

Notice of Foreclosure 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.

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

BEING a tract of land situated in the Pedro Zarza Survey, Abstract No. 81, Falls County, Texas and being a part or portion of that certain 67 1/2 acre tract of land described in a Deed dated August 6, 1937 from C.B. Lynn and wife, Lady Ethel Lynn to Charlie Fredrich, and being of record in Volume 168, Page 531 Deed Records of Falls County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod set in the west right-of-way line of F.M. 2643, said iron rod being S. 10° 36' 34" E., 1247.00 feet from a 1/2" iron rod found in the north property line of said 67 1/2 acre Fredrich tract at the northwest corner of that certain 1.852 acre tract of land described in a Warranty Deed with Vendor's Lien dated March 28, 1983 from Terry C. Schrader and wife, Judy Kay Schrader to Richard L. Carpenter and wife, Dorothy A. Carpenter, and being of record in Volume 328, Page 380, Deed Records of Falls County, Texas, at the beginning of a curve to the right, for corner;

THENCE along said curve to the right and along the west right-of-way line of said F.M. 2643, radius equals 1382.69 feet, arc length equals 368.78 feet and along chord bearing equals S. 12° 08' 12" W., 368.69 feet to a 1/2" iron rod set, for corner;

THENCE departing the west right-of-way line of said F.M. 2643, over and across said 67 1/2 tract N. 81° 19' 59" W., 1538.39 feet to a 1/2" iron rod found in the centerline of East Cotton Wood Creek, for corner;

THENCE along the centerline of said East Cotton Wood Creek, N. 13° 39' 15" W., 195.37 feet to a 1/2" iron rod found, for corner;

THENCE departing the center line of said East Cotton Wood Creek, over and across said 67 1/2" acre tract, S. 87° 50' 1" E., 1645.43 feet to the Point of Beginning and containing 10.100 acres (439,964.342 square feet) of land.

SAVE AND EXCEPT

BEING a 2.007 acre (more or less) tract of land situated in the Pedro Zarza Survey, Abstract No. 81 in Falls County, Texas, this tract being a part of a 10.100 acre tract conveyed to Isaias F. Olvera and wife, Maria R. Olvera by Deed with Vendor's Lien recorded in Volume 92, Page 765 of the Official Public Records of Falls County, Texas, and being described as follows:

BEGINNING at a 1/2 inch iron pin found at the Southeast corner of said 10.100 acre tract at the Northeast corner of Lot 2 in Block 1 of the Cotton wood Hill Subdivision according to the Plat recorded in Volume 2, Page 72 of the Official Plat Records of Falls County, Texas, and also being the West ROW ling of State F.M. Highway No. 2643, for the Southeast corner hereof;

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LINDA WATKINS
CO. CLK. FALLS CO.

THENCE N 81 deg. 19' 51" W (538.53 feet) along the South line of said 10.100 acre tract and North line of said Block 1 to a 1/2 inch iron pin found for the Southwest Corner thereof;

THENCE N 08 deg. 40' 01" E 142.73 feet to a 1/2 inch iron pin found for the Northwest corner thereof;

THENCE S 84 deg. 35' 40" E 562.31 feet to a 1/2 inch iron pin set in the said West ROW line of F.M. 2643 for the Northeast corner hereof;

THENCE Southerly along said ROW line and a curve to the right with a radius of 1382.69 feet and chord bearing S 16 deg. 07' 27" W, 176.21 feet and arc distance of 176.33 feet to the POINT OF BEGINNING.

2. *Instrument to Be Foreclosed.* The instrument to be foreclosed is the *Deed of Trust* recorded under Clerk's File Number 00002528 in Volume 366, Page 511, Official Public Records of Falls County, Texas.

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

Date: May 5, 2020

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: At the South side steps of courthouse (or the inside south side entrance in case of inclement weather) of the Falls County Courthouse.

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 reposted and refiled in accordance with the posting and filing requirements of the *Texas Property Code*. The reposting or refiling 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 "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*, the trustee or any substitute 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. This sale will be conducted subject to the right of rescission contained in section 51.016 of the *Texas Property Code*.

5. *Type of Sale.* The sale is a nonjudicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by Isaias F. Olvera and wife, Maria R. Olvera. 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 indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to (a) the promissory note in the original principal amount of \$71,200.00, executed by Isaias F. Olvera and wife, Maria R. Olvera, and payable to the order of First National Bank of McGregor; (b) any and all present and future indebtednesses of Isaias F. Olvera and Maria R. Olvera to First National Bank of McGregor. First National Bank of McGregor 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, First National Bank of McGregor.

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.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE 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.

Dated March 24, 2020.



WALT FAIR, Trustee
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