

**NOTICE OF FORECLOSURE SALE**

July 6, 2019

**DEED(S) OF TRUST:**

**REAL ESTATE DEED OF TRUST NO. 1:**

Dated: July 7, 2009

Grantor: Cattie Jackson, Jr.  
3124 Iowa Park Road  
Wichita Falls, Texas 76306  
Wichita County

Trustee: Brent Hillery  
2525 Kell Boulevard, Suite 100  
Wichita Falls, Texas 76308  
Wichita County

Beneficiary: Fidelity Bank  
2525 Kell Boulevard, Suite 100  
Wichita Falls, Texas 76308  
Wichita County

Recorded in: Vol. 224, Page 455 of the real property records of Clay County, Texas

Secures: Note dated July 7, 2009, in the original principal amount of \$48,760.00, executed by Grantor and payable to the order of Lender and as modified and extended thereafter by various modifications, the most recent being dated July 7, 2014, and recorded as Doc. 09525, Vol. 58, Page 311 in the real property Records of Clay County, Texas all other indebtedness of Grantor to Lender

Property: That certain leasehold estate generally described as a 0.747. Acre Tract of Land out of Block 46 of the Word and Housels Land Subdivision of Brazos County School Lands, A-18, Clay County, Texas, and out of Area W-E, Lake Arrowhead Southwest Cabin and Park Area, said tract being commonly known as the tract of land of land between Lots 42 and 43 of said area W-E and being more specifically described by metes and bounds as set out on Exhibit A. attached hereto, together with the

**FILED FOR RECORD**  
AT: 11:45 O'Clock A.M

JUL 12 2019

**SASHA KELTON**  
County Clerk, Clay County, Texas

Manufactured Housing Unit described as follows which has been made part of the real property:

Make: Lancer

Year: 2002

Serial No.: 11997

Width and Length: 14 x 80

**REAL ESTATE DEED OF TRUST NO. 2:**

Dated: September 22, 2010

Grantor: Cattie Jackson, Jr.  
3124 Iowa Park Road  
Wichita Falls, Texas 76306  
Wichita County

Trustee: Brent Hillery.  
2525 Kell Boulevard, Suite 100  
Wichita Falls, Texas 76308  
Wichita County

Beneficiary: Fidelity Bank  
2525 Kell Boulevard, Suite 100  
Wichita Falls, Texas 76308  
Wichita County

Recorded in: Vol. 232, Page 74 of the real property records of Clay County, Texas

Secures: Universal Note ("Note") dated September 22, 2010, in the original principal amount of \$293,028.61, executed by Shade Tree Nursery and Landscaping, Inc. ("Borrower") and payable to the order of Lender and all other indebtedness of said Borrower to Lender, as modified and extended thereafter by various modifications, the most recent being July 28, 2016, and recorded in Instrument No. 14743, Vol. 93, Page 614 Official Public Records of Clay County, Texas, all other indebtedness of Borrower to Lender

Property: That certain leasehold estate general described as a 0.747. Acre Tract of Land out of Block 46 of the Word and Housels Land Subdivision of Brazos County School

Lands, A-18, Clay County, Texas, and out of Area W-E, Lake Arrowhead Southwest Cabin and Park Area, Sais tract being commonly known as the tract of land of land between Lots 42 and 43 of said area W-E and being more specifically described by metes and bounds as set out on Exhibit A, attached hereto.

**SUBSTITUTE TRUSTEE(S):**

Matthew D. Anderson,  
D. Todd Davenport, and/or  
Peyton Cannedy  
3711 Maplewood, Suite 200  
Wichita Falls, Texas 76308  
Wichita County, Texas

and/or

Tommy L. McCulloch, Jr.,  
Brent Hillery, and/or  
Lynday Moss  
2525 Kell Blvd., Suite 100  
Wichita Falls, Texas 76308  
Wichita County, Texas

**FORECLOSURE SALE:**

Date: August 6, 2019

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 10 a.m. and not later than three hours thereafter.**

Place: Clay County Courthouse  
100 North Bridge Street  
Henrietta, Texas 76365  
West Door of the Courthouse

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 Beneficiary'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 Notes and in the performance of the obligations of the Deeds of Trust. Because of that default, Beneficiary, the owner and holder of the Notes, has requested Substitute Trustee to sell the Property.

The Deed of Trusts may encumber both real and personal property. Formal notice is hereby given of Beneficiary's election to proceed against and sell both the real property and any personal property described in the Deeds of Trust in accordance with Beneficiary's rights and remedies under the Deeds 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 Beneficiary 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 Deeds of Trust and the Texas Property Code.

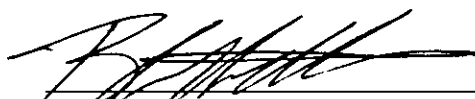
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deeds of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deeds 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 Deeds of Trust by Beneficiary. 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 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(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 INSTRUMENTS IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.**



Brent Hillery, Executive Vice President  
Fidelity Bank  
2525 Kell Blvd., Suite 100  
Wichita Falls, Texas 76308

[EXHIBIT "A" – NEXT PAGE]

EXHIBIT 'A'

THAT CERTAIN LEASEHOLD ESTATE IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

0.747-ACRE TRACT OF LAND OUT OF BLOCK 46 OF THE WORD & HOUSELS LAND SUBDIVISION OF BRAZOS COUNTY SCHOOL LANDS, A-18, CLAY COUNTY, TEXAS, AND OUT OF AREA W-E, LAKE ARROWHEAD SOUTHWEST CABIN AND PARK AREA, SAID TRACT BEING COMMONLY KNOWN AS "THE TRACT OF LAND BETWEEN LOTS 42 AND 43" OF SAID AREA W-E AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT 1/2 INCH IRON ROD IN THE NORTH RIGHT-OF-WAY LINE EXTENDED OF WEST ARROWHEAD DRIVE, A COUNTY ROAD, SAID IRON ROD BEING THE SOUTHEAST CORNER OF A TRACT OF LAND COMMONLY KNOWN AS LOT 42 OF SAID AREA W-E, SAID IRON ROD LYING SOUTH 35°01'35" EAST 638.04 FEET FROM THE NORTHWEST CORNER OF BLOCK 46 OF SAID WORD AND HOUSELL LANDS SUBDIVISION FOR AN ANGLE POINT IN THE WEST LINE OF THIS TRACT;

THENCE NORTH 49°43'14" WEST 225.41 FEET ALONG THE EAST LINE OF SAID LOT 42 TO A 3/8 INCH SPIKE ON THE 930-FOOT CONTOUR OF LAKE ARROWHEAD BEING THE NORTHEAST CORNER OF SAID LOT 42 FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE LEAVING THE EAST LINE OF SAID LOT 42, NORTH 55°08'40" EAST 136.58 FEET ALONG SAID 930-FOOT CONTOUR TO A 1/2 INCH IRON ROD FOR AN ANGLE POINT IN THE NORTH LINE OF THIS TRACT;

THENCE NORTH 89°36'30" EAST 102.70 FEET ALONG SAID 930-FOOT CONTOUR TO A 1/2 INCH IRON ROD FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 01°08'00" WEST 215.00 FEET ALONG SAID 930-FOOT CONTOUR TO A 1/2 INCH IRON ROD FOR AN ANGLE POINT IN THE EAST LINE OF THIS TRACT;

THENCE SOUTH 17°26'00" EAST 55.29 FEET ALONG SAID 930-FOOT CONTOUR TO A 1/2 INCH IRON ROD BEING THE POINT OF INTERSECTION OF SAID 930-FOOT CONTOUR WITH THE SOUTH RIGHT-OF-WAY LINE EXTENDED OF SAID WEST ARROWHEAD LANE AND BEING THE NORTHEAST CORNER OF SAID LOT 43 FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE LEAVING SAID 930-FOOT CONTOUR; SOUTH 40°20'00" WEST 14.53 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE EXTENDED OF SAID WEST ARROWHEAD LANE AND ALONG THE NORTH LINE OF SAID LOT 43 TO A 1/2 INCH IRON ROD BEING THE SOUTHEAST CORNER OF SAID WEST ARROWHEAD LANE RIGHT-OF-WAY FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE LEAVING THE NORTH LINE OF LOT 43, NORTH 49°40'00" WEST 70.00 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID WEST ARROWHEAD LANE TO A 1/2 INCH IRON ROD IN THE SOUTH LINE OF SAID LOT 42, BEING THE NORTHEAST CORNER OF SAID WEST ARROWHEAD LANE RIGHT-OF-WAY FOR AN ANGLE POINT IN THE WEST LINE OF THIS TRACT;

THENCE NORTH 40°20'00" EAST 11.80 FEET ALONG THE NORTH RIGHT-OF-WAY LINE EXTENDED OF SAID WEST ARROWHEAD LANE AND ALONG THE SOUTH LINE OF SAID LOT 42 TO THE PLACE OF BEGINNING AND CONTAINING 0.747 ACRES OF LAND, MORE OR LESS AND BEING KNOWN BY THE CITY OF WICHITA AS LOT 42-A