

NOTICE OF FORECLOSURE SALE

June 12, 2018

FILED
4:00 PM
JUN 12 2018

DEED OF TRUST ("Deed of Trust"):

BY CHRISTIE WAKEFIELD
CLERK COUNTY COURT
LEON COUNTY, TEXAS

Dated: August 30, 2017

Grantor: DAVID M. SMITH, JR. and MELODY K. SMITH

Trustee: STEPHEN A. BOYKIN

Lender: AROL DEAN SEYDLER and JENNIFER MARIE SEYDLER

Recorded in: Vol. 1708, Page 612 of the real property records of Leon County, Texas

Legal Description: 60.13 acres of land, more or less, in the A. T. KERR Survey, A-455, in Leon County, Texas, as more fully described by metes and bounds in a copy of the survey field notes attached hereto as Exhibit "A".

Secures: Promissory Note ("Note") in the original principal amount of \$340,000.00, executed by DAVID M. SMITH, JR. and MELODY K. SMITH ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

FORECLOSURE SALE:

Date: Tuesday, July 3, 2018

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: Leon County Courthouse, South Entrance, 139 East Main Street, Centerville, Texas 75833

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 AROL DEAN SEYDLER and JENNIFER MARIE SEYDLER'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, AROL DEAN SEYDLER and JENNIFER MARIE SEYDLER, 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 AROL DEAN SEYDLER and JENNIFER MARIE SEYDLER's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with AROL DEAN SEYDLER and JENNIFER MARIE SEYDLER'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 AROL DEAN SEYDLER and JENNIFER MARIE SEYDLER 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.

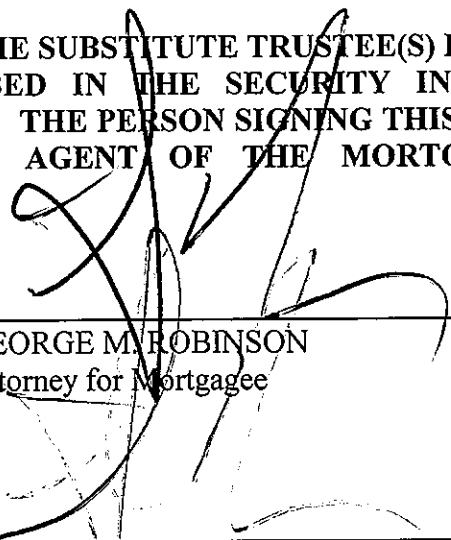
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain 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 AROL DEAN SEYDLER and JENNIFER MARIE SEYDLER. 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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Legal Description

For William Robert Armenta and Kimberly Armenta
A.T. Kerr Survey, Abstract No. 455
Leon County, Texas

60.13 Acres

All that certain lot, tract or parcel of land, part of the A.T. Kerr Survey, Abstract No. 455, Leon County, Texas, being part of that certain called 95.92 acre tract described in a deed to Dean Seydler and Jennifer Seydler from Etta Karen Jackson on October 18, 2003 in Volume 1577, Page 322 of the Official Records of Leon County, Texas and being more completely described as follows, to-wit:

BEGINNING at a ½" iron rod (set) for the most easterly corner of the above mentioned 95.92 acre tract, the North corner of the residue of a called 46.160 acre tract conveyed to Lawrence H. Rice and Thelma Jo Rice in Volume 445, Page 26 and being in the Southwest line of State Highway No. 75;

THENCE South 66 deg. 44 min. 47 sec. West with the easterly Southeast line of the 95.92 acre tract and with the easterly Northwest line of the residue of the 46.160 acre Rice tract, a distance of 296.46 ft. to a ½" iron rod (found) at a fence corner for the northerly West corner of same and being an ell corner of the 95.92 acre tract;

THENCE South 37 deg. 42 min. 34 sec. East with a Northeast line of the 95.92 acre tract and the northerly Southwest line of the residue of the 46.160 acre Rice tract, a distance of 50.12 ft. to a ½" iron rod (found) at a fence corner for an ell corner of same and being an East corner of the 95.92 acre tract;

THENCE South 66 deg. 44 min. 47 sec. West with the southerly Southeast line of the 95.92 acre tract, the westerly Northwest line of the residue of the 46.160 acre tract, the Northwest line of a called 3.27 acre tract conveyed to Richard Presutti in Volume 1599, Page 439 and the northerly Northwest line of a called 40.16 acre tract conveyed to James M. Caffey and Donna W. Caffey in Volume 1600, Page 275, a distance of 1601.77 ft. to a ½" iron rod (found) for the northerly West corner of same, the South corner of the 95.92 acre tract and being an angle corner of a called 221.92 acre tract conveyed to James W. Caffey in said Volume 1600, Page 275;

THENCE North 28 deg. 54 min. 53 sec. West with the southerly Southwest line of the 95.92 acre tract and the northerly Northeast line of the 221.92 acre tract, a distance of 280.95 ft. to a ½" iron rod (found) at a fence corner for the North corner of same and being an ell corner of the 95.92 acre tract;

THENCE South 65 deg. 10 min. 44 sec. West with a Southeast line of the 95.92 acre tract and the northerly Northwest line of the 221.92 acre tract, a distance of 35.19 ft. to a ½" iron rod (found) capped "Reed" at a fence corner for an angle corner of same, a South corner of the 95.92 acre tract and being the East corner of a called 46.53 acre tract conveyed to Jim Caffey in Volume 1364, Page 416;

THENCE North 28 deg. 07 min. 54 sec. West with a Southwest line of the 95.92 acre tract, the Northeast line of the 46.53 acre tract and the Northeast line of a called 21.20 acre tract conveyed to Mark Vagasky and Lisa Vagasky in Volume 1345, Page 670, a distance of 1,876.36 ft. to a ½" iron rod (set) for the West corner of this tract and being the Southwest corner of a called 10.39 acre tract conveyed to Cecilio Jacobo Luviano et al in Volume 1635, Page 257, from which a ½" iron rod (found) capped "Reed" at a fence corner bears North 28 deg. 07 min. 54 sec. West - 545.38 ft.;

THENCE South 75 deg. 57 min. 58 sec. East across the 95.92 acre tract, with the South line of the 10.39 acre Luviano tract and the South line of a called 15.00 acre tract conveyed to John Triplett and Doris Triplett in Volume 1583, Page 631, a distance of 1,038.59 ft. to a ½" iron rod (found) capped "MJR 1858" for the South corner of same, an ell corner of the 95.92 acre tract and being the West corner of a called 7.78 acre tract described in a Release of Lien to Richard A. Nelson in Volume 1358, Page 107;

THENCE South 38 deg. 41 min. 53 sec. East with a Northeast line of the 95.92 acre tract and the Southwest line of the 7.78 acre Nelson tract, a distance of 399.49 ft. to the South corner of same and being an ell corner of the 95.92 acre tract, from which a ½" iron rod (found) capped "MJR 1858" bears North 29 deg. 49 min. 50 sec. West - 7.82 ft.;

THENCE North 64 deg. 49 min. 33 sec. East with a Northwest line of the 95.92 acre tract and the Southeast line of the 7.78 acre Nelson tract, a distance of 870.82 ft. to a ½" iron rod (found) at a fence corner capped "MJR 1858" for the East corner of same, a North corner of the 95.92 acre tract and being in the Southwest line of said State Highway No. 75;

THENCE South 38 deg. 33 min. 55 sec. East with a Northeast line of the 95.92 acre tract and the Southwest line of State Highway No. 75, a distance of 1,155.60 ft. to the place of beginning and containing 60.13 acres of land.

The bearings recited herein are based on the Southwest line of a called 43.94 acre tract described in Volume 1558, Page 712 of the Official Records of Leon County, Texas.

I James C. Williford, Registered Professional Land Surveyor No. 5973, do hereby certify that the legal description hereon was prepared from an actual survey made on the ground under my direction and supervision.



James C. Williford
Registered Professional Land Surveyor No. 5973
Firm Registration No. 10082500
February 11, 2016
Job No. 15-130 Book: 35/12
Plat accompanies legal description

