

Notice of Foreclosure Sale

POSTED

_____ A.M. 1:38 P.M.

MAY 09 2018

GWINDA JONES, COUNTY CLERK
ERATH COUNTY, TEXAS

By _____ CW Deputy

("Deed of Trust"):

("Deed of Trust"):

Dated: March 21, 2018
Grantor: Dawn Messicso
Trustee: William H. Oxford
Lender: Trent Gay
Recorded in: Document No. 2018-01366 in the Deed Records of Erath County,
Texas

Legal: All that certain 24.44 acres of land out of the L.F. Gordon Survey, A-329, and the Fannin County School Land Survey A-263, Erath County, Texas, more fully described by metes and bounds on Exhibit A attached hereto and referenced herein for all purposes, **LESS, SAVE AND EXCEPT**, 10.00 acres in Block 14, Fannin County School Land Survey, A-263, also shown on Exhibit A attached hereto and referenced herein for all purposes.

Secures: Real Estate Lien Note ("Note") in the original principal amount of \$280,000.00, executed by Dawn Messicso "Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, June 5, 2018
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 is 10:00 am.
Place: Erath County 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 Trent Gay'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, Trent Gay, the owner and holder of the Note, has requested Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Trent Gay's election to proceed against and sell both the real property and any

personal property described in the Deed of Trust in accordance with Trent Gay'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, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

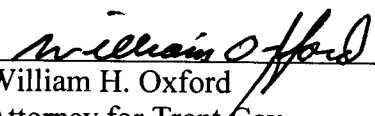
If Trent Gay passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

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 Trent Gay. 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, 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 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.



William H. Oxford
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EXHIBIT A

ALL THAT CERTAIN 24.44 ACRE TRACT OF LAND, BEING 2.07 ACRES OUT OF THE L. F. GORDON SURVEY, ABSTRACT NO. 329 AND 22.37 ACRES OUT OF BLOCK 14 OF THE FANNIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 263, IN ERATH COUNTY, TEXAS, BEING THE SAME 24.44 ACRE TRACT DESCRIBED IN DEED FROM KENDI RAE CYTACKI TO RICHARD RONALD CYTACKI, DATED AUGUST 28, 1997 AND RECORDED IN VOLUME 942, PAGE 762 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD FOUND AT A FENCE CORNER POST AT AN INNER CORNER OF A 551.44 ACRE TRACT DESCRIBED IN DEED FROM GILBERT L. TATE ET AL TO JAMES F. HERBERTSON ET UX, DATED JANUARY 14, 1993 AND RECORDED IN VOLUME 848, PAGE 325 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS, BEING THE SE CORNER OF A 5.00 ACRE TRACT DESCRIBED IN DEED FROM JOHN D. McADAMS TO JOE FRANK McADAMS, DATED AUGUST 7, 1985 AND RECORDED IN VOLUME 667, PAGE 486 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS, BEING AN INNER CORNER OF THE CYTACKI 24.44 ACRE TRACT, FROM WHICH THE SW CORNER OF THE L. F. GORDON SURVEY BEARS S 00 DEG. 27' 51" W, 111.21 FEET;

THENCE N 00 DEG. 27' 51" E ALONG A FENCE LINE ALONG THE EAST LINE OF SAID 5.00 ACRE TRACT, 165.85 FEET TO AN IRON ROD FOUND AT THE MOST EASTERLY NW CORNER OF SAID 24.44 ACRE TRACT, FOR A CORNER OF THIS TRACT;

THENCE S 89 DEG. 32' 09" E, AT 50 FEET PASS AN IRON ROD FOUND IN THE EAST LINE OF A 50 FOOT WIDE ROAD EASEMENT TO JOE FRANK McADAMS AND THE WESTERLY SW CORNER OF A 5.86 ACRE TRACT DESCRIBED IN DEED FROM F. JAMES HERBERTSON ET UX TO VENUS HERBERTSON, DATED JULY 17, 1998 AND RECORDED IN VOLUME 959, PAGE 1070 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS; CONTINUING IN ALL 259.81 FEET TO AN IRON ROD FOUND AT THE NE CORNER OF SAID 24.44 ACRE TRACT AND INNER CORNER OF SAID 5.86 ACRE TRACT, FOR THE NE CORNER OF THIS TRACT;

THENCE ALONG A FENCE LINE ALONG THE NORTHEAST LINE OF SAID 24.44 ACRE TRACT AND SOUTHWEST LINE OF SAID 5.86 ACRE TRACT AS FOLLOWS, S 15 DEG. 40' 56" E, 108.02 FEET TO AN IRON ROD FOUND AT A FENCE CORNER, S 44 DEG. 45' 00" E, 65.91 FEET TO AN IRON ROD FOUND AT A FENCE CORNER POST, S 33 DEG. 03' 50" E, AT 39.23 FEET PASS AN IRON ROD AT THE MOST SOUTHERLY CORNER OF SAID 5.86 ACRE TRACT, CONTINUING IN ALL 89.98 FEET, TO AN IRON ROD FOUND AT A FENCE CORNER POST AND S 25 DEG. 54' 32" E, 58.61 FEET TO AN IRON ROD FOUND AT A FENCE CORNER POST AT THE

MOST EASTERLY CORNER OF SAID 24.44 ACRE TRACT, FOR A CORNER OF THIS TRACT;

THENCE S 28 DEG. 54' 35" W ALONG A FENCE LINE, 871.66 FEET TO AN IRON ROD SET AT A FENCE CORNER POST AT THE SE CORNER OF SAID 24.44 ACRE TRACT, FOR A CORNER OF THIS TRACT;

THENCE N 89 DEG. 19' 01" W ALONG A FENCE LINE, 928.59 FEET TO AN IRON ROD FOUND AT A FENCE CORNER POST AT THE SW CORNER OF SAID 24.44 ACRE TRACT, BEING IN THE WEST LINE OF BLOCK 14 OF THE FANNIN COUNTY SCHOOL LAND SURVEY, FOR THE SW CORNER OF THIS TRACT;

THENCE N 00 DEG. 40' 07" E ALONG A FENCE LINE ALONG THE WEST LINE OF SAID BLOCK 14, 878.30 FEET TO AN IRON ROD FOUND AT A FENCE CORNER POST AT THE MOST SOUTHERLY NW CORNER OF SAID 24.44 ACRE TRACT AND THE SW CORNER OF THE JOE FRANK McADAMS 5.00 ACRE TRACT, FOR A CORNER OF THIS TRACT;

THENCE S 89 DEG. 19' 01" E ALONG A FENCE LINE, 928.29 FEET TO THE PLACE OF BEGINNING AND CONTAINING 24.44 ACRES OF LAND.

TOGETHER WITH AN EASEMENT OVER AND ACROSS THE FOLLOWING 0.44 ACRE TRACT:

ALL THAT CERTAIN 0.44 ACRE TRACT OF LAND OUT OF THE L. F. GORDON SURVEY, ABSTRACT NO. 329, ERATH COUNTY, TEXAS, BEING PART OF A FORMER 551.44 ACRE TRACT DESCRIBED IN DEED FROM GILBERT L. TATE ET AL TO F. JAMES HERBERTSON ET UX, DATED JANUARY 14, 1993 AND RECORDED IN VOLUME 848, PAGE 325 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS AND BEING PART OF A 50 FOOT WIDE ROAD RIGHT OF WAY DESCRIBED IN DEED FROM JOHN D. McADAMS TO JOE FRANK McADAMS, DATED AUGUST 7, 1985 AND RECORDED IN VOLUME 667, PAGE 486 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS AND DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON ROD FOUND AT A FENCE CORNER POST AT AN INNER CORNER OF THE F. JAMES HERBERTSON 551.44 ACRE TRACT, BEING THE SE CORNER OF A 5.00 ACRE TRACT DESCRIBED IN DEED FROM JOHN D. McADAMS TO JOE FRANK McADAMS AND RECORDED IN VOLUME 667, PAGE 486 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS, FROM WHICH THE SW CORNER OF THE L. F. GORDON SURVEY BEARS S 00 DEG. 27' 51" W, 111.21 FEET;

THENCE N 00 DEG. 27, 51" E ALONG A FENCE LINE ALONG THE EAST LINE OF SAID 5.00 ACRE TRACT, 165.85 FEET TO AN IRON ROD FOUND AT THE MOST EASTERLY NW CORNER OF A 24.44 ACRE TRACT DESCRIBED IN DEED FROM KENDI RAE CYTACKI TO RICHARD ROLAND CYTACKI, DATED AUGUST 28, 1997 AND RECORDED IN VOLUME 942, PAGE 762 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS, FOR THE SW CORNER AND BEGINNING CORNER OF THE RIGHT OF WAY HEREINAFTER DESCRIBED;

THENCE N 00 DEG. 27' 51" E ALONG A FENCE LINE ALONG THE WEST LINE OF SAID 541.44 ACRE TRACT, 304.21 FEET TO AN IRON ROD FOUND AT A FENCE CORNER POST AT THE NE CORNER OF A 5.00 ACRE TRACT DESCRIBED IN DEED FROM JOHN D. McADAMS TO JOE URA McADAMS, DATED AUGUST 7, 1985 AND RECORDED IN VOLUME 667, PAGE 490 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS AND THE SE CORNER OF A 39.85 ACRE TRACT DESCRIBED IN DEED FROM ROBERT L. FOREE, JR. TO JOE M. KIKER ET UX, DATED OCTOBER 10, 1986 AND RECORDED IN VOLUME 700, PAGE 137 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS, FOR A CORNER OF THIS TRACT;

THENCE N 00 DEG. 35' 47" E ALONG A FENCE LINE ALONG THE WEST LINE OF SAID 541.44 ACRE TRACT AND EAST LINE OF SAID 39.85 ACRE TRACT, 75.21 FEET TO THE SW CORNER OF ERATH COUNTY ROAD NO. 154, FOR THE NW CORNER OF THIS TRACT;

THENCE S 89 DEG. 32' 09" E ALONG THE SOUTH END OF SAID COUNTY ROAD, 49.83 FEET TO THE NE CORNER OF THIS TRACT;

THENCE S 00 DEG. 27' 51" W, AT 233.41 FEET PASS AN IRON ROD AT AN EXTERNAL CORNER OF A 5.86 ACRE TRACT DESCRIBED IN DEED FROM F. JAMES HERBERTSON ET UX TO VENUS HERBERTSON, DATED JULY 17, 1998 AND RECORDED IN VOLUME 959, PAGE 1070 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS, CONTINUING IN ALL 379.42 FEET TO AN IRON ROD AT THE MOST NORTHERLY SW CORNER OF SAID 5.86 ACRE TRACT AND IN THE NORTH LINE OF THE CYTACKI 24.44 ACRE TRACT, FOR THE SE CORNER OF THIS TRACT;

THENCE N 89 DEG. 32' 09" W ALONG THE NORTH LINE OF SAID 24.44 ACRE TRACT, 50.00 FEET TO THE PLACE OF BEGINNING AND CONSISTING OF A 50 FOOT WIDE RIGHT OF WAY FOR INGRESS AND EGRESS TO AND FROM SAID 24.44 ACRE TRACT.

SAVE AND EXCEPT

All that certain 10.00 acres, being 9.888 acres in Block 14, Fannin County School Land Survey, A-263 and 0.112 acres in the L.F. Gordon Survey, A-329, Erath County, Texas, being part of a 24.44 acre tract described in deed dated October 13, 2000, from Richard R. Cytacki to Frankie Lee Fry and wife, Dawn Marie Fry, recorded in Volume 1019, Page 2, Real Records of Erath County, Texas, and the 10.000 acres being described as follows:

BEGINNING at a 3/8" iron rod set in concrete found at NWC of the 24.44 acre tract in the West line of Block 14, Fannin County School Land Survey, A-263, for NWC of this tract;

THENCE S. 89 19 01 E. (base bearing) with fence and South line of the Joe Frank McAdams 5 acre tract described in deed recorded in Volume 667, Page 486, Deed Records of Erath County, Texas, at 928.29 feet, found 3/8" iron rod at inner corner of the 24.44 acres, in an East line of Fannin County School Land Survey and West line of the L.F. Gordon Survey, A-329, a total distance of 978.29 feet to a 3/8" iron rod set within the 24.44 acre tract and within the L.F. Gordon Survey, for NEC of this tract;

THENCE S. 06 38 17 W. crossing the 24.44 acres, at 111.36 feet the South line of the Gordon Survey and a North line of Fannin County School Land Survey, a total distance of 542.95 feet to a 3/8" iron rod set for Easterly SEC of this tract;

THENCE S. 67 53 36 W. crossing the 24.44 acres, 91.36 feet to a 2-1/2" pipe corner post, for Southerly SEC of this tract;

THENCE N. 78 17 18 W. with general course of fence, crossing the 24.44 acres, 125.85 feet to a 2-1/2" pipe post, for a corner of this tract;

THENCE N. 69 53 38 W. across pasture, crossing the 24.44 acres, 757.23 feet to a 3/8" iron rod set in West line of the 24.44 acres, for SWC of this tract;

THENCE N. 00 40 07 E. with fence, East line of the Derrell E. Williams Estate tract described in deed recorded in Volume 432, Page 145, Deed Records of Erath County, Texas, and East line of the Joe Kiker 125.86 acre tract described in Deed Records in Volume 700, Page 137, Deed Records of Erath County, Texas, 299.52 feet to the place of beginning, containing 10.000 acres.

TOGETHER WITH a 50 foot wide ingress and egress easement, being 0.63 acres out of the L.F. Gordon Survey, A-329, consisting of a former 0.44 acre easement described in said deed to Frankie Lee Fry and wife, Dawn Marie Fry, recorded in Volume 1019, Page 2, Real Records of Erath County, Texas, and 0.19 acres out of the Fry 24.44 acre tract, and the 0.63 acres being described as follows:

BEGINNING at SWC of Erath County Road No. 154, being NWC of the former 0.44 acre easement, for NWC of this easement;

THENCE S. 89 32 09 E. 49.83 feet to SEC of County Road No. 154, for NEC of the former 0.44 acre easement and NEC of this easement;

THENCE S. 00 27 51 E. partially with West line of the Venus Herbertson 5.86 acres described in deed recorded in Volume 959, Page 1070, Real Records of Erath County, Texas, at 379.42 feet, found 3/8" iron rod at SEC of the former 0.44 acre easement in a North line of the Fry 24.44 acre tract, a total distance of 545.46 feet to a 3/8" iron rod set for NEC of the above described 10.000 acre tract, for SEC of this easement;

THENCE N. 89 19 01 W. with North line of the 10.000 acres, 50.00 feet to a 3/8" Iron rod found at inner corner of the 24.44 acre tract, in West line of the L.F. Gordon Survey, A-329, for SWC of this easement;

THENCE N. 00 27 51 W. with East line of the Joe Frank McAdams 5 acre tract out of Fannin County School Land Survey, described in deed recorded in Volume 667, Page 486, Deed Records of Erath County, Texas, 165.85 feet to a 3/8" iron rod found at SWC of the former 0.44 acre easement, for a corner on West line of this easement;

THENCE with East line of said Joe Frank McAdams 5 acre tract, East line of the Joe Ura McAdams 5 acre tract described in deed recorded in Volume 667, Page 490, Deed Records of Erath County, Texas, and East line of the Joe M. Kiker 39.85 acres described in deed recorded in Volume 700, Page 137, Deed Records of Erath County, Texas, as follows: N. 00 27 51 W. 304.21 feet and N. 00 35 47 E. 75.21 feet to the place of beginning, containing 0.63 acres.

The above described easement being called Private Road No. 1620 and is subject to right of way easements as described in deed to Joe Ura McAdams, recorded in Volume 667, Page 490, Deed Records of Erath County, Texas, and in deed to Joe Frank McAdams, recorded in Volume 667, Page 486, Deed Records of Erath County, Texas.