

2013-204  
FILED FOR RECORD  
AT 3:45 O'CLOCK M.

**NOTICE OF FORECLOSURE SALE**  
(Trustee's Sale)

DEC 05 2013

SHERRY DOWD  
COUNTY CLERK NAVARRO COUNTY, TEXAS  
DEPUTY

Notice is hereby given of a public non-judicial ~~foreclosure sale~~.

**Notice to Member(s) of Armed Forces:** 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 a as a member of the 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. The address of the sender of this notice is set forth below.

1. **Property To Be Sold.** The real property to be sold is described as follows, to wit:

All that certain lot, tract or parcel of land being 7.399 acres situated in the N.H. CARROLL SURVEY, ABSTRACT NO. 152, Navarro County, Texas, and said land being more fully described on **Exhibit "A"** attached hereto and incorporated herein for all purposes (**the "Property"**).

2. **Date, Time, and Place of Sale.** The foreclosure sale (the "Sale") is scheduled to be held at the following date, time, and place:

**Date:** January 7, 2014

**Time:** The Sale shall begin no earlier than 1:00 P.M., or no later than three hours thereafter. The Sale shall be completed by no later than 4:00 P.M.

**Place:** Navarro County Courthouse in Corsicana, Texas, at the following location: at or around the south steps on the first floor as prescribed by the Commissioner's Court of Navarro County, Texas.

The Deed of Trust permits the Beneficiary to postpone, withdraw, or reschedule the Sale for another day. In that case, the trustee or substitute trustee under the Deed of Trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be re-posted and re-filed in accordance with the posting and filing requirements of the Texas Property Code. Such re-posting or re-filing may be after the date originally scheduled for this Sale.

3. **Terms of Sale.** The Sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the Beneficiary thereunder to have the bid credited to the promissory note (the "Note") up to the amount of the unpaid debt secured by the Deed of Trust at the time of the Sale. Pursuant to the Deed of Trust, the Beneficiary has the right to direct the Trustee to sell the Property in one or more parcels and/or to sell all or only part of the Property. The Property shall be sold on an "AS IS, WHERE IS" basis. THERE WILL BE NO WARRANTY RELATING TO TITLE,

POSSESSION, QUIET ENJOYMENT, OR THE LIKE FOR THE PERSONAL PROPERTY, IF ANY, IN THIS DISPOSITION.

Those desiring to purchase the Property will need to demonstrate their ability to pay cash on the day the property is sold. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

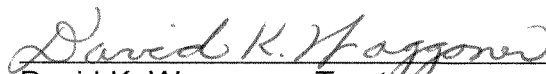
The Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. Pursuant to Section 51.0075 of the Texas Property Code, the Trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the Trustee.

**4. Type of Sale.** The Sale is a non-judicial Deed of Trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by Darrin Autry. The Deed of Trust is dated March 5, 2013, and is recorded in the office of the County Clerk of Navarro County, Texas, under County Clerk's File Number 00002408, of the Official Public Records of Navarro County, Texas.

**5. Obligations Secured.** The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described (collectively, the "Obligations") including but not limited to: (1) the Note in the original principal amount of \$83,500.00, executed by Darrin Autry, and payable to the order of Floyd Henderson; (2) all renewals and extensions of the Note; and (3) any and all present and future indebtedness of Darrin Autry to Floyd Henderson, who is the current owner and holder of the Obligations, and is the Beneficiary under the Deed of Trust.

**6. Default and Request To Act.** Default has occurred under the Deed of Trust and the Beneficiary has requested me, as the duly appointed Trustee, to conduct the Sale. Notice is given that before the Sale the Beneficiary may appoint another person as Substitute Trustee to conduct the Sale.

Executed this 5th day of December, 2013.



David K. Waggoner, Trustee

Attorney At Law

321 North 12th Street

P.O. Box 3075

Corsicana, Texas 75151

Telephone: 903-874-1000

Info@WaggonerLawFirm.net

**EXHIBIT "A"**

Page 1 of 2

**BOBBY E. BRUCE**  
**REGISTERED PROFESSIONAL LAND SURVEYOR**

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P.O. Box 541

Corsicana, Texas 75151

office 903-872-0113

fax 903-875-1473

7.399 ACRES  
NAVARRO COUNTY, TEXAS

N. H. CARROLL SURVEY  
ABSTRACT NO. 152

All that certain lot, tract or parcel of land, being 7.399 acres situated in the N.H. Carroll Survey, Abstract No. 152, in Navarro County, Texas, and being part of a called 27.618 acres tract conveyed in deed from H. L. Bobbitt and wife, Opal C. Bobbitt to Herschel L. Bobbitt by deed dated February 23, 1986, and recorded in Volume 1079 Page 196, in the Deed Records of Navarro County, Texas. Said 7.399 acres are more fully described as follows;

Beginning at a bridge nail found for the south corner of this tract and the called 27.618 acres tract, and in the northeast line of State Highway 309, and in the northwest line of a called 25 acres tract, Volume 155 Page 520;

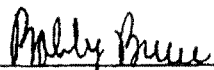
Thence north 27 degrees 58 minutes 55 seconds west along the southwest line of the called 27.618 acres tract, and the northeast line of State Highway 309 a distance of 607.30 feet to a  $\frac{1}{2}$ " rod found for the west corner of this tract and in the south corner of a called 21.227 acres tract, Volume 1734 Page 284;

Thence north 60 degrees 48 minutes 25 seconds east a distance of 915.56 feet to a  $\frac{1}{2}$ " rod found for the north corner of this tract and the east corner of the called 21.227 acres tract, and in the right-of-way of U. S. Highway 287;

Thence along the right of way of U. S. Highway 287, and a curve to the right which has a radius of 5,632.50 feet, a central angle of 00 degrees 51 minutes 09 seconds, tangent of 41.90 feet, a chord of south 44 degrees 55 minutes 28 seconds east 83.80 feet and an arc length of 83.81 feet to a concrete monument with a cap found for the east corner of the called 27.618 acres tract;

Thence south 31 degrees 50 minutes 23 seconds west generally along a fence a distance of 1,087.12 feet to the place of beginning and containing 7.399 acres of land.

This is to certify that the foregoing field notes were prepared from an actual survey made on the ground under my supervision.



Bobby E. Bruce

01-12-06

Date

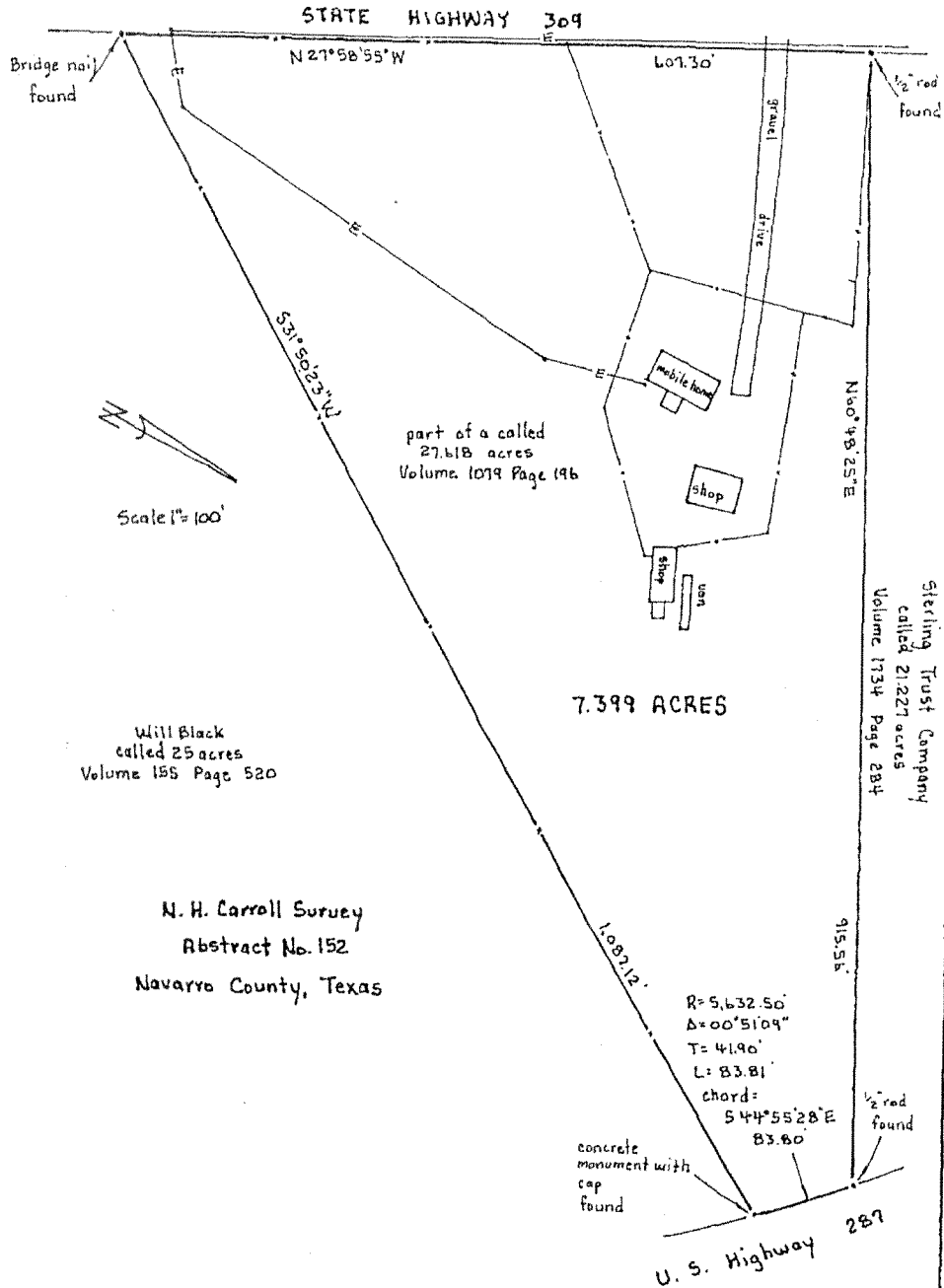
Registered Professional Land Surveyor No. 4890

EXHIBIT "A"

Page 2 of 2

**BOBBY E. BRUCE**  
**REGISTERED PROFESSIONAL LAND SURVEYOR**

P.O. Box 541 Corsicana, Texas 75151 office 903-872-0113 fax 903-875-1473



part of a called  
27.618 acres  
Volume 1079 Page 196

7.399 ACRES

Will Black  
called 25 acres  
Volume 185 Page 520

N. H. Carroll Survey  
Abstract No. 152  
Navarro County, Texas

Sterling Trust Company  
called 21.227 acres  
Volume 1734 Page 284

The residence shown hereon does not lie in the 100 year flood plain according to the FIRM map.

This is to certify that the foregoing plat was prepared from an actual survey made on the ground under my supervision.

Bobby Bruce 01-12-06  
Bobby E. Bruce Date  
Registered Professional Land Surveyor No. 4890

X  
Hoyt Henderson  
X  
DeMott