

170546

NOTICE OF TRUSTEE'S SALE

STATE OF TEXAS            §  
  §  
COUNTY OF FISHER       §

WHEREAS, on the 22<sup>nd</sup> day of June, 2016, Burt L. Burnett, as Grantor, conveyed by Construction Deed of Trust to Mike Rhea, Trustee for the benefit of First Bank Texas, ssb, formerly First National Bank of Baird, 1849 South 1<sup>st</sup> Street, Abilene, Texas 79602-1107, the real properties situated in Fisher County and Nolan County, Texas, being described as follows:

(See Exhibit "A" attached hereto and made a part hereof)

(collectively "Property"), to secure payment of those certain promissory notes in the original principal amounts of \$135,000.00, \$500,000.00, \$308,000.00, \$100,075.00, \$85,693.00, \$46,121.36, \$24,875.00 and \$10,917.30 each executed by Burt L. Burnett and all made payable to First Bank Texas, ssb, formerly First National Bank of Baird and all modifications, substitutions, replacements, renewals and/or extensions thereof, if any (collectively "Notes"), which Construction Deed of Trust was recorded under Instrument No. 160594 of the Real Property Records of Fisher County, Texas and under Instrument No. 16-20874 of the Real Property Records of Nolan County, Texas and all modifications, substitutions, replacements, renewals and/or extensions thereof, if any ("Deed of Trust"); and

WHEREAS, the undersigned, at 104 Pine Street, Suite 301, Abilene, Texas 79601-5930, has been appointed as a Substitute Trustee in the place of the original Trustee, upon the contingency and in the manner authorized by the Deed of Trust; and

WHEREAS, default has occurred under the terms of each of the Notes secured by the Deed of Trust, and the indebtedness evidenced therein are now each wholly due, and the owner and holder

of the Notes and Deed of Trust and the beneficiary in the Deed of Trust has requested a Substitute Trustee to sell the Property to satisfy same.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, July 4, 2017, the Substitute Trustee will sell the Property either all together, or by groups of tracts or lots, or separately by tract or lot as the Substitute Trustee deems appropriate or expedient, for cash, at the Nolan County Courthouse lobby or immediately outside the North door of the Nolan County Courthouse at 100 East 3<sup>rd</sup> Street, Sweetwater, Texas 79556-4547 or as designated by the Nolan County Commissioners Court, to the highest bidder, "AS IS" WITHOUT ANY EXPRESSED OR IMPLIED WARRANTIES, EXCEPT AS TO WARRANTIES OF TITLE. THERE WILL BE NO WARRANTY RELATING TO POSSESSION OR QUIET ENJOYMENT. THERE WILL BE NO WARRANTIES OF ANY KIND RELATING TO TITLE, POSSESSION, QUIET ENJOYMENT, OR THE LIKE FOR ANY PERSONAL PROPERTY IN THIS DISPOSITION. The Substitute Trustee does not and will not make any representations, warranties, or covenants personally. The earliest time at which the sale shall occur is ten o'clock a.m. The sale shall begin at that time or not 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.

EXECUTED on this 9<sup>th</sup> day of June, 2017.



Thomas W. Choate  
SUBSTITUTE TRUSTEE  
104 Pine Street, Suite 301  
Abilene, Texas 79601-5930

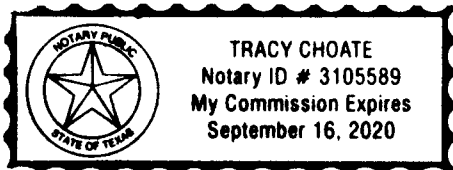
STATE OF TEXAS           §  
  §  
COUNTY OF TAYLOR     §

BEFORE ME, the undersigned authority, on this day personally appeared Thomas W. Choate, known to me to be the person whose name is subscribed in the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed; and the said Thomas W. Choate duly swore to the facts therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 9<sup>th</sup> day of June, 2017.



Notary Public, State of Texas



After Recording, Return to:  
Mr. Stacy B. Loftin  
ADAMS LYNCH & LOFTIN, P.C.  
3950 Highway 360  
Grapevine, Texas 76051

# EXHIBIT "A"

Real Property located in Fisher County and Nolan County, State of Texas:

## TRACT ONE:

299.642 ACRES OF LAND OUT OF THE GEORGE W. MORGAN SURVEY NO. 295 AND THE THOMAS J. MORGAN SURVEY NO. 233, NOLAN AND FISHER COUNTIES, TEXAS. DESCRIBED FURTHER BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426 IN A FENCE LINE AT THE INTERSECTION OF THE WEST LINE OF THE GEORGE W. MORGAN SURVEY NO. 295 AND THE NORTH ROW OF THE UNION PACIFIC RAILROAD (SAID NORTH ROW BEING 100.00' NORTH OF AND MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF SAID RAILROAD);

THENCE N14°51'49"W 6459.34' ALONG FENCE AND SAID WEST LINE TO A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426 AT FENCE CORNER IN THE SOUTH ROW OF FISHER COUNTY ROAD 121;

THENCE N75°18'41"E 2182.73' ALONG THE SOUTH ROW OF FISHER COUNTY ROAD 121 TO A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426 AT FENCE CORNER;

THENCE S14°34'00"E 5657.41' ALONG FENCE LINE TO A SET 1/2" IRON PIN WITH CAP

MARKED MORRIS 2426 IN THE NORTH ROW OF THE UNION PACIFIC RAILROAD;

THENCE S60°55'10"W 71.24' ALONG SAID NORTH ROW TO A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426;

THENCE 1009.12' ALONG SAID NORTH ROW ON A CURVE TO THE LEFT HAVING A RADIUS OF 5909.63' AND A DELTA OF 09°47'01" WITH A CHORD THAT BEARS S57°24'41"W 1007.89' TO A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426;

THENCE S52°24'25"W 1218.97' ALONG SAID NORTH ROW TO THE POINT OF BEGINNING AND CONTAINING 299.642 ACRES OF LAND MORE OR LESS.

**TRACT TWO:**

ALL OF SURVEY NUMBER TWO HUNDRED THIRTY FOUR (234) PATENTED NOVEMBER 20, 1867 TO J. W. BARNES BY PATENT NO. 158, VOL. NO. 37, SAID SURVEY ALSO KNOWN AS THE J. J. KING SURVEY, IN FISHER AND NOLAN COUNTIES, TEXAS, DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A STAKE SET FOR THE UPPER CORNER OF SURVEY NO. 233 FROM WHICH A HACKBERRY 8IN. DIA. BRS. S. 7-1/2 E 30 VARAS;

THENCE NORTH 15' W 2068 VARAS TO A STAKE AND MOUND;

THENCE SOUTH 75' W 800 VARAS TO A STAKE AND MOUND;

THENCE SOUTH 15' E 2448 VARAS TO A STAKE A MESQUITE BRS. N 82' W 34 VARAS;

THENCE DOWN THE RIVER WITH ITS MEANDERS TO THE BEGINNING.

**TRACT THREE:**

BEING THE NORTH THIRTY-SIX ACRES (N/36AC.) OF THE R. WHITEHEAD SURVEY NUMBER 296, LOCATED IN NOLAN COUNTY, TEXAS, SAID N/36 ACRES BEING DESCRIBED AS ALL THAT PART OF THE SAID R. WHITEHEAD SURVEY NUMBER 296 WHICH ADJOINS AND LIES NORTH OF THE RIGHT OF WAY OF THE TEXAS & PACIFIC RAILWAY COMPANY.

**SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACTS OF LAND:**

A) BEING 2.74 ACRES OF LAND OUT OF THE R. WHITEHEAD SURVEY, NOLAN COUNTY, TEXAS, DESCRIBED IN A WARRANTY DEED DATED JUNE 30, 1988, EXECUTED BY MARY LEDA RASBERRY ARMSTRONG TO TEDDY LEE BASYE AND WIFE, AMY LEANN BASYE, RECORDED IN VOLUME 105, PAGE 155, DEED RECORDS, NOLAN COUNTY, TEXAS.

B) BEING A 16 ACRE TRACT OF LAND OUT OF THE R. WHITEHEAD AND KING SURVEYS, NOLAN COUNTY, TEXAS, DESCRIBED IN A WARRANTY DEED DATED NOVEMBER 5, 1975, EXECUTED BY MARY LEDA ALBERTSON TO CHARLES R. CRAWFORD AND WIFE, VERGIE CRAWFORD, RECORDED IN VOLUME 228, PAGE 353, DEED RECORDS, NOLAN COUNTY, TEXAS.

C) BEING THE SURFACE ESTATE ONLY OF A 15.09 ACRE TRACT OF LAND OUT OF THE R. WHITEHEAD SURVEY NO. 234 AND THE JOHN J. KING SURVEY NO. 296, NOLAN COUNTY, TEXAS, DESCRIBED IN A WARRANTY DEED DATED AUGUST 7,

1980, EXECUTED BY MARY LEDA ALBERTSON ARMSTRONG TO MARVIN L.HOLMAN AND WIFE, FONDA F. HOLMAN, RECORDED IN VOLUME 248, PAGE 651, DEED RECORDS, NOLAN COUNTY, TEXAS.

**TRACT FOUR:**

196.568 ACRES OF LAND OUT OF THE THOMAS J. MORGAN SURVEY 233 AND THE GEORGE W. MORGAN SURVEY 295, LOCATED IN FISHER AND NOLAN COUNTIES, TEXAS. DESCRIBED FURTHER BY METES AND BOUNDS AS FOLLOWS:

BEGINNING: AT A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426 IN THE NORTH RIGHT OF WAY OF THE UNION PACIFIC RAILROAD THAT IS 70°29'56"W--226.20' FROM A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426 AT THE INTERSECTION OF THE EAST LINE OF THE GEORGE W. MORGAN SURVEY 295 AND THE NORTH RIGHT OF WAY OF THE UNION PACIFIC RAILROAD

THENCE: S 70°29'56"W--740.40' ALONG THE NORTH RIGHT OF WAY OF THE UNION PACIFIC RAILROAD TO A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426

THENCE: 618.65' ALONG THE NORTH RIGHT OF WAY OF THE UNION PACIFIC RAILROAD ON A CURVE TO THE LEFT WITH A DELTA = 5°56'34", A RADIUS = 5964.51' AND WITH A CHORD THAT BEARS S 66°58'20"W--618.37' TO A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426.

THENCE: N 13°35'12"W--5659.66' TO A FOUND 1/2" IRON PIN AT FENCE CORNER IN THE SOUTH RIGHT OF WAY OF COUNTY ROAD 121

THENCE: N 76° 53'53"E--1415.31' ALONG THE SOUTH RIGHT OF WAY OF COUNTY ROAD 121 TO A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426 AT FENCE CORNER

THENCE: S 70°04'17"E--163.46' ALONG THE SOUTH RIGHT OF WAY OF COUNTY ROAD 121 TO A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426 IN THE WEST RIGHT OF WAY OF COUNTY ROAD 121

THENCE: S 13°35'09"E--470.40' ALONG THE WEST RIGHT OF WAY OF COUNTY ROAD 121 TO A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426 IN THE SOUTH RIGHT OF WAY OF COUNTY ROAD 121

THENCE: N 76°24'51"E--20.00' ALONG THE SOUTH RIGHT OF WAY OF COUNTY ROAD 121 TO A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426 IN THE EAST LINE OF THE THOMAS J MORGAN SURVEY 233

THENCE: S 13°35'09"E--4345.38' ALONG THE EAST LINE OF THE THOMAS J MORGAN SURVEY 233 AND THE GEORGE W. MORGAN SURVEY 295 TO A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426

THENCE: S 76°24'51"W--225.00' TO A SET 1/2" IRON PIN WITH CAP MARKED MORRIS 2426

THENCE: S 13°35'09"E--563.93' TO THE POINT OF BEGINNING AND CONTAINING 196.568 ACRES OF LAND MORE OR LESS.

**TRACT FIVE:**

45.93 ACRES OF LAND OUT OF THE DANIEL MCGEE SURVEY 298, NOLAN COUNTY,

TEXAS. DESCRIBED FURTHER BY METES AND BOUNDS AS FOLLOWS:

BEGINNING: AT AN IRON PIN THAT IS N 14°28'41" W-1358.76' AND N 75°31'19" E-735.15' FROM THE S.W. CORNER OF SAID DANIEL MCGEE SURVEY 298

THENCE: N 77°15'00" E-1534.59' TO AN IRON PIN IN THE WEST R/W OF COUNTY ROAD

THENCE: N 15°21'34" W-1390.06' ALONG SAID WEST R/W TO A POINT IN THE SOUTH R/W OF A COUNTY ROAD

THENCE: S 77°15'00" W-410.50' ALONG SAID SOUTH R/W TO AN IRON PIN

THENCE: S 09°25'45" E 208.70' TO AN IRON PIN

THENCE: S 77°15'00" W-626.10 TO AN IRON PIN

THENCE: N 09°25'45" W-208.70' AN IRON PIN

THENCE: S 77°15'00" W-497.96' TO AN IRON PIN

THENCE: 15°21'29" E-1390.06' TO THE PLACE OF BEGINNING AND CONTAINING 45.93 ACRES OF LAND MORE OR LESS.

**TRACT SIX:**

BEING 2.999 ACRES OF LAND OUT OF THE DANIEL MCGEE SURVEY 298, NOLAN COUNTY, TEXAS, DESCRIBED FURTHER BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A FOUND 1/2" IRON PIN AT FENCE CORNER THAT IS N 74°05'42" E-1268.7' AND N 15°54'18" W-2488.7' FROM THE S.W. CORNER OF THE DANIEL MCGEE SURVEY 298;

THENCE N 15°54'18" W-208.7' TO A FOUND 1/2" IRON PIN AT FENCE CORNER IN THE SOUTH RIGHT-OF-WAY OF COUNTY ROAD 109;

THENCE N 77°31'10" E- 626.7' ALONG THE SOUTH RIGHT-OF- WAY OF COUNTY ROAD 109 TO A FOUND 3/8" IRON PIN AT FENCE CORNER;

THENCE S 15°53'00" E-209.0' TO A FOUND 1/2" IRON PIN AT FENCE CORNER;

THENCE S 77°32'56" W-626.6 TO THE POINT OF BEGINNING AND CONTAINING 2.999 ACRES OF LAND, MORE OR LESS.

FILED FOR RECORD  
PAT THOMSON - COUNTY CLERK  
FISHER COUNTY, TEXAS

**INST NO: 170546**

FILED ON: JUNE 9, 2017 AT 12:19pm  
THE INSTRUMENT CONTAINED 8 PAGES AT FILING

I, Pat Thomson, Clerk of the County Court in and for said Court,  
do hereby certify that the foregoing instrument was filed for record  
and duly recorded on the 9th day of June 20 17  
at 12:19 o'clock PM in the Official Public records of  
Fisher County.

Document # 170546 , 8 Pages

WITNESS MY HAND AND SEAL OF OFFICE THIS

THE 9th DAY OF June 20 17



Pat Thomson  
Pat Thomson, Fisher County Clerk, Texas

By: Chadford Deputy