

JAN 13 2020

BETTY CRANE, COUNTY CLERK
FRANKLIN COUNTY, TEXAS
Mleda DEPUTY

Notice of Foreclosure Sale

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

See Exhibit "A" attached hereto and made a part hereof for all purposes.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust recorded in Volume 281, Page 409, Official Public Records of Franklin County, Texas.

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: February 4, 2020

Time: The sale will begin no earlier than 10:00 A.M. or no later than three hours thereafter.

Place: South steps of the Franklin County Courthouse, or as designated by the County Commissioner's Office or as designated by the County Commissioner's Court., pursuant to Section 51.002 of the Texas Property Code.

If beneficiary abandons the 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 Texas Property Code. The reposting or refiled may be after the date originally scheduled for this sale.

4. *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 note up to the amount of the unpaid debt secured by the deed of trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

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. The sale shall not cover any part of the property that has been released of public record from the lien of the deed of trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

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.

Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (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 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 or any substitute trustee.

5. *Type of Sale.* The sale is a non-judicial deed of trust lien foreclosure sale being conducted pursuant to the deed of trust executed by Jerry M. Gillean.

The real property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust.

6. *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 the promissory note dated July 3, 2013 in the original principal amount of \$68,000.00, executed by Jerry M. Gillean, payable to the order of Wood County National Bank of Quitman, a branch of First National Bank of Gilmer. Wood County National Bank, a branch of First National Bank of Gilmer (a/k/a Wood County National Bank of Quitman, a branch of First National Bank of Gilmer) is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiary at 417 S. Main Street, Quitman, Texas 75783.

7. *Default and Request to Act.* Default has occurred under the deed of trust, and the beneficiary has requested me, as substitute trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

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.

Date: January 13, 2020



J. Scott Miller, Substitute Trustee
1516 Judson Road
Longview, Texas 75601
P: (903) 757-8900



All that certain tract or parcel of land situated in the Warren Davis Survey, Abstract No. 133, Franklin County, Texas; being a part of that certain 1.825 acre tract described in Deed to John J. Hepp, dated 1990, recorded in Volume 220, Page 587, Deed Records of said County; and being more particularly described as follows:

BEGINNING at a 2 inch angle iron found on the Northwest corner of said 1.825 acre tract and of said Davis Survey, on the South line of a 102 acre tract described in Deed to the Sigur Moore Whitaker Trust, recorded in Volume 5, page 423, Real Property records of said County, on the South line of the M. Diphant Survey, Abstract No. 361, and being on the Northeast corner of a 0.595 acre tract described in Deed to George Romine, recorded in Volume 172, Page 886 of said Deed Records;

THENCE S 87 deg 51' 15" E along the fenced said North line and said South line —497.11 feet to a 1/2-inch iron rod found on the Northwest corner of a 0.045-acre tract described in Deed to Sigur Moore Whitaker Trust, recorded in Volume 255, Page 701 of said Deed Records;

THENCE S 2 deg 08' 45" W along the West line of said 0.045-acre tract — 43.87 feet to a 1/2-inch iron rod found on the Southwest corner of said 0.045-acre tract;

THENCE in a Westerly direction along the North right of way line of FM Highway No. 3357 (being 50.0 feet from the centerline) as follows: S 65 deg 50' 26" W — 109.27 feet, S 69 deg 01' 04" W — 414.33 feet; and S 69 deg 38' 22" W — 19.91 feet to a right of way marker found on the Southwest corner of said 1.825 acre tract;

THENCE N 2 deg 12' 17" E along the West line of said 1.825-acre tract and the East line of said 0.595-acre tract — 262.66 feet to the Place of Beginning, containing 1.781 acres.