

April

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**Date:** March 16, 2020

**PROMISSORY NOTE #1:**

**Date:** January 12, 2017  
**Maker:** Midway Oil Field Constructors, Inc.  
**Payee:** The Bank of Madisonville, a division of the First National Bank of Huntsville  
**Original Principal Amount:** \$900,000.00

**DEED OF TRUST**

**Date:** January 12, 2017  
**Grantor:** Billy A. Smith a/k/a Billy A. Smith, Sr., and Kathy Smith a/k/a Kathy L. Smith and Kathy Lynn Smith  
**Trustee:** Alan Tinsley  
**Beneficiary:** The Bank of Madisonville, a division of the First National Bank of Huntsville

**Recording Information:**

**MADISON COUNTY:** Clerk's File Number Doc. 101736, Vol. 1585, page 1, in the Official Public Records of Madison County, Texas' *and* Clerk's File Number Doc. 106274, Vol. 1659, page 100, in the Official Public Records of Madison County, Texas

**ROBERTSON COUNTY:** Clerk's File Number Doc. 20153468, Vol. 1275, page 1, in the Official Public Records of Robertson County, Texas.

**SHELBY COUNTY:** Clerk's File Number Doc. 2017000189, in the Official Public Records of Shelby County, Texas.

I, undersigned, County Clerk, do hereby certify that the above notice was duly posted on 17 day of March, 2020 at 2:25 am/pm.

Stephanie M. Sanders, Robertson County Clerk

by: Maxine Lattimore

**PROPERTY**

See Exhibit 001

**SUBSTITUTE TRUSTEES:**

Alan Tinsely, Jeff Carruth, Misty Gasiorowski, Jerrad Bloome, Abby Newton, Drew Konetzke, Megan Brannigan, and Cory Halliburton

**DATE AND TIME OF TRUSTEE'S SALE OF PROPERTY:**

**TUESDAY, APRIL 7, 2020**, being the first Tuesday of the Month, to commence at **1:00 P.M.** as the earliest time of sale, or within three (3) hours thereafter.

**LOCATION OF TRUSTEE'S SALE OF PROPERTY:**

**MADISON COUNTY:** THE LOBBY ON THE FIRST FLOOR OF THE COURTHOUSE IMMEDIATELY IN FRONT OF THE COUNTY CLERK'S OFFICE (ROOM #102) OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE AS THE

PLACE WHERE FORECLOSURE SALES ARE TO TAKE PLACE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS.

**ROBERTSON COUNTY:** SOUTH DOOR, FIRST FLOOR ANNEX / FOYER, ROBERTSON COUNTY COURTHOUSE.

**SHELBY COUNTY:** THE AREA WITHIN A RADIUS OF 100 FEET OF THE SOUTHEASTERN DOOR OF THE HOUSE PROVIDED FOR THE HOLDING OF THE DISTRICT COURT IN THE CITY OF CENTER, IN SHELBY COUNTY, TX OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT; PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE.

Default has occurred in the payment of the Promissory Note(s) and in the performance of the obligations of the Deed of Trust, which secures payment of the Promissory Note(s). Because of such default, Lender, as the owner of the Promissory Note(s), and as the current holder of the Promissory Note(s) and of the Deed of Trust, has requested the Trustee or any duly appointed Substitute Trustee, to sell the Property in accordance with the terms of the Deed of Trust and applicable law.

Therefore, notice is given that on the Date and Time of Trustee's Sale of Property and at the Place of Trustee's Sale of Property, the Substitute Trustee or any duly appointed successor substitute trustee as Lender may subsequently appoint, will sell the Property by public sale to the highest bidder for cash, in accordance with the Deed of Trust and applicable law. The sale and conveyance of the Property will be subject to all matters of record applicable to the Property which are superior to the Deed of Trust. The Substitute Trustee has not made and will not make any covenants, warranties, or representations concerning the Property other than providing the successful bidder at the sale with a deed to the Property containing any warranties of title required by the Deed of Trust. The Property shall be sold "AS IS, WHERE IS", and WITH ALL FAULTS.

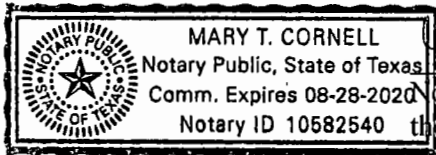
Dated: March 16, 2020

**JEFF CARRUTH,  
SUBSTITUTE TRUSTEE**

A handwritten signature in black ink, appearing to read 'Jeff Carruth', is written over a horizontal line. The signature is stylized and cursive.

THE STATE OF TEXAS     §  
  §  
COUNTY OF TARRANT   §

This document was acknowledged before me on March 16, 2020, by  
Jeff Carruth.



Mary T. Cornell  
Notary Public in and for  
the State of Texas

# EXHIBIT 001

MADISON COUNTY

TRACT TWO:

## EXHIBIT 'A'

BEING 28.13 ACRES OF LAND, MORE OR LESS, SITUATED IN THE SHELTON ALLPHIN SURVEY, ABSTRACT NO. 2, MADISON COUNTY, TEXAS AND BEING THE SAME TRACT DESCRIBED AS A 28.100 ACRE TRACT IN A DEED FROM MARY L. CORLEY, ET AL TO LAURENCE L. CORLEY, SR., DATED JULY 3, 1974 AND RECORDED IN VOLUME 202, PAGE 641 DEED RECORDS, SAID 28.13 ACRE TRACT BEING MORE DEFINITELY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST CORNER OF SAID CORLEY TRACT, SAME BEING THE SOUTH CORNER OF A CALLED 28.100 ACRE TRACT AS DESCRIBED IN A DEED FROM MARY L. CORLEY, ET AL TO MARY W. GRIVICH, RECORDED IN VOLUME 202, PAGE 637, DEED RECORDS, SET A 5/8" IRON ROD IN THE CALLED NORTHEAST RIGHT-OF-WAY LINE OF OSR (OLD SAN ANTONIO ROAD);

THENCE N 55° 05' 25" (CORLEY DEED CALL), WITH THE NORTHWEST LINE OF SAID CORLEY TRACT AND THE SOUTHEAST LINE OF SAID GRIVICH TRACT, FOR A DISTANCE OF 1799.57 FEET TO THE NORTH CORNER OF SAID CORLEY TRACT, SAME BEING THE EAST CORNER OF SAID GRIVICH TRACT AND ALSO BEING SOUTHWEST OF THE SOUTHWEST LINE OF A CALLED 36.883 ACRE TRACT AS DESCRIBED IN A DEED FROM DONALD REYNOLDS TO JORGE RICARDO GARCIA, RECORDED IN VOLUME 754, PAGE 127, OFFICIAL RECORDS, SET A 5/8" IRON ROD IN AN EXISTING FENCE LINE;

THENCE S 44° 58' 53" E, WITH THE NORTHEAST LINE OF SAID CORLEY TRACT, AND GENERALLY FOLLOWING SAID EXISTING FENCE LINE (AS PER SAID VOLUME 202, PAGE 641) AND BEING SOUTHWEST OF THE SOUTHWEST LINE OF SAID GARCIA TRACT, FOR A DISTANCE OF 581.63 FEET TO THE EAST CORNER OF SAID CORLEY TRACT, SAME BEING THE SOUTH CORNER OF SAID GARCIA TRACT, FOUND IRON ROD AT A FENCE CORNER POST IN THE SOUTHWEST FENCE LINE OF A COUNTY-MAINTAINED GRADED ROCK ROAD, KNOWN LOCALLY AS COUNTY ROAD #223;

THENCE, WITH THE SOUTHEAST LINES OF SAID CORLEY TRACT, AND GENERALLY FOLLOWING THE NORTHEAST FENCE LINE OF SAID ROAD, THE FOLLOWING CALLS:  
(1). S 16° 19' 50" W - 200.18 FEET; (2). S 32° 32' 26" W - 61.80 FOOT;  
(3). S 47° 55' 27" W - 42.07 FEET; AND (4). S 57° 10' 36" W - 1390.43 FEET TO THE SOUTH CORNER OF SAID CORLEY TRACT, FOUND A 1/2" IRON ROD AT THE APPROXIMATE INTERSECTION OF THE NORTHEAST FENCE LINE OF SAID COUNTY ROAD WITH THE NORTHEAST FENCE LINE OF SAID OSR;

THENCE N 56° 16' 24" W, WITH THE SOUTHWEST LINE OF SAID CORLEY TRACT AND THE CALLED NORTHEAST RIGHT-OF-WAY LINE OF SAID OSR, FOR A DISTANCE OF 743.30 FEET TO THE PLACE OF BEGINNING.

EXHIBIT "A"  
PAGE 1 OF 2

EXHIBIT 001

MADISON COUNTY

J. FULLER, and ASSOCIATES

TRACT THREE:

1225 11th Street  
Huntsville, Texas 77342

THE STATE OF TEXAS §  
COUNTY OF WALKER §

I, the undersigned, JOE A. FULLER, Registered Professional Land Surveyor, do hereby certify that the following field notes represent a survey made on the ground of the following described tract or parcel of land situated in Madison County, Texas:

Being 5.28 acres of land, more or less, situated in the JESSE YOUNG SURVEY, Abstract No. 247, Madison County, Texas and being out of and a part of a called 106 acre tract as described in a Deed from Henry C. Churchwell to Joe E. Leggett, dated June 29, 2002 and recorded in Volume 620, Page 263, Official Records, said 5.28 acre tract being more definitely described as follows:

BEGINNING at the most easterly south corner of the residue of said 106 acre tract, same being the east corner of a called 2.18 acre tract as described in a Deed from Henry C. Churchwell to Midway Oilfield Constructors, Inc., recorded in Volume 458, Page 429, Official Records, found a 3/8" iron rod in the called northwest right-of-way line of State Highway 21 (called width of 100.0 feet) for the most easterly south corner of the herein described tract;

THENCE, with the southerly lines of said 106 acre tract and the northeast and northwest lines of said 2.18 acre tract, the following calls:  
(1). N47°43'40"W- 259.89 feet to a 60d nail in top of fence post;  
and (2). S40°45'57"W- 162.39 feet to a 60d nail in top of fence post for the most westerly south corner of the herein described tract, same being the east corner of a called 0.54 acre tract as described in a Deed from Henry C. Churchwell to Billy Smith, recorded in Volume 664, Page 271, Official Records;


THENCE N47°57'12"W, with a northeasterly line of said 0.54 acre tract, for a distance of 22.18 feet to an angle point in its northeast line, same being the apparent south corner of the CHURCHWELL SUBDIVISION, an unrecorded subdivision, found a 2" iron pipe (3 ft. high);

THENCE N13°01'13"E (Churchwell subdivision call), with the called southeast line of said subdivision, same being a northwesterly line of said 106 acre tract, for a distance of 611.63 feet to a 5/8" iron rod set for the north corner of the herein described tract;

THENCE S60°29'03"E, across said Leggett tract, and generally being 1.0 feet south of and parallel to an overhead electrical line, for a distance of 616.88 feet to the southeast line of said Leggett tract, same being the called northwest right-of-way line of said S.H. 21, set a 5/8" iron rod for the east corner of the herein described tract;

THENCE S45°05'26"W, with the southeast line of said Leggett tract and the called northwest right-of-way line of said S.H. 21, for a distance of 508.04 feet to the PLACE OF BEGINNING.

Surveyed in December, 2005.

Signed   
JOE A. FULLER  
R.P.L.S. No. 4066

\\2005\LEGGETT-Joe-106ac.fns

EXHIBIT A  
PAGE 2 OF 2

EXHIBIT 001

ROBERTSON COUNTY

In Re: 3.000 Acres out of a  
10.000 acre tract  
F. L. Springfield Survey, A-413  
Robertson County, Texas



All that certain tract or parcel of land situated in Robertson County, Texas, being part of the F. L. Springfield Survey, Abstract No. 413 and being part of a 10.000 acre tract as conveyed from Donald Glenn Hughes, et ux to Nonell Investment, LLC by Deed dated May 8, 2006 and being recorded in Volume 949, Page 102 of the Official Records of said Robertson County and being more particularly described by metes and bounds as follows, to wit:

BASIS OF BEARINGS: Texas State Plane Coordinate System of 1983, Texas Central Zone.

BEGINNING at an iron pin found on the Southeast ROW of U. S. Highway No. 79 for the West corner of the residue of a George D. Hughes 27.2 acre tract (629/143) and for a common North corner of said 10.000 acre tract and of this tract;

THENCE S62°21'55"E - 519.75 feet with a common line between said 10.000 acre tract and the residue of said Hughes 27.2 acre tract to an iron pin found on the Northwest ROW of the Union Pacific Railroad (50 feet perpendicular from the center of track) for the South corner of the residue of said 27.2 acre tract and for a common East corner of said 10.000 acre tract and of this tract;

THENCE S44°18'05"W - 282.15 feet with a common line between the Northwest ROW of said Union Pacific Railroad and said 10.000 acre tract to an iron pin set for the South corner of this tract;

THENCE N62°21'55"W - 447.19 feet crossing said 10.000 acre tract for division to an iron pin set on a common line between the Southeast ROW of said U. S. Highway No. 79 and said 10.000 acre tract for the West corner of this tract;

THENCE N29°24'25"E - 270.43 feet with a common line between the Southeast ROW of said U. S. Highway No. 79 and said 10.000 acre tract to the PLACE OF BEGINNING and containing 3.000 Acres of Land.

I, W. L. Ferguson, Registered Professional Land Surveyor No. 2547 in the State of Texas, do hereby certify that the above survey was performed on the ground under my supervision and that the field notes hereon are true and correct to the best of my knowledge.

Given under my hand and seal this 17th day of September, 2006.



EXHIBIT "B"

EXHIBIT 001

SHELBY COUNTY

BEING 11.876 acres of land, more or less, a part of the JOHN SMITH SURVEY, A-637, Shelby County, Texas, and being described in Warranty Deed from Thomas L. Jackson, Independent Executor of the Estate of James Elvis Jackson, Deceased, to Robert Charles Baker and wife, Elizabeth June Baker, dated October 7, 2005, recorded in Vol. 1031, Page 374, Official Public Records, Shelby County, Texas; and Warranty Deed from Stallion Oilfield Services, Ltd. To Robert Charles Baker and wife, Elizabeth June Baker, dated October 30, 2009, recorded under Instrument No. 2009009638, Official Public Records, Shelby County, Texas, and being described by metes and bounds as follows, to-wit:

BEGINNING in the SBL of the Residue of a 55 acre tract conveyed by W. E. Jackson et al to Lucille Hughes et al, dated June 27, 1941, recorded in Vol. 212, Page 488, et seq., a 3/8 inch reinf. rod set for corner in the WROW line of State Highway No. 7 as conveyed by Adell Jackson in a ROW Deed containing 6 051 acres to the State of Texas, recorded in Vol. 184, Page 391, et seq., being in the NBL of said 32.923 acre tract;

THENCE S. 22 deg. 33 min. 41 sec. W. along the WROW line of said state Highway No. 7, at 442.17 ft. set a 3/8 inch reinf. rod for reference to corner in the North margin of CR No. 3173, continuing in all 500.81 ft. to the center-line of said CR No. 3173, being the Northern-most corner of a 2.356 acre tract conveyed by James E. Jackson to Donnie W. Martin and wife, Linda R. Martin, dated August 26, 2003, recorded in Vol. 974, Page 182, et seq., Official Public Records, Shelby County, Texas;

THENCE along the center line of said CR no. 3173 being a WBL of said Donnie W. Martin's 2.356 acre tract with its various meanders as follows:

- 1 S. 47 deg 47 min. 40 sec. W. 48.36 ft.;
- 2 S. 44 deg 20 min. 46 sec. W. 215.41 ft.;
- 3 S. 40 deg 00 min 31 sec. W. 130.27 ft.;
- 4 S. 35 deg. 58 min. 11 sec. W. 187.90 ft.;
- 5 S. 34 deg. 30 min. 48 sec. W. 79.31 ft. to the EBL of a 7.08 acre tract known as the First Tract conveyed by L. L. Jolly and wife, Wylma Jolly to Frances Dennie Jolly Martin, dated July 8, 1955, recorded in Vol. 343, Page 18, et. seq., Deed Records, Shelby County, Texas;

THENCE N. 01 deg. 63 min. 04 sec. E. along a WBL of said 32.923 acre tract, being the EBL of said Frances Martin's 7.08 acre tract, at 46.37 ft. set a 3/8 inch reinf. rod for reference to corner in the North margin of said CR No. 3173, continuing in all 445.11 ft., to the NEC of said 7.08 acre tract, a 3/8 inch reinf. rod set beside a 6 inch creosote corner post;

THENCE S. 70 deg. 08 min. 52 sec. W. along a fence, being a SBL of said 32.923 acre tract and the NBL of said Frances Martin's 7.08 acre tract to its NWC, a distance of 387.73 ft. to a 3/8 inch reinf. rod set for corner by a fence corner in the EBL of a 59 acre tract known as the 2<sup>nd</sup> Tract conveyed by J. L. Jolly and wife, Wylma Jolly to Frances Dennie Jolly Martin, dated July 8, 1955, recorded in Vol. 343, Page 18, et seq Deed Records, Shelby County, Texas;

THENCE N. 03 deg 45 min. 48 sec. E. along a WBL of said 32.923 acre tract and an EBL of said Frances Martin's 59 acre tract, a distance of 386.02 ft. to a 3/8 inch reinf. rod set for corner beside an 18 inch hickory stump.

THENCE N. 01 deg 06 min. 04 sec. W. along a fence, being an EBL of said Frances Martin's 59 acre tract and a WBL of said 32.923 acre tract to its NWC being the SWC of said Lucille Hughes Residue of a 55 acre tract, a distance of 233.03 ft. to a 3/8 inch reinf. rod set for corner beside an 8 inch creosote corner post;

THENCE N. 87 deg 14 min. 24 sec. E. along a SBL of said Lucille Hughes Residue of a 55 acre tract, being a NBL of said 32.923 acre tract, a distance of 436.22 ft. to a 3/8 inch reinf. rod set for corner beside an old creosote fence post;

THENCE N. 88 deg. 26 min. 55 sec. E. along a SBL of said Lucille Hughes' Residue of a 55 acre tract, being a NBL of said 32.923 acre tract, 511.25 ft. to the place of beginning, containing 11.876 acres of land, more or less, of which 0.30 of an acre is in the CR No. 3173 Road Easement as depicted on the attached plat which is here-by made a part of this survey;

EXHIBIT "C"  
PAGE 1 OF 3

SHELBY COUNTY

SAVE LESS & EXCEPT THE FOLLOWING TWO TRACTS:

TRACT 1: All that certain 0.225 acre parcel of land, a part of the JOHN SMITH Survey, Abstract No. 637, Shelby County, Texas, and being a part of that certain tract of land called 11.876 acres described in a deed from Robert Charles Baker, et ux, Elizabeth June Baker, to Midco Distributing, Inc., dated May 12, 2010, recorded as Document No. 2010005743 in the Official Public Records of Shelby County, Texas, and the said 0.225 acre subject parcel more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found for a re-entrant corner in the South boundary line of the said called 11.876 acre parent tract, also being the Northeast corner of that certain tract of land originally called 7.08 acres described as "First Tract" in a deed from J.L. Jolly, et ex, to Frances Jolly Martin, dated July 8, 1955, recorded in Vol. 343, Page 18 of the Deed Records of Shelby County, Texas;

THENCE South 66° 35' 08" West with the North boundary line of the said Martin tract originally called 7.08 acres a distance of 387.73 feet to a 1/2-inch iron rod found for its Northwest corner, same being the Northerly Southwest corner of the said called 11.876 acre parent tract;

THENCE North 0° 10' 24" East with the Northerly West boundary line of the parent tract a distance of 55.25 feet to a 1/2-inch iron rod set for a corner;

THENCE North 74° 28' 12" East a distance of 369.11 feet to the Point of Beginning, containing a total area of 0.225 of an acre.

Tract 2: All that certain 0.377 acre parcel of land, a part of the JOHN SMITH Survey, Abstract No. 637, Shelby County, Texas, and being a part of that certain tract of land called 11.876 acres described in a deed from Robert Charles Baker, et ux, Elizabeth June Baker, to Midco Distributing, Inc., dated May 12, 2010, recorded as Document No. 2010005743 in the Official Public Records of Shelby County, Texas, and the said 0.377 acre subject parcel more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found for a re-entrant corner in the South boundary line of the said called 11.876 acre parent tract, also being the Northeast corner of that certain tract of land originally called 7.08 acres described as "First Tract" in a deed from J.L. Jolly, et ux, Frances Jolly Martin, dated July 8, 1955, recorded in Vol. 343, Page 18 of the Deed Records of Shelby County, Texas;

THENCE South 14° 18' 49" East a distance of 336.09 feet to a point for a corner in the center of County Road No. 3173, from which a 1/2-inch iron set for a reference corner bears North 14° 18' 49" West at a distance of 28.80 feet;

EXHIBIT "C"  
PAGE 2 OF 3



EXHIBIT 001

SHELBY COUNTY

THENCE South 30° 56' 50" West with the said County Road center line a distance of 137.65 feet to a point for the most Southerly Southwest corner of the said called 11.876 acre parent tract, located in the East boundary line of the above mentioned Martin tract originally called 7.08 acres;

THENCE North 1° 35' 19" West with the Southerly West boundary line of the said parent tract, passing a 1-inch iron pipe found for a reference corner at 39.99 feet, and continuing on for a total distance of 443.88 feet to the Point of Beginning, containing a total area of 0.377 of an acre.

EXHIBIT "C"  
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