

POSTED

Sharon Ferguson, Brown County Clerk  
Time 1:54 pm

MAR 05 2019

By Deputy: *M. Speard*

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS

COUNTIES OF COLEMAN  
and BROWN

WHEREAS, by that one certain Deed of Trust dated September 1, 2016, and recorded in Volume 102, Page 129, Document No. 00001340, Real Property Records, Coleman County, Texas, and Instrument No. 1605628, Real Property Records, Brown County, Texas (the "Deed of Trust"), Russell Labay and Stephanie Labay ("Grantor") conveyed to John R. Cox, Trustee ("Trustee"), for the benefit of The First National Bank of Granbury ("Beneficiary"), the real property situated in Coleman and Brown Counties, Texas, as more particularly described on Exhibit "A" attached hereto and incorporated herein for all purposes (the "Property"), to secure payment of a Promissory Note dated September 1, 2016, in the original principal amount of \$91,050.00, executed by Russell Labay and made payable to the order of Beneficiary (the "Note"); and

WHEREAS, default occurred under the terms of the Note and the Deed of Trust; and

WHEREAS, demand for payment of all amounts owed under the Note and Deed of Trust was made, and all required notices have been given, all in accordance with the Note, the Deed of Trust and applicable law, and

WHEREAS, the indebtedness evidenced by the Note and secured by the Deed of Trust is now wholly due and payable; and

WHEREAS, the outstanding balance of the Note and the Deed of Trust has not been paid, and

WHEREAS, John R. Cox, Trustee in the aforesaid Deed of Trust, was removed as Trustee, and the undersigned or Lee F. Christie or Michael L. Atchley or Ethel A. Steele or Jeremy L. Harmon or Justin S. Light were appointed as Substitute Trustee in the place and stead of the said John R. Cox, said removal and appointment being in the manner authorized by the Deed of Trust; and

WHEREAS, Beneficiary, the current owner and holder of the Note and the current beneficiary under the Deed of Trust, has requested the undersigned or Lee F. Christie or Michael L. Atchley or Ethel A. Steele or Jeremy L. Harmon or Justin S. Light, as acting Substitute Trustee, to sell the Property to satisfy the balance of the Note

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, the 2<sup>nd</sup> day of April, 2019, between the hours of 10.00 A.M. and 4:00 P.M., the undersigned or Lee F. Christie or Michael L. Atchley or Ethel A. Steele or Jeremy L. Harmon or Justin S. Light will sell the Property at public auction at the south entrance of the Coleman County Courthouse, 100 W. Liveoak Street, Coleman, Texas 76834, or in the area designated by the Coleman County Commissioners Court, if different, to the highest bidder for cash, subject to the right of Beneficiary to have its bid credited to

the Note up to the amount secured by the Deed of Trust at the time of sale Said sale will begin no earlier than 1.00 P.M. and no later than three hours after that time.

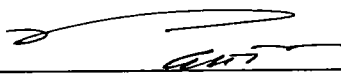
**ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.**

The Sender of this notice and his contact information is as follows:

Matthew T. Taplett  
Pope, Hardwicke, Christie, Schell, Kelly & Taplett, L.L.P.  
500 W. 7<sup>th</sup> Street, Suite 600  
Fort Worth, Texas 76102  
817/332-3245

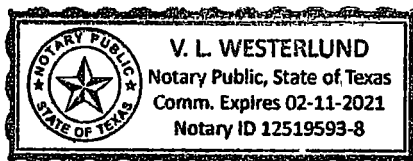
WITNESS MY HAND this 4<sup>th</sup> day of March, 2019.

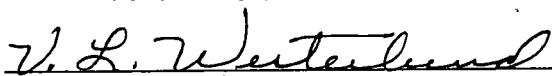
SUBSTITUTE TRUSTEE:

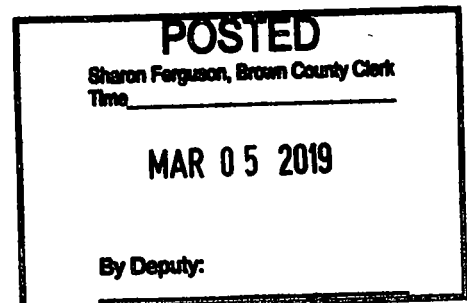
  
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Matthew T. Taplett

STATE OF TEXAS       §  
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COUNTY OF TARRANT §

This instrument was acknowledged before me on the 4<sup>th</sup> day of March, 2019, by Matthew T. Taplett, Substitute Trustee, who acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.



  
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Notary Public for the State of Texas



**NAME, ADDRESS AND TELEPHONE  
NUMBER OF MORTGAGEE:**

The First National Bank of Granbury  
c/o Shannon Brown  
4062 East Highway 377  
Granbury, TX 76049  
(817) 408-2263

**NAME, ADDRESS AND PHONE  
NUMBER OF SUBSTITUTE  
TRUSTEE:**

Matthew T. Taplett  
Lee F Christie  
Michael L Atchley  
Jeremy Lee Harmon  
Ethel A Steele  
Justin S. Light  
Pope, Hardwicke, Christie, Schell,  
Kelly & Taplett, L.L.P.  
500 W. 7<sup>th</sup> Street, Suite 600  
Fort Worth, TX 76102  
(817) 332-3245

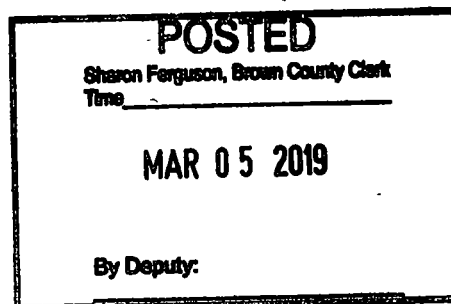


EXHIBIT "A"  
(Page 1 of 2)

133.24 ACRES of land in Brown and Coleman Counties, Texas, containing approximately 123.96 acres of the A. White Survey 161, Abstract 942 (Brown), Abstract 690 (Coleman), and approximately 9.28 acres of the T. H. McMahon Survey 160, Abstract 1497 (Brown), Abstract 500 (Coleman), said 133.24 acres being the First Tract and Second Tract described in the deed from Bert Brown and others to Clyde Brown and wife, Verda Brown, dated February 8, 1950, and recorded in Volume 289, Page 211, Coleman County Deed Records.

BEGINNING at a 1/2" Iron stake set at a Northeast corner of a tract described in deed to Virgil Adams, recorded in Volume 647, Page 348, Coleman County Deed Records, said corner being reported to be the Northeast corner of the M. E. P. & R.R. Co Survey 81, Abstract 538, and being located 209.10' N00°43'44"E [Deed Call = 209.20' N00°13'02"W] of an iron corner post found on the southerly line of Coleman County Road 145.

THENCE N89°14'12"W 1196.81' [Deed (Volume 289, Page 211) Bearing = West] [Deed (Volume 647, Page 348) Call = West 1194.5'] along a north line of said Virgil Adams tract, and part way along a south line of a 0.08 acre county road intrusion, and part way along a south line of a 2.02 acre fence intrusion to a 1/2" Iron stake set at a corner of said Adams tract, said corner being located 125.69' N18°50'53"E [Deed Call = 125.8' N18°16'08"E] of, and 153.24' N89°14'12"W [Deed Call = 153.6' West] of a 1/2" Iron stake found by a wood corner post.

THENCE N01°19'35"E 1887.19' [Deed Call = North 680 varas (1888.89')] along a west line of said Clyde Brown First Tract and part way along the west line of said 2.02 acre fence intrusion, and along the east line of a 0.50 acre fence protrusion, and along a west line of a 0.05 acre fence intrusion to a 3/8" Iron stake found at a corner of a tract described in deed to T. F. Tapman recorded in Volume 506, Page 133, Coleman County Deed Records.

THENCE N89°37'18"E 529.98' [Deed (Volume 289, Page 211) Call = East 173 1/3 varas (481.47')] [Deed (Volume 506, Page 133) Call = East 530'] along the south line of said Tapman tract, and part way along the north line of said 0.05 acre fence intrusion, and part way along the south line of a 0.37 acre fence protrusion to a Southeast corner of said Tapman Tract, said corner being located 69.30' N89°37'18"E [Deed Call = 69.3' East] of a 3/8" Iron stake found at a point of reference.

THENCE along the meanders of the centerline of the Pecan Bayou approximately as follows:

S43°50'36"E 103.77'; S73°57'43"E 72.23'; S62°34'20"E 117.62'; S55°56'00"E 68.03';  
S75°52'41"E 53.17'; S51°05'40"E 125.21'; S72°32'59"E 65.27'; S63°48'54"E 64.58';  
S69°06'39"E 80.56'; S69°51'31"E 105.59'; S64°14'25"E 142.99'; S87°05'31"E 258.75';  
N83°34'49"E 134.86'; N75°54'28"E 93.51'; N77°46'00"E 58.32'; N84°15'33"E 117.55';  
N82°36'34"E 101.59'; N84°31'21"E 109.72'; N85°59'32"E 119.26'; N83°47'17"E 110.18'; and  
S85°28'04"E 75.56' to a point located 50.44' N00°41'31"E of a 1/2" Iron stake set for reference.

THENCE S00°41'31"W 179.84' [Deed = South] along the west line of a tract described in deed to Arnold Herdman recorded in Volume 745, Page 257, Brown County Deed Records, and along the east line of said Clyde Brown - First Tract to a 1/2" Iron stake set at the Southwest corner of said Herdman tract, and the Northwest corner of said Clyde Brown - Second Tract.

THENCE S89°18'29"E 382.46' [Deed = East 130 varas (361.11')] along the south line of said Herdman tract and along the north line of said Clyde Brown - Second Tract to the Northeast corner of said Clyde Brown - Second Tract, said corner being located 59.94' S89°18'29"E of a 1/2" Iron stake set for reference.

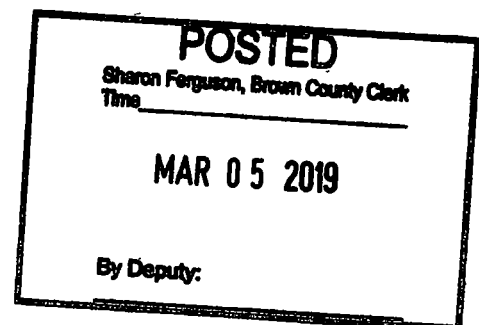


EXHIBIT "A"  
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CONTINUED:

THENCE along the meanders of the centerline of the Pecan Bayou approximately as follows:  
S40°40'56"E 95.86'; S38°01'42"E 89.90'; S29°26'40"E 97.68'; S14°40'18"E 104.97';  
S31°11'55"E 154.23'; S35°34'42"E 174.41'; S42°56'11"E 119.45'; S52°14'59"E 149.43';  
S48°58'57"E 102.93'; S55°29'17"E 68.19'; S45°18'57"E 51.45'; S51°33'32"E 277.21'; and  
S63°17'07"E 65.79' to a point located 169.17' N71°53'31"E of a 1/2" iron stake set for reference.

THENCE S71°53'31"W 1894.42' [Deed Call = S76 1/2"W 660 varas (1833.33')] along a north line of a tract described in deed to Tommy G. Adams recorded in Volume 1153, Page 255, Brown County Deed Records, and part way along the south line of a 0.02 acre fence intrusion, and part way along the south line of a 0.06 acre fence intrusion, and part way along the general course of a fence to a 1/2" iron stake set at a corner of said Tommy Adams tract.

THENCE N29°36'44"W 144.44' [Deed Call = N25°W 52 varas (144.44')] along an easterly line of said Tommy Adams tract to a 1/2" iron stake set at a Northeast corner of said Tommy Adams tract.

THENCE N89°04'28"W 864.91' [Deed Bearing = West] along the north line of said Tommy Adams tract and along the general course of a fence to a 1/2" iron stake set on the northeast line of said Coleman County Road 145.

THENCE N52°09'46"W 108.61' to a 1/2" iron stake set on the northeast line of said county road.

THENCE N00°43'44"E 154.29' [Deed Bearing = North] along the east line of said Virgil Adams tract to the place of beginning, this tract containing 133.24 acres less 0.08 acres out of said Coleman County Road 145, as shown on the accompanying plat. Bearings given herein are relative to True North at the 99°10'10.0000"W longitudinal meridian as determined from GPS observations. Distances and areas given herein reflect horizontal surface measurements.

**POSTED**

Sharon Ferguson, Brown County Clerk  
Time \_\_\_\_\_

**MAR 05 2019**

By Deputy: