

NOTICE OF FORECLOSURE SALE FILED FOR RECORD

2019 FEB 11 AM 8:28

("Deed of Trust"): Deed of Trust

SUSAN STRICKLAND
COUNTY CLERK, VAN ZANDT CO., TX

Dated: February 8, 2019

BY _____ DEP.

Grantor: Robert Backus and wife, Melody Backus

Trustee: Julie C. Stern

Lender: First State Bank of Ben Wheeler, Texas

Recorded in: Indebtedness secured by Deed of Trust dated July 16, 2013 and recorded in Document No. 2013-005864 and Promissory Note dated July 16, 2013, executed by Robert E. Backus and Melody Backus, to the First State Bank of Ben Wheeler. Amount: \$197,500.00, Deed of Trust Records, Van Zandt County, Texas.

Legal Description:

BEING 8.00 acres of land situated in the M.G. Cazenova Survey, Abstract No. 129, Van Zandt County, Texas, and being part of a called 51.43 acres from Charles Robert Welch et ux to Curtis Edwin Brunson and Debra K. Brunson in a Warranty Deed recorded in Volume 1497, Page 846, Real Records, Van Zandt County, Texas. Said 8.00 acres of land being more particularly described as follows:

BEGINNING at a P.K. nail (set) for the Northwest corner of this 8.00 acre tract. Said corner also being on the West line of the above referenced 51.43 acres, being South 00 deg. 12 min. 00 sec. East a distance of 300.00 feet from its Northwest corner and being generally located in the center of Farm to Market Road No. 316;

THENCE over and across the 51.43 acres the following courses and distances:

North 89 deg. 48 min. 00 sec. East passing a 1/2" iron rod (set) for reference at a distance of 38.25 feet and continuing in all a total distance of 410.00 feet to a 1/2" iron rod (set) for the Northeast corner of this 8.00 acres;

South 00 deg. 12 min. 00 sec. East a distance of 850.00 feet to a 1/2" iron rod (set) for the Southeast corner of this 8.00 acre tract;

South 89 deg. 48 min. 00 sec. West passing a 1/2" iron rod (set) for reference at 380.24 feet and continuing in all a total distance of 410.00 feet to a P.K. nail (set) for the Southwest corner of this 8.00 acre tract. Said corner being on the West line of the 51.43 acres and being located in the East edge of the pavement of Farm to Market Road No. 316;

THENCE North 00 deg. 12 min. 00 sec. West staying within the payment of Farm to Market Road No. 316 and along the West line of the 51.43 acres a distance of 850.00 feet back to the Point of Beginning and containing 8.00 acres of land.

Bearing are based on the record bearing North 00 deg. 12 min. 00 sec. West between a 1/2" iron rod (found) for the Southwest corner and a point for corner for the Northwest corner of the called 51.43 acres recorded in Volume 1497, Page 846, Real Records, Van Zandt County, Texas. Reference made to Plat of Survey prepared even date (C130112).

Secures: Promissory ("Note") in the original principal amount of \$197,500, executed by Robert E. Backus and wife, Melody Backus ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, March 5th, 2019

Time: The sale of the Property will be held between the hours of 10:00 A.M. and 1:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 a.m.

Place: North Door of the Van Zandt County Courthouse, Canton, Texas

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 State Bank of Ben Wheeler, Texas and First State Bank of Ben Wheeler'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 State Bank of Ben Wheeler, Texas, the owner and holder of the Note, has requested Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of First State Bank of Ben Wheeler, 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 State Bank of Ben Wheeler, 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, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If First State Bank of Ben Wheeler, 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.

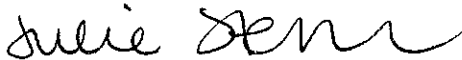
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain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

Witness my hand this the 8th day of February, 2019.



JULIE STERN, Trustee

THE STATE OF TEXAS

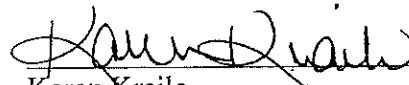
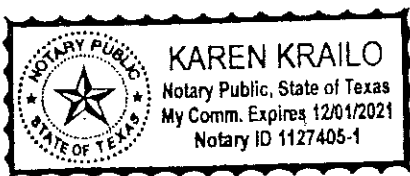
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COUNTY OF VAN ZANDT

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BEFORE ME, the undersigned authority, in and for said County, Texas, on this day personally appeared JULIE STERN, Trustee, known to me to be the person whose name is subscribed to the foregoing instrument.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 8th day of February, 2019



Karen Krailo
Notary Public, State of Texas