

NOTICE OF TRUSTEE'S SALE

FILED FOR RECORD
LAMAR COUNTY, TEX
15 SEP -8 PM 3:59
BY _____ COUNTY CLERK
DEPUTY

Date: September 8th, 2016

Trustee: Edward D. Ellis

Mortgagee: TOBY YODER

Note: Note dated March 3, 2016, in the amount of \$123,500.00

Deed of Trust

Date: March 3, 2016

Grantor: WILLIAM MUSCIK AND DUSTIN CHRISMAN

Mortgagee: TOBY YODER

Recording information: Document Number 131644-2016

Property:

TRACT ONE:

Situated about 7.5 miles North 3 Deg. West of the City of Paris, County of Lamar, and State of Texas, a part of the B.B.B. & C.R.R. Co. Survey #143, containing 17.368 acres of land, as further described in Exhibit "A," attached hereto and made a part hereof for all purposes.

TRACT 2:

Situated about 7.5 miles North 9° West from the City of Paris, in the County of Lamar, State of Texas, a part of the B.B.B. & C.R.R. Co. Survey #143, containing 11.07 acres of land, as further described in Exhibit "B," attached hereto and made a part hereof for all purposes.

County: Lamar

Substitute Trustee's Name: Edward D. Ellis

Substitute Trustee's Address: 101 W. Houston Street
Paris, Lamar County, Texas 75460


Date of Sale (first Tuesday of month): October 4, 2016

Time of Sale: 10:00 a.m. - 4:00 p.m.

Place of Sale: Lamar County Courthouse

Mortgagee has appointed EDWARD D. ELLIS as Substitute Trustee under the Deed of Trust. Mortgagee has instructed Trustee to offer the Property for sale toward the satisfaction of the Note.

Notice is given that on the Date of Sale, Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash, "AS IS". THERE WILL BE NO WARRANTY RELATING TO TITLE, POSSESSION, QUIET ENJOYMENT, OR THE LIKE FOR THE PERSONAL PROPERTY IN THIS DISPOSITION. The earliest time the sale will occur is the Time of Sale, and the sale will be conducted no later than three hours thereafter.


EDWARD D. ELLIS, Substitute Trustee for TOBY
YODER

TRACT 1:

Situated about 7.6 miles North 3 Deg. West of the City of Paris, County of Lamar, and State of Texas, a part of the B.B.B. & C.R.R. Co. Survey #143, and being a part of a called 30.98 acre tract of land conveyed LaVonna Slough Poteet by deed recorded in Vol. 854, Page 105, a part of a called 2 (included in 30.98 acre tract) acre tract of land conveyed said Poteet by deed recorded in Vol. 215, Page 215, and a part of a called 289 acre tract of land conveyed said Poteet by deed recorded in Vol. 854, Page 102, of the Real Property Records of said County and State.

Beginning at an iron pin (I) for corner in the North Boundary Line of Gate 2 Road / Lamar County Road #33900 (30 feet from center line), said point being South 83°11'28" West a distance of 1800.01 feet and South 83°12'13" West a distance of 508.23 feet from an iron pin (I) at the intersection of the East Boundary Line of said 289 acre tract and the North Boundary Line of said Road.

Thence North 7°17'17" West a distance of 508.78 feet to a capped (JMN - 4025) iron pin (s) for corner;

Thence North 7°10'43" West a distance of 571.50 feet to a capped (JMN - 4025) iron pin (s) for corner;

Thence South 83°31'49" West a distance of 435.82 feet to a post (I) for corner;

Thence South 84°45'03" West along a fence a distance of 249.95 feet to a capped (JMN - 4025) iron pin (s) for corner;

Thence South 9°23'12" East along a fence a distance of 148.13 feet to a capped (JMN - 4025) iron pin (s) for corner;

Thence South 4°23'08" East along a fence a distance of 916.19 feet to a post (I) for corner;

Thence South 4°23'20" East a distance of 18.72 feet to a capped (JMN - 4025) iron pin (s) for corner;

Thence along the North Boundary Line of said Gate 2 Road / Lamar County Road #33900 as follows: North 85°13'24" East a distance of 149.74 feet; North 84°8'58" East a distance of 127.90 feet; North 83°12'27" East a distance of 449.03 feet to the place of beginning and containing 17.368 acres of land.

I, J.M. Nelson, Registered Professional Land Surveyor of Texas, #4025, certify that the above depicted and described tract of land was taken from an actual survey made on the ground and completed by me on the 20th day of January, 2000, and revised on the 13th day of April, 2000, that there doesn't appear to be any visible easements or encroachments other than those shown thereon, and that this tract of land does not appear to lie in a flood zone as indicated by Community Panel No. 480891 0005 A of the Flood Hazard Boundary Maps.

EXHIBIT "A"

TRACT 2:

Foster Land Surveying 17325 FM 197 Arthur City, TX 75411
(903) 739-9166 fx (903) 783-9159

Field Notes - 10.20 Acres

Situated about 7.4 miles North 9° West from the City of Paris, in the County of Lamar, State of Texas, a part of the B.B.B. & C.R.R. Co. Survey #143 and being part of a called 238.381 acre tract of land conveyed to David R. Robinson by deed recorded in Document Number 061459-2008 of the Official Public Records of said County and State.

Beginning at a 1/2" iron pin found at the Northwest corner of a called 17.368 acre tract conveyed to Charles J. Lacy and wife, Mary Lee Lacy by deed recorded in Vol. 1046, Page 1 of the Real Property Records of said County and State, said point being an inside corner of the 238.381 acre tract.

Thence North 89°49'27" West a distance of 707.84' to a 3/8" capped iron pin (HF 5699) set in the Easterly boundary line of Gate 2 Road - County Road #33900;

Thence North 04°02'18" West along said County Road a distance of 330.15' to a 3/8" capped iron pin (HF 5699) set;

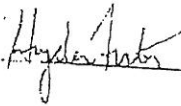
Thence East a distance of 1410.60' to a 3/8" capped iron pin (HF 5699) set;

Thence South a distance of 276.90' to a 1/2" capped iron pin found at the Northeast corner of the 17.368 acre tract;

Thence along the North boundary line of said 17.368 acres as follows: South 85°23'28" West a distance of 431.86' to a post found; South 85°25'53" West a distance of 249.84' to the point of beginning and containing 10.20 acres of land.

I, Hayden Foster, Registered Professional Land Surveyor, No. 5699 do hereby certify that the plat and accompanying field notes represents an on the ground survey made under my direct supervision. There doesn't appear to be any encroachments other than those shown hereon. The tract does not appear to be in a flood zone according to the Flood Hazard Boundary Map for Lamar County, Texas Community Panel No. 480891-0005 A. Reference Bearing = the most Westerly South boundary line of the 238.381 acre tract - North 85°55'52" East.
File #121200

Hayden Foster



date 07/07/09



EXHIBIT "B," PAGE 1 OF 2

TRACT 2:

SAVE AND EXCEPT ANY PART OF SAID 10.20 ACRES WHICH LIES WITHIN THE BOUNDARIES OF THE FOLLOWING DESCRIBED 11.07 ACRE TRACT OF LAND. SAID 11.07 ACRE TRACT COMING PARTIALLY OUT OF THE 10.20 ACRE TRACT AND PARTIALLY OUT OF ANOTHER TRACT OF LAND.

Situated about 7.5 miles North 9° West from the City of Paris, in the County of Lamar, State of Texas, a part of the BBB & CRR Co. Survey #143 and being part of a called 10.20 acre tract and all of a called 5.70 acre tract conveyed to Toby Yoder by deed recorded in Doc.#102559-2012 of the Official Public Records of said County and State.

Beginning at a ½" capped iron pin found at the Southwest corner of the 5.70 acre tract and being the Northwest corner of a called 12.44 acre tract conveyed to Hayden Swaim by deed recorded in Doc. #069205-2009 of said Official Public Records, said point being in the East boundary line of Gate 2 Road (County Road #33900).

Thence North 04°04'11" West along the East boundary line of said County Road and passing a 3/8" capped iron pin (HF 5699) found at a distance of 381.79' and continuing on for a total distance of 711.96' to a 3/8" capped iron pin (HF 5699) found at the Northwest corner of the 10.20 acre tract and the Southwest corner of a called 10.00 acre tract conveyed to Philip Holbert by deed recorded in Doc.#083090-2010 of said Official Public Records;

Thence North 89°59'57" East along the South boundary line of the 10.00 acre tract and the North boundary line of the 10.20 acre tract a distance of 707.29' to a 3/8" capped iron pin (HF 5699) set;

Thence South 04°05'33" East a distance of 332.38' to a ½" iron pin found at the South boundary line of the 10.20 acre tract and the Northeast corner of the 5.70 acre tract and being the Northwest corner of a called 17.368 acre tract conveyed to said Toby Yoder by deed recorded in Doc.#095398-2012 of said Official Public Records;

Thence along a fence and along the West boundary line of the 17.368 acre tract as follows: South 08°47'42" East a distance of 146.26' to a fence corner post found; South 03°39'49" East a distance of 168.25' to a 3/8" capped iron pin (HF 5699) found at the Southeast corner of the 5.70 acre tract and being the Northeast corner of the 12.44 acre tract;

Thence South 84°42'01" West a distance of 716.65' to the point of beginning and containing 11.07 acres of land.

EXHIBIT "B," PAGE 2 OF 2