42" West, 2,899.17 feet;

6) THENCE Southwesterly, with the said right-of-way curve, through a central angle of 00° 43' 02", for an arc length of 36.29 feet to the POINT of BEGINNING and containing 0.192 acres of land.

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FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Dec 11, 2008
at 10:35A

Document Number: 17940
Amount 52.00

By
Diane Mueller
Linda Brooks,
County Clerk
Hunt County

STATE OF TEXAS COUNTY OF HUNT

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the named records of: Hunt County as stamped hereon by me.

Dec 11, 2008

Linda Brooks, County Clerk
Hunt County

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of Race, Color, Religion, Sex, Handicap, Familial Status or National Origin is Invalid and unenforceable under FEDERAL LAW, 3/12/89

NOTICES: If, on the date of recording, this instrument was found to be unrecordable for the last photographic reproduction because of illegibility, carbon or photo copy, discarded paper, etc. All blacked-out additions and changes were present at the time the instrument was filed and recorded.