

**Notice of Foreclosure Sale**

July 21, 2016

AT 3:26 P.M.  
JUL 21 2016  
AMY FINCHER  
County Clerk, County Court at Law  
By Angelina County, Texas

TEXAS HOME EQUITY DEED OF TRUST ("Deed of Trust"):

Dated: May 16, 2011

Grantor: Sylvester Cauley

Trustee: Joe C. Denman, III

Lender: First Bank & Trust East Texas

Recorded in: Instrument No. 2001-00280339 of the real property records of Angelina County, Texas

Legal Description: Being all of that certain tract or parcel of land lying and situated in Angelina County, Texas and being Lot Number ONE (1) of Block Number ONE (1) of the St. Anthony Subdivision- Phase 1 to the Town of Diboll, Angelina County, Texas, according to the map and plat thereof recorded in Cabinet E, slide 44-B of the Map and Plat Records of Angelina County, Texas

Secures: Texas Home Equity Real Estate Note ("Note") in the original principal amount of \$150,595.00, executed by Sylvester Cauley ("Borrower") and payable to the order of Lender

Substitute Trustee: Chad B. Vier

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

Foreclosure Sale:

Date: Tuesday, September 6, 2016

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. and not later than three hours thereafter.

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

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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 First Bank & Trust East Texas'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, First Bank & Trust East Texas, 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 First Bank & Trust East Texas's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with First Bank & Trust East Texas'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. Further, the Property will be sold subject to the terms of the ORDER AUTHORIZING FORECLOSURE OF REAL PROPERTY attached hereto.

If First Bank & Trust East Texas 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.

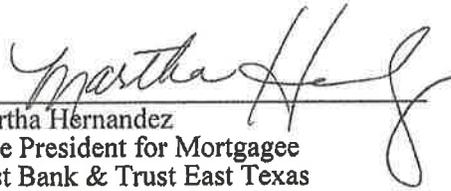
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain 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 First Bank & Trust East Texas. 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.

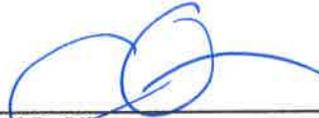
**Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.**

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.**



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Martha Hernandez  
Vice President for Mortgagee  
First Bank & Trust East Texas



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

**NO. 055-13-PR**

**IN RE ESTATE OF** § **IN THE COUNTY COURT-AT-LAW**  
**SYLVESTER CAULEY,** §  
**DECEASED** § **NUMBER TWO OF**  
§  
§ **ANGELINA COUNTY, TEXAS**

**ORDER AUTHORIZING FORECLOSURE OF REAL PROPERTY  
TEXAS HOME EQUITY REAL ESTATE NOTE DATED MAY 16, 2011**

On this date, the Court considered the Application for Foreclosure of Real Property filed by First Bank & Trust East Texas ("Claimholder"). Upon consideration of the Application, pleadings, exhibits, legal arguments, and all other relevant evidence, the Court grants Claimholder's Application. The Court finds that it is in the best interest of the estate for Claimholder to foreclose its mortgage, lien, or security interest to satisfy the preferred debt and lien held by Claimholder against the real property and improvements described below. The Court further finds the bond of the personal representative ("Representative") is sufficient.

The Court further finds that a public auction held in accordance with the security instrument and Texas Property Code section 51.002(a), (b)(1) and (2), and (c) would pass constitutional and statutory muster as to the method and means to fairly conduct a public sale.

IT IS ORDERED that Claimholder is authorized to sell at public sale at auction to the highest bidder the real property and improvements commonly known as 1190 Maynard St., Diboll, Texas 75941 ("Property"), and more particularly described as follows: Being Lot Number ONE (1) of Block Number ONE (1) of the St. Anthony Subdivision- Phase 1 to the Town of Diboll, Angelina County, Texas, according to the map and plat thereof recorded in Cabinet E, slide 44-B of the Map and Plat Records of Angelina County, Texas, which also has a mailing address of 1190 Maynard St., Diboll, Angelina County, Texas ("Property")

IT IS ORDERED that for purposes of certainty as to the manner and means in which the public sale is to be conducted, Claimholder shall sell the Property in accordance with the provisions of Texas Property Code section 51.002(a), (b)(1) and (2), and (c) and the terms of the Loan Agreement. A notice of demand to cure default, notice of intent to accelerate, and notice

of acceleration of maturity of the Loan Agreement have been constructively given by this proceeding and therefore are not required to be given to the estate or Representative.

IT IS ORDERED that Claimholder shall give notice to the public of the sale in accordance with Texas Property Code section 51.002(b)(1) and (2) and that a copy of this order shall be attached to the notice.

IT IS ORDERED that all costs associated with the public auction of the Property shall be deemed costs of Court and shall be paid by Claimholder, but such costs shall be included as part of the payoff amount of the Loan Agreement.

IT IS ORDERED that Claimholder shall release the estate and Representative from any deficiency if the sale price received at public sale is less than the payoff amount of the Loan Agreement.

IT IS ORDERED that, upon completion of the public sale, Claimholder shall deposit any excess proceeds into the registry of the Court, file a Report of Sale in accordance with Texas Estates Code section 356.551, attach a copy of the Trustee's Deed, and submit a Decree Confirming Sale authorizing conveyance of the Property for consideration by this Court.

SIGNED on \_\_\_\_\_

Signed: 7/12/2016 03:59 PM

  
\_\_\_\_\_  
JUDGE PRESIDING

FILED  
AT 2:00 CLOCK P.M.  
JUL 21 2016  
AMY FINCHER  
County Clerk, County Court at Law  
Angelina County, Texas  
By: *[Signature]*

**Notice of Foreclosure Sale**

July 21, 2016

DEED OF TRUST ("Deed of Trust"):

Dated: November 16, 2010

Grantor: Sylvester Cauley

Trustee: Joe C. Denman, III

Lender: First Bank & Trust East Texas

Recorded in: Instrument No. 2010-00274340 of the real property records of Angelina County, Texas

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

Secures: ADJUSTABLE RATE NOTE ("Note") in the original principal amount of \$55,555.00, executed by Sylvester Cauley ("Borrower") and payable to the order of Lender

Substitute Trustee: Chad B. Vier

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

Foreclosure Sale:

Date: Tuesday, September 6, 2016

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. and not later than three hours thereafter.

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"))

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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 First Bank & Trust East Texas'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, First Bank & Trust East Texas, 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 First Bank & Trust East Texas's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with First Bank & Trust East Texas'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. Further, the Property will be sold subject to the terms of the ORDER AUTHORIZING FORECLOSURE OF REAL PROPERTY attached hereto.

If First Bank & Trust East Texas 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.

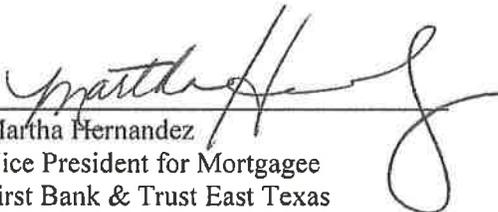
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain 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 First Bank & Trust East Texas. 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.**

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.**

  
\_\_\_\_\_  
Martha Hernandez  
Vice President for Mortgage  
First Bank & Trust East Texas

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

## EXHIBIT "A"

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas, out of the ANTONIO CHEVANO SURVEY, ABSTRACT NO. 9, and also being a part of that 23.147 acre tract of land described in a deed from Temple Eastex, Inc. to Sabine Investment of Texas, Inc. dated May 11, 1976 and recorded in Volume 440 on Page 134 of the Deed Records of Angelina County, Texas, to which reference is hereby made for any and all purposes. Said tract or parcel of land being described by metes and bounds as follows, to wit:

BEGINNING at a 1-1/4-inch iron rod found in concrete at the Southeast corner of the referred to 23.147 acre Sabine tract. Said corner also being the most Westerly Southwest corner of that certain 7.67 acre tract described as Tract 3 in a deed from Arthur Temple, Jr., et al, to Housing Authority of the City of Diboll, Texas, dated January 5, 1968 and recorded in Volume 343 on Page 36 of the Deed Records of Angelina County, Texas;

THENCE N70°18'42"W with the North Right-of-Way Line of Waynard Street, at 825.14 feet, a 1-inch iron pipe found for the Southeast corner of that certain 4.692 acre tract described in a deed from Sabine Investment Company of Texas, Inc. to Mac Mitchell dated June 30, 1976 and recorded in Volume 443 on Page 677 of the Deed Records of Angelina County, Texas;

THENCE N19°40'48"E with the East Boundary Line of the said Mitchell tract at 444.99 feet, a 1/2-inch iron pipe found for corner;

THENCE N20°49'53"W continuing with the Easterly Boundary Line of the said Mitchell tract at 182.96 feet, a 1-inch iron pin found for corner in the Southeasterly Boundary Line of a 9.262 acre tract described in a deed from Fred Weeks and M.H. Jones to Jim Ligon and wife, Johnnie Mae Ligon, dated August 13, 1975 and recorded in Volume 429 on Page 119 of the Deed Records of Angelina County, Texas;

THENCE N69°34'55"E with the Southeasterly Boundary Line of the said Ligon tract at 1,183.69 feet, a 3/4-inch pipe found for corner in the North Right-of-Way Line of Ash Street;

THENCE two calls with the North Right-of-Way Line of Ash Street, as follows:

- (1) N70°15'36"E, 64.81 feet;
- (2) N70°34'36"E, 408.34 feet;

THENCE S08°12'05"E at 45.03 feet, the Northeast corner of a 19.24 acre tract described as Tract No. Two in a deed from Temple Industries, Inc. to the Housing Authority of the City of Diboll, dated November 27, 1964 and recorded in Volume 299 on Page 274 of the Deed Records of Angelina County, Texas;

THENCE S49°47'57"W, with the North Boundary Line of the said 19.24 acre Housing Authority tract at 799.78 feet, a 1/2-inch iron pin found in concrete;

THENCE S08°01'06"E with the Westerly Boundary Line of the said 19.24 acre Housing Authority tract at 782.81 feet, a 1/2-inch iron pipe set for corner;

THENCE S73°24'00"W at 120.59 feet, a 1-1/4-inch iron rod found in concrete at the most Westerly North corner of the aforesaid 7.67 acre Housing Authority tract;

THENCE S19°41'46"W with the Westerly Boundary Line of the said 7.67 acre Housing Authority tract at 331.63 feet, THE POINT AND PLACE OF BEGINNING and containing 18.444 acres of land, more or less.

**SAVE AND EXCEPT THEREFROM**, all those certain lots, blocks and parcels of land located in Angelina County, Texas, and being all of the St. Anthony Subdivision - Phase 1, as recorded in Cabinet E, Slide 44-B of the Map and Plat Records of Angelina County, Texas.

Leaving a net of 16.959 acres of land, more or less.

**NO. 055-13-PR**

**IN RE ESTATE OF** § **IN THE COUNTY COURT-AT-LAW**  
§  
**SYLVESTER CAULEY,** § **NUMBER TWO OF**  
§  
**DECEASED** § **ANGELINA COUNTY, TEXAS**

**ORDER AUTHORIZING FORECLOSURE OF REAL PROPERTY  
ADJUSTABLE RATE NOTE DATED NOVEMBER 16, 2010**

On this date, the Court considered the Application for Foreclosure of Real Property filed by First Bank & Trust East Texas ("Claimholder"). Upon consideration of the Application, pleadings, exhibits, legal arguments, and all other relevant evidence, the Court grants Claimholder's Application. The Court finds that it is in the best interest of the estate for Claimholder to foreclose its mortgage, lien, or security interest to satisfy the preferred debt and lien held by Claimholder against the real property and improvements described below. The Court further finds the bond of the personal representative ("Representative") is sufficient.

The Court further finds that a public auction held in accordance with the security instrument and Texas Property Code section 51.002(a), (b)(1) and (2), and (c) would pass constitutional and statutory muster as to the method and means to fairly conduct a public sale.

IT IS ORDERED that Claimholder is authorized to sell at public sale at auction to the highest bidder the real property and improvements commonly known as 16.959 acres of land, more or less, being part of the Antonio Chevano Survey, A-9, Angelina County, Texas, ("Property"), and more particularly described as follows: See Exhibit "A" attached hereto and made apart hereof as if copied herein verbatim.

IT IS ORDERED that for purposes of certainty as to the manner and means in which the public sale is to be conducted, Claimholder shall sell the Property in accordance with the

provisions of Texas Property Code section 51.002(a), (b)(1) and (2), and (c) and the terms of the Loan Agreement. A notice of demand to cure default, notice of intent to accelerate, and notice of acceleration of maturity of the Loan Agreement have been constructively given by this proceeding and therefore are not required to be given to the estate or Representative.

IT IS ORDERED that Claimholder shall give notice to the public of the sale in accordance with Texas Property Code section 51.002(b)(1) and (2) and that a copy of this order shall be attached to the notice.

IT IS ORDERED that all costs associated with the public auction of the Property shall be deemed costs of Court and shall be paid by Claimholder, but such costs shall be included as part of the payoff amount of the Loan Agreement.

IT IS ORDERED that Claimholder shall release the estate and Representative from any deficiency if the sale price received at public sale is less than the payoff amount of the Loan Agreement.

IT IS ORDERED that, upon completion of the public sale, Claimholder shall deposit any excess proceeds into the registry of the Court, file a Report of Sale in accordance with Texas Estates Code section 356.551, attach a copy of the Trustee's Deed, and submit a Decree Confirming Sale authorizing conveyance of the Property for consideration by this Court.

SIGNED on Signed: 7/12/2016 04:00 PM \_\_\_\_\_.

  
\_\_\_\_\_  
JUDGE PRESIDING