

FILED

Notice of Foreclosure Sale

2025 OCT 31 AM 11:17

Dated: October 31, 2025

Trustee¹: Precinct 1 Constable of Franklin County, Texas
208 Hwy 37 South, Mt. Vernon, Texas 75457
Brook Burnell
COUNTY CLERK
FRANKLIN COUNTY, TX

Lien Holder: Pelican Bay Property Owners' Assn., Inc. ("POA")

Lien Instrument: Amendment to the Declaration of Covenants, Conditions and Restrictions for Pelican Bay ("Amended Covenants") - Recorded Vol 293 p. 107-109 of the real property records of Franklin County, Texas - March 24, 2014

Deed Being Foreclosed: Warranty Deed - Vol:405 P. 95-96 of the real property records of Franklin County, Texas. Grantor was James Shaun Hines and Grantee was Keith Edward Brasier.

Property ("Property"):

Legal Description: All those certain lots, tracts or parcels of land situated in Franklin County, Texas, and being a part of the J.R. Blair Survey, A-32, and being Lots 27 and 28 in Block 5 of Unit 1, PELICAN BAY SUBDIVISION, as shown by Amended Plat of record in Volume H, Page 231 and PC 124A, Plat Cabinet Records, Franklin County, Texas.

And the referenced Lot 27, Block 5, Unit 1, being the land conveyed by Lake Country Development, Inc. to Chesley J. Stevenson, Jr. by deed dated October 3, 1994, and recorded in vol. 238, page 769, Deed Records, Franklin County, Texas.

And the referenced Lot 28, Block 5, Unit 1, being the land described in deed from John R. McCasland and wife, Winna F. McCasland, to Lake Country Development, Inc. (volume 227, p. 792, Deed Records of Franklin County, Texas); subsequently conveyed to Chesley J. Stevenson, Jr. and wife by deed dated July 6, 1993, recorded in vol. 233, page 139, Deed Records of Franklin County, Texas.

¹ "Trustee" means an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or other legal entity authorized to exercise the power of sale under the terms of a security instrument in accordance with Section 51.0074, Tex. Prop. Code § 51.0001(8).

And both Lots 27 and 28 described above being the same property conveyed in deed dated December 10, 2020, from Chesley J. Stevenson, Jr. and wife, Mary K. Stevenson to James Shaun Hines, recorded in Volume 399, Page 17 of the Official Public Records of Franklin County, Texas.

This conveyance is made and accepted subject to the following matters, to the extent the same are in effect at this time: Any and all restrictions, covenants, conditions and easements (whether for utilities or rights-of-way and whether apparent or of public record), relating to the hereinabove described property, and to all zoning laws, regulations and ordinances of any governmental authorities, and to any reservations of interests in the mineral estate made by Grantor's predecessors in title.

This conveyance is made subject to the Restrictive Covenants of the Pelican Bay Subdivision Recorded in Volume H, pages 208 and 217; Volume 179, Page 115, Deed Records of Franklin County, Texas; an Amendment recorded in Volume 293, Page 107, Official Public Records of Franklin County, Texas; and an Amendment recorded in Volume 293, Page 110, Official Public Records of Franklin County, Texas, and is further made subject to all of the operating rules and regulations of the Pelican Bay Subdivision adopted by the Board of Directors and Members of the Pelican Bay Property Owners Association which are now of record as of the date of this conveyance. This conveyance includes acknowledgment of the restrictive covenants imposed on land use within the Pelican Bay Subdivision and the right of the membership to further amend the usage restrictions pursuant to the covenants of the development in the future.

And, this conveyance is made subject to the further restriction that no sale, transfer, lease or disposition of the above described property be consummated by Grantee unless and until the name and address of the purchaser or transferee has been properly recorded on the books and records of the Pelican Bay Property Owners Association ("POA") and any maintenance fees due the POA have been paid.

Taxes for the year 2020 having been paid, the obligation of paying property taxes for the year 2021 and subsequent years is assumed by the Grantee as a condition of this conveyance.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto said Grantee, his heirs, successors and assigns forever; and Grantor does hereby bind himself, and his heirs, successors, and assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto to the said Grantee, his heirs, successors assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Foreclosure Sale:

Date: Tuesday, December 2, 2025

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: County Courthouse of Franklin County, Texas
200 N. Kaufman St., Mt. Vernon, Texas 75457

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 the POA's bid may be by credit against their the lien established by the Amended Covenant and the First Judgment set forth in the Order of Sale issued by the Clerk of this County on August 14, 2025.

An Order of Sale was issued by the Franklin County District Clerk on August 14, 2025.

The Amended Covenants created a lien against the Property in favor of the POA against any residents residing within the POA. The Amended Covenants may encumber real property. Formal notice is hereby given of the POA's election to proceed against and sell the Property in accordance with the POA's rights and remedies under the Amended Covenants and the Order of Sale.

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 Order of Sale, the Amended Covenants and applicable Texas law.

If the POA 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 Amended Covenants and the Texas Property Code.

The Foreclosure Sale will be made expressly subject to any title matters set forth in the Amended Covenants, 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 Amended Covenants. 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 Amended Covenants of the POA. 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 Amended Covenants.** 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.

Notice is hereby given to any potential buyers that the Property is within the POA and is made subject to the Restrictive Covenants of the Pelican Bay Subdivision Recorded in Volume H, pages 208 and 217; Volume 179, Page 115, Deed Records of Franklin County, Texas; an Amendment recorded in Volume 293, Page 107, Official Public Records of Franklin County, Texas; and an Amendment recorded in Volume 293, Page 110, Official Public Records of Franklin County, Texas, and is further made subject to all of the operating rules and regulations of the Pelican Bay subdivision adopted by the Board of Directors and Members of the Pelican Bay Property Owners Association which are now of record as of the date of this conveyance. This conveyance includes acknowledgment of the restrictive covenants imposed on land use within the Pelican Bay Subdivision and the right of the membership to further amend the usage restrictions pursuant to the covenants of the development in the future.

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 TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE POA.



Attorney and Agent for POA
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