

NOTICE OF FORECLOSURE SALE

January 14, 2015

Owelty Deed of Trust ("Deed of Trust"):

POSTED
A.M. 2:25 P.M.

Dated: April 20, 2009

JAN 14 2015

Grantor: ~~Jimmy Dale Newman~~

GWINDA JONES, COUNTY CLERK
ERATH COUNTY, TEXAS
BY SMD DEPUTY

Trustee: Amy P. Bryan

Lender: Tammie Dyonne Hicks

Recorded: Document Number 2009-03488 of the real property records of Erath County, Texas

Secures: ~~Owelty-Lien-Note~~ ("Note") in the original principal amount of TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00), executed by Jimmy Dale Newman ("Borrower") and payable to the order of Lender

Legal Description:

All that ~~certain 17.190 acres of real property and improvements located thereon at 1969-GR-208, Hico, Texas 76457~~, said property being more particularly described by metes and bounds in Exhibit "A" attached hereto.

Substitute Trustee: Cassandra M. Evatt
260 N Belknap St, Stephenville, Texas 76401

Foreclosure Sale:

Date: ~~Tuesday, March 3, 2015~~

Time: ~~The sale of the Property will be held at 10:00 A.M.~~

Place: Erath County Courthouse, 100 W Washington St, Stephenville, Texas

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 Tammie Dyonne Hicks'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, Tammie Dyonne Hicks, 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 Tammie Dyonne Hicks's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Tammie Dyonne Hicks'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 Tammie Dyonne Hicks 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 Tammie Dyonne Hicks. 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.



CASSANDRA M. EVATT, Substitute Trustee

All that certain 17.19 acre tract of land, being part of the R. A. Baker Survey, Abstract No. 100, in Erath County, Texas, being part of that certain 107.12 acre tract of land awarded Lewis J. Wyly in Partition Deed between Lewis J. Wyly, Mary E. Wyly and Eddie A. Wyly, dated May 9, 1974 and recorded in Volume 518, Page 63 of the Deed Records of Erath County, Texas and shown on a plat made by Eugene Angermann, a Registered Public Surveyor and recorded in Volume 518, Page 72 of the Deed Records of Erath County, Texas and described as follows: BEGINNING at an iron rod found in the west line of the W. F. Ritchie Survey and the east line of the R. A. Baker Survey, being the NW corner of a 15.00 acre tract described in deed from Lewis J. Wyly to Nancy C. (Wyly) Hise, dated September 2, 1994 and recorded in Volume 873, Page 963 of the Deed Records of Erath County, Texas, the SW corner of a 14.29 acre tract described in deed from Stephen Dwayne Sanford to John C. Croucher, et ux, dated December 7, 1993 and recorded in Volume 857, Page 15 of the Deed Records of Erath County, Texas and the SE corner of a 9.94 acre tract described in deed from Lewis J. Wyly to Billy Waddill, et ux, dated January 5, 1990 and recorded in Volume 783, Page 336 of the Deed Records of Erath County, Texas, for the NE corner of this tract, from which the SW corner of the W. F. Ritchie Survey bears S 29 deg. 32 min. 26 sec. E, 1141.29 ft. and S 29 deg. 34 min. 14 sec. E, 436.20 ft., from which an iron rod found at a fence corner post at the SW corner of the T. Richardson Survey, A-890 and the SE corner of the R.A. Baker Survey, being the SW corner of a 4.07 acre tract described in deed from Naomi Gill to Daniel Brock, dated March 25, 1993 and recorded in Volume 838, Page 785 of the Deed Records of Erath County, Texas bears S 29 deg. 34 min. 14 sec. E, 444.40 ft.;

THENCE S 29 deg. 32 min. 36 sec. E along the east line of the R. A. Baker Survey, at 380.19 ft. pass an iron rod found at the SW corner of said 15.00 acre tract, at 1117.17 ft. pass an iron rod set in the northeast line of Erath County Road No. 208, continuing in all 1141.29 ft. to an iron rod found at the NW corner of the Brock 4.07 acre tract, for the SE corner of this tract;

THENCE N 78 deg. 57 min. 33 sec. W along said County Road No. 208 and the southwest line of said 107.12 acre tract, 1727.95 ft. to an iron rod set at the most southerly corner of said 9.94 acre tract, for the NW corner of this tract;

THENCE N 59 deg. 42 min. 29 sec. E, at 29.15 ft. pass an iron rod set in the northeast line of said County Road, continuing along a fence line in all 1312.46 ft. to the place of beginning and containing 17.19 acres of land and including 0.83 acres within the right of way of Erath County Road No. 208.

Exhibit "A"