

NOTICE OF TRUSTEE'S SALE

FILED
AT 3:54 O'CLOCK P M
FEB 05 2018
AMY FINCHER
County Clerk, County Court at Law
Angelina County, Texas
By _____ *mcs*

Date: February 5, 2018
Trustee: Jeff S. Chance
Mortgagee: Commercial Bank of Texas, N.A.
Note: Dated February 9, 2015 in the original principal amount of \$19,500.00

Deed of Trust

Date: February 9, 2015
Grantor: Joseph Davis
Mortgagee: Commercial Bank of Texas, N.A.

Recording information: Deed of trust recorded in Instrument No. 2015-00325560 of the Official Records of Angelina County, Texas.

Property: 4.64 acres of land, more or less, part of the William Johnson Survey, Abstract No. 371, being situated in Angelina County, Texas and being more fully described by metes and bounds in Exhibit "A" attached.

County: Angelina County, Texas

Date of Sale
(first Tuesday of month): March 6, 2018

Time of Sale: 10:00 a.m.

Place of Sale: Angelina County Courthouse Annex Building, 606 East Lufkin Avenue, Lufkin, Angelina County, Texas in the hallway outside of the Commissioners' Courtroom adjacent to the atrium.

Mortgagee has appointed Jeff S. Chance as Trustee under the Deed of Trust. Mortgagee has instructed Trustee to offer the Property for sale toward satisfaction of the Note.

Notice is given that on the Date of Sale, Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash. The earliest time the sale will occur is the Time of Sale, and the sale will be conducted no later than three hours thereafter.

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 Mortgagee. 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, 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 to Chance Law Office, PLLC, 517 South First Street, Lufkin, Texas 75901.



Jeff S. Chance, Trustee

EXHIBIT "A"

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BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas, out of the WILLIAM JOHNSON SURVEY, ABSTRACT NO. 371 and being a part or portion of that certain 14.149 acre tract described as Tract No. Two in a partition deed and set aside to Edna Lucille Smith dated March 12, 2003 and recorded in Volume 1726 on Page 180 of the Deed Records of Angelina County, Texas, to which reference is hereby made for any and all purposes and the said tract or parcel being described by metes and bounds as follows, to-wit:

BEGINNING at the Southeast corner of the aforesaid referred to 14.149 acre tract and the Southwest corner of that certain 5.549 acre tract described in a correction deed from Tara Leigh McKellar Baker, et al to Steven Adam Dilday, et al dated October 29, 2010 and recorded in Document No. 2010-00273851 of the Deed Records of Angelina County, Texas, a 1/2" rod found for corner in the North boundary line of that certain 16.76 acre tract described in a deed from Robert Jones, et ux to Hubert Jones, et ux dated March 6, 1972 and recorded in Volume 385 on Page 461 of the Deed Records of Angelina County, Texas (subsequently conveyed from Lou Jean Jones to William Hubert Jones dated August 30, 1974 and recorded in Volume 422 on Page 265 of the Deed Records of Angelina County, Texas - no description), said rod witnessed by a fence corner bearing S 50° E 2.1 feet and a 3/4" pipe found for the Northeast corner of the said 16.76 acre tract and the Southeast corner of the said 5.549 acre tract bearing N 89° 54' 51" E 643.47 feet;

THENCE S 89° 54' 51" W (called S 89° 24' 49" W) with the South boundary line of the said 14.149 acre tract and the North boundary line of the said 16.76 acre tract, at 614.18 feet pass on line a 1/2" rod found for reference, at 634.18 feet (called 634.18 feet) the Southwest corner of the said 14.149 acre tract and the Northwest corner of the said 16.76 acre tract, a 1/2" rod found for corner in the East boundary line of that certain 37.748 acre tract described in a deed from Suel H. Jones to Richard Donovan, et ux dated February 27, 1974 and recorded in Volume 409 on Page 658 of the Deed Records of Angelina County, Texas, said rod being approximately 2 feet East of the existing centerline of Durham Ranch Road;

THENCE N 00° 29' 18" E (called North) with a West boundary line of the said 14.149 acre tract and an East boundary line of the said 37.748 acre tract, and within the said Durham Ranch Road, at 214.13 feet (called 214.13) a corner of the said 14.149 acre tract, the Northeast corner of the said 37.748 acre tract, and the Southeast corner of that certain 45.415 acre tract described in a deed from Jack Edward Smith, et ux to Richard M. Donovan, et ux dated April 27, 1984 and recorded in Volume 559 on Page 165 of the Deed Records of Angelina County, Texas, a 1/2" rod set for corner approximately 7 feet East of the existing centerline of the said Durham Ranch Road;

THENCE N 02° 41' 02" W (called N 03° 10' 42" W) with a West boundary line of the said 14.149 acre tract and an East boundary line of the said 45.415 acre tract, at 45.13 feet intersect the existing curving centerline of the right-of-way of F. M. Highway No. 1818, a point for corner witnessed by a 1/2" rod bearing N 02° 41' 02" W 42.68 feet, a concrete right-of-way monument bearing N 86° 25' 20" W 82.28 feet, and a concrete right-of-way monument bearing S 37° 34' 18" W 86.98 feet;

EXHIBIT "A"

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THENCE three calls with the existing centerline of the right-of-way of the said F. M. Highway No. 1818 and severing the said 14.149 acre tract as follows;

- (1) Northeasterly with a $07^{\circ} 00' 00''$ curve to the right (Central Angle = $28^{\circ} 04' 58''$ Radius = 818.51 feet with Long Chord Bearing and Distance = $N 78^{\circ} 57' 01'' E 397.18$ feet), at 401.18 feet the end of said curve, a point for corner;
- (2) $S 87^{\circ} 00' 31'' E$, at 157.40 feet the beginning of a $04^{\circ} 30' 00''$ curve to the left, a point for corner;
- (3) Southeasterly with the said curve to the left (Central Angle = $03^{\circ} 52' 14''$ Radius = 1273.24 feet with Long Chord Bearing and Distance = $S 88^{\circ} 56' 38'' E 85.99$ feet), at 86.01 feet the Northwest corner of the aforesaid 5.549 acre tract, a point for corner in the East boundary line of the aforesaid referred to 14.149 acre tract and the West boundary line of that certain 12.194 acre tract (14.194 acres save and except 2.000 acre) described in a deed from Hazel Faye Jones to Tara Leigh McKellar Baker dated January 11, 2008 and recorded in Document No. 2008-002391.01 of the Deed Records of Angelina County, Texas;

THENCE $S 00^{\circ} 15' 47'' E$ (called $S 00^{\circ} 46' 58'' E$) with the East boundary line of the said 14.149 acre tract and the West boundary line of the said 5.549 acre tract, at 40.08 feet pass on line a $1/2''$ rod found for reference in the South right-of-way line of the said F. M. Highway No. 1818, at 324.58 feet the point and place of beginning and containing 4.64 acres of land, more or less.

Basis of Bearings: The North boundary line of that certain 19.988 acre tract described in a deed from Aboline Goggans Nerren to Harold Goggans dated November 5, 1997 and recorded in Volume 1131 on Page 68 of the Deed Records of Angelina County, Texas (deed call - $N 89^{\circ} 31' 15'' E 1152.54$ feet - found $1/2''$ pipe (N.W.C.) and an axle leaf spring (N.E.C.) 1152.46 feet apart).