

Notice of Reposted Foreclosure Sale

September 6, 2018

Deed of Trust ("Deed of Trust"):

Dated: April 18, 2012

Grantor: R.W. Daskevich

Trustee: Carey Stewart

Lender: L.V. Coffee, as successor and/or assignee of Texas Bank

Recorded as: Document No. 2012-001213 of the Official Public Records of Eastland County, Texas

Legal Description:

BEING 14.196 acres of land called Parcel 2 in a partition of 94.196 acres of land originally called a 94.16 acre tract conveyed to Jimmy Wayne Hutton by deed recorded in Volume 2366 Page 90, Official Public Records of Eastland County, Texas, said 14.196 acres consisting of 1.515 acres out of and part of the M. F. Elfert Survey, Abstract No. 938 (a preemption survey of the NW/4 of Section 30 Block 2, H. & T. C. R. R. Co. Survey), 6.546 acres out of and part of the James Webb Survey, Abstract No. 1771 (a preemption survey of the NE/4 of Section 30 Block 2, H. & T. C. R. R. Co. Survey) and 6.135 acres out of and part of the Frank E. Larimer Survey, Abstract No. 808 (a preemption survey of the S/2 of Section 30 Block 2, H. & T. C. R. R. Co. Survey), Eastland County, Texas. This survey of said 14.196 acres being made for KKMADD Investments, LLC. by virtue of their request and being more particularly described as follows;

BEGINNING at a 1/2" rebar with survey cap # 5085 set at the Easterlymost Southeast corner of Jimmy Wayne Hutton called 94.16 acre tract and the Southwest corner of Billy Guy Lyerla 80 acre tract described in Volume 1632 Page 227, Official Public Records of Eastland County, Texas, also being in the North line of Belinda Turner 51.256 acre tract described in Volume 779 Page 80, Deed Records of Eastland County, Texas, for the Easterlymost Southeast corner of this described tract and being located North 89° 54' 03" East, 1325.50 feet from the Southwest corner of the James Webb Survey.

THENCE South 89° 31' 55" West, 334.65 feet with the Easterlymost South line of this described tract and Jimmy Wayne Hutton called 94.16 acre tract, same being the South line of the James Webb Survey and North line of the Frank E. Larimer Survey, also being the North line of Belinda Turner 51.256 acre tract, to a 5/8" iron rod found at the Northwest corner of said Belinda Turner 51.256 acre tract and interior corner of Jimmy Wayne Hutton called 94.16 acre tract, for an angle corner of this described tract.

THENCE South 01° 25' 47" West, 165.75 feet with the Southerlymost East line of this described tract and Jimmy Wayne Hutton called 94.16 acre tract, same being the West

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CATHY JENTHO, COUNTY CLERK

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EASTLAND COUNTY, TEXAS
By [Signature] Deputy

line of Belinda Turner 51.256 acre tract, to a 1/2" rebar with survey cap # 5085 set for the Southeast corner of this described tract.

THENCE South 89° 50' 16" West, 1585.19 feet with the South line of this described tract, to a 1/2" rebar with survey cap # 5085 set at its intersection with the West line of Jimmy Wayne Hutton called 94.16 acre tract and the East right of way line of State Highway No. 6, for the Southwest corner of this described tract.

THENCE North 00° 36' 04" West, with the West line of this described tract and Jimmy Wayne Hutton called 94.16 acre tract, same being the East right of way line of State Highway No. 6, at 170.90 feet passing the North line of the Frank E. Larimer Survey and South line of the M. F. Elfert Survey, thence continuing along same course for a total distance of 283.36 feet to a 1/2" rebar with survey cap # 5085 set for the Northwest corner of this described tract.

THENCE South 89° 28' 30" East, 601.46 feet with the North line of this described tract, to a 1/2" rebar with survey cap # 5085 set in the East line of the M. F. Elfert Survey and West line of the James Webb Survey, for an angle corner of this described tract.

THENCE North 80° 43' 37" East, 1341.29 feet with the North line of this described tract, to a 1/2" rebar with survey cap # 5085 set in the East line of Jimmy Wayne Hutton called 94.16 acre tract and the West line of Billy Guy Lyerla 80 acre tract, for the Northeast corner of this described tract.

THENCE South 00° 18' 34" East, 321.05 feet with the East line of this described tract and Jimmy Wayne Hutton called 94.16 acre tract, same being the West line of Billy Guy Lyerla 80 acre tract, to the PLACE OF BEGINNING and containing 14.196 acres of land.

Secures:

Promissory Note ("Note") in the original principal amount of \$72,000.00, executed by R.W. Daskevich ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

Foreclosure Sale:

Date: Tuesday, October 2, 2018

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: The South Outside Steps of the Eastland County Courthouse or at such other location having been designated by the Eastland County Commissioners.

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 Texas Bank'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, Lender, the current owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Lender'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, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Lender 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 Texas Bank. 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, Substitute 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 Substitute 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.

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) 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.**



Jason M. Johnson, as Substitute Trustee
315 Center Avenue
Brownwood, Texas 76801
Telephone: (325) 643-2777
Telecopier: (325) 646-5534