

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

AT THE PUBLIC RECORDS LOCK E B M
SEP 04 2013
JOANN CHASTAIN,
County Clerk, County Court at Law
Angelina County, Texas
BY *[Signature]*

NOTICE OF FORECLOSURE SALE

THE STATE OF TEXAS §

COUNTY OF ANGELINA §

KNOW ALL MEN BY THESE PRESENTS.

WHEREAS, on the 21st day of January, 2011, Dennis Cook and wife, Betty Cook ("Debtor") executed that certain Deed of Trust (as extended and renewed, "Deed of Trust") conveying to Claude E. Welch, Trustee ("Trustee"), the real property more particularly described in attached Exhibit "A", together with all improvements, fixtures, equipment, and other property located on the real property and any and all other items, rights, or interests described in the Deed of Trust, all of which property is more fully described in the Deed of Trust, to which reference is hereby made for further description of the property covered by this notice (collectively, "Property"); and

WHEREAS, the Deed of Trust was recorded under Document No. 2011-276510, Real Property Records of Angelina County, Texas; and

WHEREAS, the Deed of Trust was executed and delivered to secure the payment of the following items of indebtedness ("Indebtedness"):

That certain Promissory Note (as extended, renewed, modified or replaced, "Note") dated of even date with the Deed of Trust and executed by Debtor, payable to the order of Milligie Wesley London and wife, Sharon London ("Creditor"), in the original principal amount of \$140,000.00.

WHEREAS, the Indebtedness is due and payable, and despite Creditor's demands, Debtor has failed to pay, and continues to fail to pay, the Indebtedness; and

WHEREAS, Creditor by written instrument made, constituted, and appointed Don W. Duran or Pamela J. Mullins as substitute trustee under the Deed of Trust ("Substitute Trustee") and requested and directed Substitute Trustee to exercise the power of sale under the Deed of Trust for the purpose of enforcing the collection of the Indebtedness;

NOW, THEREFORE, the undersigned hereby gives notice that, after due publication of this notice as required by law and the Deed of Trust, the undersigned will sell the Property, as an entirety or in parcels, by one or by several sales, held at one time or at different times, all as the undersigned may elect and announce at such sale or sales, at the Angelina County Commissioners Courtroom, Angelina County Courthouse Annex Building, located at 606 E. Lufkin Avenue, Lufkin, Texas; said location having been designated by the County Commissioners of Angelina County, Texas

("Commissioners"). In the event that early voting or elections is going on or in the event the Angelina County Courthouse Annex is closed due to observance of a designated holiday, all sales will be held on the front steps of the entrance to Angelina County Courthouse Annex. If early voting is going on and the weather is bad the sales will be held in the Angelina County Courthouse Annex Foyer located at 606 E. Lufkin Avenue, Lufkin, Texas, (or such other location as may be designated by the Commissioners after the sending of this notice and before the time of the sale), in which county the Property is situated, on October 1, 2013, being the first Tuesday of said month, at 11:00 o'clock A.M. (or within three hours thereafter) to the highest bidder or bidders for cash at a public auction, and will make due conveyance of the Property to the purchaser or purchasers, with special warranty deed binding Debtor, his successors and assigns.

The sale noticed herein shall include the interest of Debtor in all fixtures with personal property covered by the Deed of Trust and any other documents executed in connection with or as security for the Indebtedness, Creditor having directed the undersigned to sell, and the undersigned hereby noticing the sale of, said fixtures and personally pursuant to rights granted to Creditor under Section 9.501(d) of the Texas Business & Commerce Code.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY, OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER CREDITOR NOR SUBSTITUTE TRUSTEE MAKES ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS, OR SPECIFICATIONS, NOR WITH RESPECT TO CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS, OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH SHALL BE EXPRESSLY WAIVED BY PURCHASER.

EXECUTED in multiple original copies on the 4th day of September, 2013.



Don W. Duran, Substitute Trustee under the
Deed of Trust

TRACT ONE:

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas, out of the JACOB DUNCAN SURVEY, ABSTRACT NO. 11 and being a part or portion of that certain 17.10 acre tract of land described in a Deed from J. D. Russell et ux to Guy F. Barrett et ux, dated July 14, 1977, and recorded in Volume 459, on Page 408 of the Deed Records of Angelina County, Texas, to which reference is hereby made for all purposes and the said part or portion being described by metes and bounds as follows, to-wit:

BEGINNING at the Northwest corner of the aforesaid referred to 17.10 acre tract, a 1" iron pipe found for corner;

THENCE S 67 deg. 41' 44" E, with the North Boundary line of the said 17.10 acre tract, at 474.29 feet, a 1/2" iron pin set for corner;

THENCE S 5 deg. 19' 35" W, at 243.20 feet, a 1/2" iron pin set for corner;

THENCE S 80 deg. 53' 12" E, at 83.70 feet, a 1/2" iron pin set for corner;

THENCE S 1 deg. 31' 45" E, at 557.94 feet, intersect a South Boundary line of the said 17.10 acre tract, a 1/2" iron pin set for corner on the North margin line of an Oiled County Road;

THENCE S 62 deg. 29' 44" W, (called S 78 deg. W), with a South Boundary line of the said 17.10 acre tract and with the North margin line of the said County Road, at 260.44 feet, a 1/2" iron pin found for corner;

THENCE N 9 deg. 04' 11" W, at 506.29 feet, a 1/2" iron pin set for corner;

THENCE S 83 deg. 24' 18" W, at 212.26 feet, intersect the West Boundary line of the said 17.10 acre tract, a 1/2" iron pin found for corner;

THENCE North, with the West Boundary line of the said 17.10 acre tract, at 390.65 feet, the point and place of beginning and containing 7.266 acres of land, more or less.

SAVE AND EXCEPT:

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas out of the JACOB DUNCAN SURVEY, ABSTRACT NO. 11 and being a part or portion of that certain 7.266 acre tract of land described in a Deed from Guy F. Barrett et ux to Lois Munch and Michael Czepiel, et ux, dated May 1, 1984 and recorded in Volume 563, on Page 457 of the Deed Records of Angelina County, Texas to which reference is hereby made for all purposes and the said part or portion being described by metes and bounds as follows, to-wit:

BEGINNING at the most Northern Northeast corner of the aforesaid referred to 7.266 acre tract, same being the Northwest corner of that certain 6.932 acre tract of land described in a Deed from Terry Tolbert, et ux, to Guy F. Barrett et ux, dated May 1, 1987 and recorded in Volume 681, on Page 643 of the Real Property Records of Angelina County, Texas, a 1/2" iron pin found for corner;

THENCE S 5 deg. 19' 35" W, with the most Northern East Boundary line of the said 7.266 acre tract and with the most Northern West Boundary line of the aforesaid referred to 6.932 acre tract, at 243.20 feet, an ell corner of the said 7.266 acre tract, same being the most Northern Southwest corner of the said 6.932 acre tract, a 1/2" iron pin found for corner;

EXHIBIT

THENCE S 80 deg. 53' 12" E, with the most Northern North Boundary line of the said 7.266 acre tract and with the most Northern South Boundary line of the said 6.932 acre tract, at 83.70 feet, the most Southern Northeast corner of the said 7.266 acre tract, same being an ell corner of the said 6.932 acre tract, a 1/2" iron pin found for corner;

THENCE S 1 deg. 31' 46" E, with the most Southern East Boundary line of the said 7.266 acre tract and with the most Southern West Boundary line of the said 6.932 acre tract, at 557.94 feet, the Southeast corner of the said 7.266 acre tract, same being the most Southern Southwest corner of the said 6.932 acre tract, a 1/2" iron pin found for corner on the North margin line of an Oiled County Road;

THENCE S 82 deg. 29' 44" W, with the most Southern South Boundary line of the said 7.266 acre tract and with the North margin line of the aforesaid Oiled County Road, at 91.35 feet, a 1/2" iron pin set for corner;

THENCE N 9 deg. 05' 29" W, at 541.64 feet, intersect the most Northern North Boundary line of the said 7.266 acre tract, a 1/2" iron pin set for corner;

THENCE S 67 deg. 41' 44" E, with the most Northern North Boundary line of the said 7.266 acre tract, at 148.71 feet, the point and place of beginning and containing 2.372 acres of land, more or less.

EXHIBIT

TRACT TWO:

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas out of the JACOB DUNKIN SURVEY, ABSTRACT NO. 11 and being all of that certain 2.372 acre tract described in a deed from Lois Munch et al to Guy F. Barrett, Jr., dated November 18, 1987 and recorded in Volume 705, on Page 556 of the Real Property Records of Angelina County, Texas and being a part or portion of that certain 6.932 acre tract described in a deed from Terry Tolbert et ux to Guy F. Barrett et ux, dated May 1, 1987 and recorded in Volume 681, on Page 643 of the Real Property Records of Angelina County, Texas to which references are hereby made for all purposes and the said tract or parcel being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at the Northwest corner of the aforesaid referred to 2.372 acre tract, a 1/2" iron pin found for corner at a fence corner;

THENCE S 87° 41' 44" E, with the most Northern North boundary line of the said 2.372 acre tract and the North boundary line of the aforesaid referred to 6.932 acre tract passing the most Northern Northeast corner of the said 2.372 acre tract and the Northwest corner of the said 6.932 acre tract, at 324.44 feet a 1/2" iron pin set for corner;

THENCE S 01° 04' 42" W, at 792.92 feet intersect the most Southern South boundary line of the said 6.932 acre tract, a 1/2" iron pin set for corner on the North margin of McCarty Road (County Road No. 48A);

THENCE S 81° 05' 27" W, with the most Southern South boundary line of the said 6.932 acre tract and the said North margin, at 86.29 feet the most Southern Southwest corner of the said 6.932 acre tract and the Southeast corner of the said 2.372 acre tract, a 1/2" iron pin found for corner;

THENCE S 82° 33' 48" W, with the South boundary line of the said 2.372 acre tract and the said North margin, at 92.02 feet the Southwest corner of the said 2.372 acre tract, a 1/2" iron pin set for corner;

THENCE N 09° 04' 34" W, with the West boundary line of the said 2.372 acre tract, at 841.63 feet the point and place of beginning and containing 4.68 acres of land, more or less.

Bearings are based on called bearing of S 87° 41' 44" E for the most Northern North boundary line of the said 2.372 acre tract.



TRACT THREE:

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas out of the JACOB DUNKIN SURVEY, ABSTRACT NO. 11 and being a part or portion of that certain 6.932 acre tract described in a deed from Terry Tolbert et ux to Guy F. Barrett et ux, dated May 1, 1987 and recorded in Volume 681, on Page 643 of the Real Property Records of Angelina County, Texas to which reference is hereby made for all purposes and the said part or portion being described by metes and bounds as follows, to-wit:

BEGINNING at the Northeast corner of the aforesaid referred to 6.932 acre tract, a 1" iron pipe found for corner at a fence corner;

THENCE S 00° 04' 51" W, with the most Northern East boundary line of the said 6.932 acre tract, at 520.69 feet the most Northern Southeast corner of same, a concrete monument found for corner at a fence corner;

THENCE N 89° 40' 51" W, with the most Northern South boundary line of the said 6.932 acre tract, at 208.49 feet an interior corner of same, a concrete monument found for corner;

THENCE S 00° 28' 24" E, with the most Southern East boundary line of the said 6.932 acre tract, at 240.29 feet the most Southern Southeast corner of same, a 1/2" iron pin found for corner on the North margin of McCarty Road (County Road No. 48A);

THENCE S 81° 05' 27" W, with the most Southern South boundary line of the said 6.932 acre tract and the said North margin, at 129.65 feet a 1/2" iron pin set for corner;

THENCE N 01° 04' 42" E, at 792.92 feet intersect the North boundary line of the said 6.932 acre tract, a 1/2" iron pin set for corner;

THENCE S 87° 41' 44" E, with the North boundary line of the said 6.932 acre tract, at 320.66 feet the point and place of beginning and containing 4.64 acres of land, more or less.

