

Notice of Foreclosure Sale

March 12, 2015

FILED
AT 4:30 O'CLOCK PM
MAR 12 2015

AMY FINCHER
County Clerk, County Court at Law
Angelina County, Texas

By 

REAL ESTATE DEED OF TRUST ("Deed of Trust"):

Dated: JUNE 28, 2007

Grantor: David C. Miles and Martha F. Miles

Trustee: MARK MOORE

Lender: BANCORPSOUTH BANK

Recorded in: Document No. 2007-00231630 of the real property records of Angelina County, Texas

Legal Description: See Exhibit "A" attached hereto and incorporated herein by reference

Secures: Universal Note ("Note") in the original principal amount of \$152,500.00, executed by David C. Miles and Martha F. Miles ("Borrower") and payable to the order of Lender

Modifications and Renewals: Renewal and Extension Agreement (as used herein, the terms "Note" and "Deed of Trust" mean the Note and Deed of Trust as so modified, renewed, and/or extended)

Substitute Trustee: Chad B. Vier

Substitute Trustee's Address: 207 E. Frank Street, Suite 100, Lufkin, Texas, 75902

Foreclosure Sale:

Date: Tuesday, April 7, 2015

Time: 10:00 a.m. or no later than 3 hours after that time.

Place: Angelina County Courthouse Annex in Lufkin, Texas, at the following location: The sale will be conducted in the hallway outside the Commissioner's Courtroom adjacent to the Atrium within the Angelina County Courthouse Annex Building, located 606 E. Lufkin Avenue, Lufkin, Angelina County, Texas 75901 (said location having been designated by the County

Commissioners of Angelina County Texas (the "Commissioners") by Resolution duly adopted on October 26, 2004, and filed and placed of record).

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that BANCORPSOUTH BANK's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

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, BANCORPSOUTH BANK, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of BANCORPSOUTH BANK's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with BANCORPSOUTH BANK's rights and remedies under the Deed of Trust 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, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If BANCORPSOUTH BANK passes 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 Deed of Trust and the Texas Property Code.

The Foreclosure 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 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 have not been subordinated to the Deed of Trust. 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 Deed of Trust by BANCORPSOUTH BANK. 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 implied warranties, except as to the warranties (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(a) of the Texas Property Code, Substitute 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 Substitute 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.



Chad B. Vier
207 E. Frank Street, Suite 100
Lufkin, Texas 75902
Telephone (936) 632-9922
Telecopier (936) 632-9924

EXHIBIT "A"

TRACT EIGHT

Being all that certain tract or parcel of land lying and situated in Angelina County, Texas, out of the McKinney & Williams Survey, A-463, and being all of that certain tract of land conveyed by Partition Deed dated September 16, 1937, and recorded in Volume 87, Page 429, Deed Records, Angelina County, Texas to which reference is 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 N.W. Corner of the N. E. Gann Block, at a stake, from which a Hickory brs. S 59 E. 8.8 vrs., a dogwood 4" bears S. 4 E. 8.9 vrs;

THENCE S. 21 E. 303 vrs. a stake for corner, a Hickory 5" brs. N 52 W. 10 vrs., a pine 4" brs. N 23 E. 5.7 vrs;

THENCE N. 68 E. to the S. W. corner of the N. E. Gann Block;

THENCE N. 20-3/4 W with his W. B. L. to the place of beginning, same containing 4 acres of land, more or less.

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