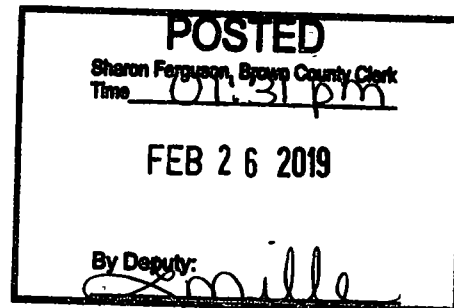


**Notice of Foreclosure Sale**



DEED OF TRUST ("Deed of Trust"):

Dated: January 6, 2016

Grantor: KEITH AUSTIN

Trustee: TOM F. DUREN

Lender: TERRY R. BENNIE and PATRICIA L. BENNIE

Recorded in: Volume 188, pages 211 through 219, inclusive, of the Official Public Records of Brown County, Texas.

Legal Description: Being 100.526 acres of land, more or less, out of the JAMES OTTER SURVEY NO. 120, Abstract No. 732, and the R. A. DEAVER SURVEY, Abstract No. 1260, all in Brown County, Texas, and being more particularly described by metes and bounds in one (1) tract SAVE AND EXCEPT two (2) Excepted Tracts on EXHIBIT "A" which is attached hereto and made a part hereof for all descriptive purposes.

Secures: "Promissory"Note" in the original principal amount of \$135,000.00, executed by KEITH AUSTIN ("Borrower") and payable to the order of Lender

Property: The real property, improvements, and personal property described in and mortgaged in the Deed of Trust, including the real property described in the attached Exhibit A, and all rights and appurtenances thereto

Foreclosure Sale:

Date: Tuesday, April 2, 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 is 10:00 A.M. and not later than three hours thereafter.

Place: Front steps of the Brown County Courthouse located at 200 South Broadway, Brownwood, 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 TERRY R. BENNIE and PATRICIA L. BENNIE'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, TERRY R. BENNIE and PATRICIA L. BENNIE, 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 TERRY R. BENNIE and PATRICIA L. BENNIE's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with TERRY R. BENNIE and PATRICIA L. BENNIE's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

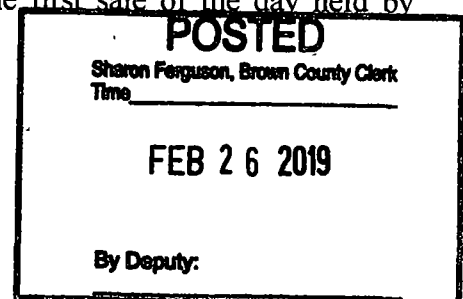
Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If TERRY R. BENNIE and PATRICIA L. BENNIE 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 TERRY R. BENNIE and PATRICIA L. BENNIE. 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.**

**DATED:** February 26, 2019



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Tom F. Duren, Trustee  
211 South Broadway  
Brownwood, Texas 76801-3107  
Telephone (325) 643-5877  
Telecopier (325) 643-3247  
Email: tduren@wcc.net

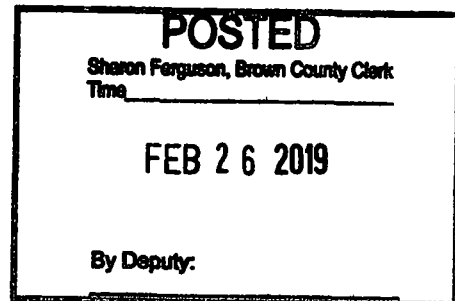


EXHIBIT "A"

Being 100.526 acres of land, more or less, containing approximately 98 987 acres of land, more or less, out of the JAMES OTTER SURVEY NO. 120, Abstract No 732, and approximately 1.539 acres of land, more or less, out of the R. A. DEAVER SURVEY, Abstract No. 1260, all in Brown County, Texas, and being all of the 123.446 acre "TRACT ONE" described in a Deed dated October 12, 2005 from Michael Hanley to Terry Bennie and wife, Patricia Bennie recorded in Volume 1592, page 103 of the Real Property Records of Brown County, Texas, SAVE AND EXCEPT two (2) excepted tracts consisting of a total of 22.92 acres of land, more or less, all of which is described in one (1) tract save and except two (2) excepted tracts as follow, to-wit:

123.446 acres of land in Brown County, Texas, containing approximately  
114.557 acres in James Otter Survey No. 120, Abstract No. 732, and approximately  
7.764 acre in R. A. Deaver Survey, Abstract No. 1260, and approximately  
1.125 acre in J. A. Hernandez Survey No. 350, Abstract No. 406, said 123.446 acres being a part of that 330.335 acre tract of land described in deed from Troy Hanley and wife to Michael Hauley dated August 18, 2003, and recorded in Volume 1491, Page 587 of the Real Property Records of Brown County, Texas.

**BEGINNING** at a 1/2 inch iron stake set previously at the Northwest corner of said Michael Hanley 330.335 acre tract, said point being located on the southerly line of County Road 178 and being 179.20 feet North 00 degrees 39 minutes 02 seconds West of an old cross tie corner post found representing the Northwest corner of said Otter Survey.

**THENCE** North 81 degrees 01 minutes 55 seconds East 1375.67 feet along the southerly line of County Road 178 and along the general course of a fence to a 1/2 inch iron stake set at the Northwest corner of a 52.053 acre tract surveyed simultaneously, said point being located 15.21 feet South 81 degrees 01 minutes 55 seconds West of a 1/2 inch iron stake set previously at a corner of said 330.335 acre tract;

**THENCE** South 05 degrees 48 minutes 46 seconds East 1143.08 feet along the general course of a fence to a 1/2 inch iron stake set at a corner post, said point being a corner of said 52.053 acre tract;

**THENCE** South 08 degrees 02 minutes 23 seconds East 497.77 feet to a 1/2 inch iron stake set for a corner, said point being the Southwest corner of said 52.053 acre tract;

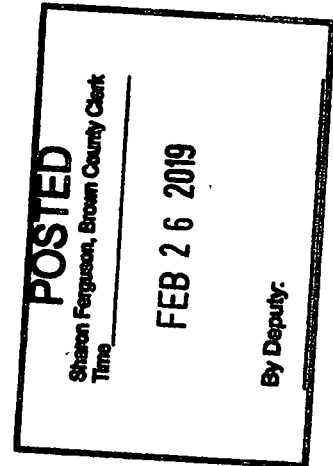
**THENCE** North 88 degrees 20 minutes 16 seconds East 1229.00 feet to a point located on the west side of an iron corner post, said point being the Southeast corner of said 52.053 acre tract;

**THENCE** South 00 degrees 25 minutes 36 seconds East 1173.41 feet along the general course of a fence found representing the East line of said Otter Survey to a 1/2 inch iron stake set previously for a corner of said 330.335 acre tract and the Northeast corner of a 34.565 acre tract surveyed for Michael Hanley;

**THENCE** South 89 degrees 38 minutes 48 seconds West 813.97 feet to a 1/2 inch iron stake set previously for the Northeast corner of said 34.565 acre tract and the Northeast corner of a 120.271 acre tract dedeed to Oneita Early recorded in Volume 1510, Page 330 of the Real Property Records of Brown County, Texas;

**THENCE** South 89 degrees 38 minutes 48 seconds West 1938.35 feet to a 1/2 inch iron stake set previously for the Northwest corner of said 120.271 acre tract dedeed to said Oneita Early, said point being located 2937.45 feet North 00 degrees 39 minutes 02 seconds West of a 1/2 inch iron stake set previously to a fence intersection found representing the intersection of the North line of said County Road 163 with the West line of said Otter Survey;

**THENCE** North 00 degrees 39 minutes 02 seconds West 2570.49 feet along the general course of a fence found representing the West line of said Otter Survey to the place of BEGINNING,



**LESS, HOWEVER, AND SAVE AND EXCEPT FROM THE 123.446 ACRES OF LAND, MORE OR LESS, LAST ABOVE DESCRIBED ARE THE FOLLOWING TWO (2) EXCEPTED TRACTS:**

EXHIBIT "A" CONTINUED:

FIRST EXCEPTED TRACT

All of that certain 20.72 acre tract, lot, or parcel of land of which contains approximately 13.37 acres out of the James Otter Survey No. 120, Abstract No. 732, and 7.35 acres out of the RA Deaver Survey, Abstract No. 1260, being situated in Brown County, Texas, 10.527376 miles, S 86° 31' 44.2" W of the Court House of Brown County, Texas, and being 21.08796 miles, N 13° 23' 24.0" E, of the Geographical Center of The State of Texas, and being part of a 123.446 acre tract as conveyed by deed from Michael Hanley et.ux. to Terry Bennie et.ux., dated October 12, 2005, being of record in Volume 1592, Page 108, of the Real Property Records of said County, and is further described as occupied as follows;

BEGINNING at a 1/2" iron rod found in place by a fence corner post in the southerly line of County Road No. 178, being the NWC of said 123.446 acre tract, for the North West Corner of this;

THENCE North 80 degrees 24 minutes 00 seconds East, with the southerly line of said County Roadway, 1326.01 feet to a 1/2" iron rod set, being the NWC of a 0.891 acre road easement, for the North East Corner of this, being 50.01 feet S 79° 53' 29" W of the NEC of said 123.446 acre tract;

THENCE South 06 degrees 21 minutes 08 seconds East, with westerly line of said road easement, crossing the Northerly line of said Survey No. 120, and continuing with a total distance of 523.50 feet to a 1/2" iron rod set, being the NEC of a 2.20 acre tract, for a Interior Corner of this;

THENCE with the northerly and westerly lines of said 2.20 acre tract, South 84 degrees 21 minutes 09 seconds West, 367.91 feet to a 1/2" iron rod set being the NWC of said 2.20 acre tract and South 01 degrees 35 minutes 03 seconds East, 257.09 feet to a 1/2" iron rod set, being the SWC of said 2.20 acre tract, for the Southerly South East Corner of this;

THENCE South 83 degrees 39 minutes 50 seconds West, crossing pasture, 996.96 feet to a 1/2" iron rod set by a fence corner post, being in the Westerly line of said 123.446 acre tract, for the South West Corner of this,

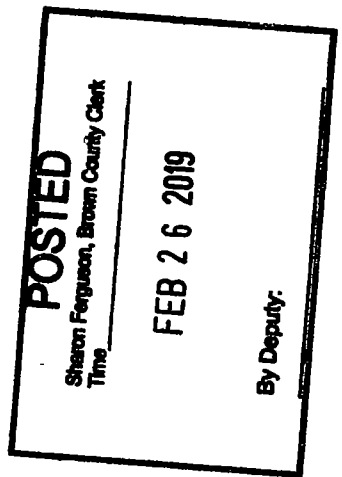
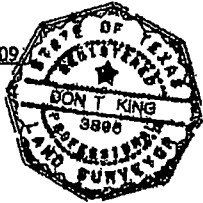
THENCE North 01 degrees 16 minutes 28 seconds West, with fence line along the westerly line of said 123.446 acre tract, 704.27 feet to the Place of Beginning and calculated to contain 20.72 acres of land in area.

THE ABOVE FIELD NOTES AND ATTACHED PLAT OR MAP REPRESENTS the results of an on the ground survey, that all lines and corners are marked as described above, or shown on the attached plat or map which is hereby made a part of this, that said property has access to and from a dedicated roadway as shown on said plat or map or mentioned above.

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JUNE 3, 2009

Don T. King Registered Professional Land Surveyor of The State of Texas  
Elected County Surveyor of Brown County, Texas



The above described tract of land being the same land described in Deed dated October 15, 2014 from Terry Bennie and Patricia Bennie to Charles A. Gravell, Jr. and Melissa D. Gravell dated October 15, 2014 and recorded in Volume 141, Page 1, Official Public Records of Brown County, Texas.

EXHIBIT "A" CONTINUED:

SECOND EXCEPTED TRACT

All of that certain 2.20 acre tract, lot, or parcel of land of which contains approximately 13.37 acres out of the James Otter Survey No. 120, Abstract No. 732, being situated in Brown County, Texas, 10 527376 miles, S 86° 31' 44" 2" W of the Court House of Brown County, Texas, and being 21.08796 miles, N 13° 23' 24" 0" E, of the Geographical Center of The State of Texas, and being part of a 123.446 acre tract as conveyed by deed from Michael Hanley et ux to Terry Bennie et ux., dated October 12, 2005, being of record in Volume 1592, Page 108, of the Real Property Records of said County, and is further described as occupied as follows;

BEGINNING at a 1/4" iron rod set being the SWC of a 0.891 acre Road Easement, for the South East Corner of this, from which the NEC of said 123.446 acre tract bears: North 83 degrees 33 minutes 50 seconds East for a distance of 50.14 feet, and North 06 degrees 22 minutes 05 seconds West, 777.81 feet;

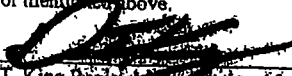
THENCE South 83 degrees 33 minutes 50 seconds West, 389.24 feet to a 1/2" iron rod set, being the Southerly South East Corner of a 20.72 acre tract, for the South West Corner of this;

THENCE North 01 degrees 35 minutes 03 seconds West, with easterly line of said 20.72 acre tract, 257.09 feet to a 1/2" iron rod set for the North West Corner of this;

THENCE North 84 degrees 21 minutes 09 seconds East, with a southerly line of said 20.72 acre tract, 367.91 feet to a 1/2" iron rod set in the westerly line of said road easement, for the North East Corner of this;

THENCE South 06 degrees 20 minutes 54 seconds East, with said road easement, 251.11 feet to the Place of Beginning and calculated to contain 2.20 acres of land in area.

THE ABOVE FIELD NOTES AND ATTACHED PLAT OR MAP REPRESENTS the results of an on the ground survey, that all lines and corners are marked as described above, or shown on the attached plat or map which is hereby made a part of this, that said property has access to and from a dedicated roadway as shown on said plat or map or mentioned above.

  
Don T. King Registered Professional Land Surveyor of The State of Texas  
Elected County Surveyor of Brown County, Texas

JUNE 3, 2009



The above described tract of land being the same tract of land described in Deed dated September 10, 2010 from Terry Bennie and wife Patricia Bennie to David Powell and wife Mary Powell recorded in Volume 1799, Page 431, Real Property Records of Brown County, Texas.

