

NOTICE OF FORECLOSURE SALE  
2722 DARK HOLLOW ROAD  
BOWIE, TEXAS

MAR 05 2019

SASHA KELTON  
County Clerk, Clay County, Texas

DATE OF SALE: APRIL 2, 2019

**Servicemembers Civil Relief Act. 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 (hereinafter identified as the "Property") has the street address of 2722 Dark Hollow Road, Bowie, Texas, is defined in the Deeds of Trust identified below, and is legally described as follows:

SURFACE ONLY: 46.240 ACRES OF LAND OUT OF BLOCK 69,  
WOOD COUNTY SCHOOL LAND, CLAY COUNTY, TEXAS  
DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF BLOCK 69,  
WOOD COUNTY SCHOOL LAND, SAID POINT BEARS NORTH  
1598.45 FEET FROM THE SOUTHWEST CORNER OF SAID BLOCK  
69, FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH WITH THE WEST LINE OF BLOCK 69, A  
DISTANCE OF 1116.77 FEET TO AN IRON ROD SET AT THE  
NORTHWEST CORNER OF BLOCK 69, FOR THE NORTHWEST  
CORNER OF THIS TRACT;

THENCE S 89° 21' 12" E WITH THE NORTH LINE OF BLOCK 859.1  
FEET PASS A FENCE CORNER AT THE OCCUPIED SOUTHWEST  
CORNER OF BLOCK 81, WOOD COUNTY SCHOOL LAND AND  
CONTINUING ON SAME COURSE WITH FENCE, IN ALL A  
DISTANCE OF 1849.77 FEET TO AN IRON ROD SET AT THE  
NORTHWEST CORNER OF A TRACT CONVEYED TO RAY AND  
BURAM SCOTT BY DEED RECORDED IN VOLUME 250, PAGE 356,  
CLAY COUNTY DEED RECORDS, FOR THE NORTHEAST CORNER  
OF THIS TRACT;

THENCE S 00° 13' 19" E WITH THE WEST LINE OF SCOTT TRACT, AT 356.5 FEET CROSS A FENCE ON THE WEST SIDE OF A COUNTY ROAD AND CONTINUING ON SAME COURSE, IN ALL A DISTANCE OF 1058.72 FEET TO A POINT IN COUNTY ROAD FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE S 88° 50' 57" W, AT 38.0 FEET PASS A FENCE LINE ON THE WEST SIDE OF COUNTY ROAD AND CONTINUING ON SAME COURSE, IN ALL A DISTANCE OF 1854.13 FEET TO THE PLACE OF BEGINNING AND CONTAINING 46.240 ACRES OF LAND, MORE OR LESS.

The street address is provided as a courtesy only for informational purposes. The description of the Property as set forth in the Deeds of Trust and the legal description set forth above defines the Property.

2. *Instrument Authorizing Foreclosure.* The instruments authorizing the foreclosure sale are the Real Estate Deed of Trust dated May 3, 2016 recorded as Doc. 14053, Volume 89, Page 5, Official Public Records of Clay County, Texas and the Real Estate Deed of Trust dated May 10, 2016 recorded as Doc. 14480, Volume 91, Page 838, Official Public Records of Clay County, Texas (collectively the "Deeds of Trust"). The mortgagee is Fidelity Bank (the "Lender" herein).

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

Date: Tuesday, April 2, 2019

Time: The sale will begin no earlier than 11:00 a.m. or no later than three hours thereafter. The sale will be completed by no later than 4:00 p.m.

Place: Clay County Courthouse in Henrietta, Texas, at the following location: West door of Clay County Courthouse, 100 North Bridge Street, Henrietta, Texas 76365, or if this location is no longer the designated location for foreclosures in Clay County, the location most recently designated by the Clay County Commissioner's Court.

The Deeds of Trust permit the Lender or the Trustee to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deeds 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 right of Lender to have its bid credited against its loans up to the amount of the unpaid debt secured by the Deeds of Trust at the time of sale.

Those desiring to purchase the Property will need to demonstrate their ability to pay cash on the day the Property is sold. The Trustee conducting the sale may recess the sale at his discretion to assure that the prospective purchaser has the funds to pay the purchase price bid. The Trustee shall have the right to reconvene the sale if the apparent high bidder does not have the funds to purchase the Property.

The sale will be made expressly subject to any title matters set forth in the Deeds of Trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all matters of record affecting the Property, if any, including any other deed of trust, security interest, lien, and encumbrance, including federal, state, municipal, and other governmental liens and property taxes for the current and past years, to the extent that said liens or encumbrances remain in force and effect and have not been subordinated to the Deeds of Trust. The sale shall not cover any part of the Property that has been released of public record from the lien of the Deeds 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 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 Deeds 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.

5. *Type of Sale.* The sale is a nonjudicial foreclosure sale being conducted pursuant to the power of sale granted by the Deeds of Trust and the Texas Property Code.

6. *Obligations Secured.* The Deeds of Trust secure the payment of all amounts due and owing, including principal, interest, attorney's fees, and expenses of collection and foreclosure, under the Universal Note dated May 3, 2016 in the original principal amount of \$250,000.00 and the Universal Note dated May 10, 2016 in the original principal amount of \$32,000.00, each payable by Amy Harris to Fidelity Bank and under the Deeds of Trust.

7. *Default and Request to Act.* Default has occurred under the governing loan documents, and Lender has requested me, as Trustee, to conduct this sale. Notice is given that before the sale the Lender may appoint another person as Trustee to conduct the sale.

Questions concerning the sale may be directed to Brent Hillery, Fidelity Bank, 2525 Kell Boulevard, Suite 100, Wichita Falls, Texas 76308, telephone number (940) 763-2100 or to Hank Rugeley, Davison Rugeley, L.L.P., 900 8<sup>th</sup> Street, Suite 1102, Wichita Falls, Texas 76301, (940) 766-1388.

In this Notice of Foreclosure Sale, Trustee includes any Substitute Trustee appointed by the Lender.

Date: March 5, 2019



Brent Hillery or Steven Powell, Trustee  
2525 Kell Boulevard, Suite 100  
Wichita Falls, Texas 76308

**(Acknowledgment)**

STATE OF TEXAS


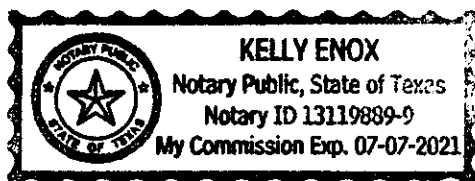
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COUNTY OF WICHITA

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This instrument was acknowledged before me on the 5<sup>th</sup> day of March 2019, by Steven Powell acting as Trustee.



Notary Public, State of Texas

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