

FILED
MAR 5 2019

LIZ CHAPMAN
CLERK COUNTY COURT, PECOS CO., TEXAS
By: _____ Deputy

Notice of Foreclosure Sale

APRIL 2, 2019

DEED OF TRUST ("Deed of Trust"):

Dated: MARCH 6, 2012

Grantor: RAYMOND J. WYSE

Trustee: FRANK LACY

Lender: MOLLY HATLEY, in her capacity as Independent Executor and Trustee, of the estate of DAVID LEE BOWERS, deceased cause number 3075, County Court of Pecos County, Texas, Sitting in Probate (hereinafter "MOLLY HATLEY")

Recorded in: OPR V: 039 P: 442 DT of the real property records of Pecos County, Texas

Legal Description: PARCEL 4: SURFACE ESTATE ONLY to a 2.02 acre tract of land out of the South one-half (S/2) of Tract Sixty-Four (64), Section Two (2), Block One (1), Fort Stockton Irrigated Land, Pecos County, Texas, said 2.02 acre tract being more particularly described as follows:

BEGINNING at a one-inch iron rod with cap marked Newton Surveying, set in the West line of said Tract Sixty-Four (64) at the Southwest corner of Parcel Two (2), a 2.45 acre tract of land, for the Northwest corner of this tract, from which a one inch galvanized iron pipe found at the Northwest corner of said Tract Sixty-Four (64) bears North Zero degrees (0°) Seventeen minutes (17') Thirty-five seconds (35") East 321.88 feet; (Bearings are compared to a true meridian passing through the Pecos County Courthouse).

THENCE North Eighty-Nine degrees (89°) Forty-Nine minutes (49') Zero Zero seconds (00") East along the South line of said Parcel Two and along the North line of said South one-half (S/2) a distance of 330.96 feet to a one-inch iron rod with aluminum cap (no markings) set at the Northwest corner of Parcel Three, a 2.04 acre tract of land, for the Northeast corner of this tract;

THENCE South Zero degrees (0°) Eighteen minutes (18') Ten seconds (10") West 321.88 feet to a one-half inch iron rod with aluminum cap (nor markings) set in the South line of said Tract Sixty-Four (64), at the Southwest corner of said Parcel Three, for the Southeast corner of this tract;

THENCE South Eight-Nine degrees (89°) Forty-Nine minutes (49') Zero Zero seconds (00") West along said South line of Tract Sixty-Four (64), a distance of 104.41 feet to a one-half inch iron cap marked Newton Surveying set at the Southeast corner of Parcel 4A, a 0.42 acre tract of land, for the most Southerly-Southwest corner of this tract;

THENCE North Zero degrees (0°) Seventeen minutes (17') Thirty-five seconds (35") east along a line parallel to and Easterly of said West line of Tract Sixty-Four, a distance of 76.50 feet to a five eighths inch iron rod with cap marked Newton Surveying set at the Northeast corner of said Parcel 4A, for the corner of this tract;

THENCE North Eighty-seven degrees (87°) Thirty-one minutes (31') Forty-five seconds (45") West 226.65 feet to a five-eighths inch iron rod with cap marked Newton Surveying set in said West line of Tract Sixty-Four (64), at the Northwest corner of said Parcel 4A, for the most Westerly-Southwest corner of this tract;

THENCE North Zero degrees (0°) Seventeen minutes (17') Thirty-Five seconds (35") East along said West line of Tract Sixty-Four (64), a distance of 234.87 feet to the PLACE OF BEGINNING.

PARCEL 4A SURFACE ESTATE ONLY to a 0.42 acre tract of land out of the South one-half (S/2) of Tract Sixty-Four, Section Two (2), Block One (1), Fort Stockton Irrigated Lands, Pecos County, Texas, said .042 acre tract being more particularly described as follows:

BEGINNING at a five-eighths inch iron rod with cap marked Newton Surveying set at the Southwest corner of said Tract Sixty-Four (64), for the Southwest corner of this tract, from which a one inch galvanized iron pipe found at the Northwest corner of said Tract Sixty-Four (64) bears North Zero degrees (0°) Seventeen minutes (17') Thirty-five seconds (35") East 643.75 feet; (Bearings are compared to a true meridian passing through the Pecos County Courthouse.)

THENCE North Zero degrees (0°) Seventeen minutes (17') Thirty-five seconds (35") East along the West line of said Tract Sixty-Four (64), a distance of 87.00 feet to a five-eighths inch iron rod with cap marked Newton Surveying set at the most Westerly-Southwest corner of Parcel Four, a 2.02 acre tract of land for the Northwest corner of this tract;

THENCE South Eighty-seven degrees (87°) Thirty-one minutes (31') Forty-Five seconds (45") East 226.55 feet to a five-eighths inch iron rod with cap marked Newton Surveying set for the Northeast corner of this tract;

THENCE South Zero degrees (0°) Seventeen minutes (17') Thirty-five seconds (35") West along a line parallel to and Easterly

of said West line of Tract Sixty-four (64), a distance of 76.50 feet to a one-half inch iron rod with cap marked Newton Surveying set in the South line of Said Tract Sixty-Four (64), at the most Southerly-Southwest corner of said Parcel 4, for the Southeast corner of this tract.

THENCE South Eighty-Nine degrees (89°) Forty-nine minutes (49') Zero Zero seconds (00") along said South line of Tract Sixty-Four (64), a distance of 226.50 feet to the PLACE OF BEGINNING.

Secures: The Promissory Note ("Note") in the original principal amount of \$45,000.00, executed by RAYMOND J. WYSE ("Borrower") and payable to the order of Lender

Substitute Trustee: ORI T. WHITE AND/OR NANCY FERNANDEZ

Substitute Trustee's Address: P.O. BOX 160, FORT STOCKTON, TX, 79735

Foreclosure Sale:

Date: Tuesday, April 2, 2019

Time: The sale of the Property will be held between the hours of 12:00 P.M. and 3:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 12:00 P.M. and not later than three hours thereafter.

Place: PECOS COUNTY COURTHOUSE
FIRST FLOOR HALLWAY
103 W. CALLAGHAN
FORT STOCKTON, TX 79735

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 MOLLY HATLEY'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, MOLLY HATLEY, in her capacity as Independent Executor and Trustee, of the estate of DAVID LEE BOWERS, deceased cause number 3075, County Court of Pecos County, Texas, Sitting in Probate, the 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 MOLLY HATLEY's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with MOLLY HATLEY'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 MOLLY HATLEY 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 MOLLY HATLEY. 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.



ORI T. WHITE
Attorney for Mortgagee



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