

APR 21 2017

Notice of Foreclosure Sale

WAY HARDIN, COUNTY CLERK
YOUNG COUNTY, TEXAS

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Notice is hereby given of a public non-judicial foreclosure sale.

1. Property To Be Sold.

The real property commonly known as **338 N. Cliff Drive**, Graham, Young County, Texas 76450, and being more fully described as follows:

Being 5.109 acres out of the **Paul Pier Survey, Abstract No. 219** and the **J. W. Manning Survey, Abstract No. 188**, Young County, Texas. Said 5.109 acres also being a part of a 5.0 acre tract and a 0.14 acre tract recorded in Vol. 843 Pg. 20 of the Deed Records of said county. Said 5.109 acres being described in metes and bounds as follows:

Beginning at a 3/8 inch spike set at the southwest corner of said 5.0 acre tract;
Thence in a northerly direction with the westerly line of said 5.0 acre tract the following calls: N 0°07'57" E 233.0 feet to a 3/8 inch spike set for corner, S 89°52'03" E 65.0 feet to a 3/8 inch spike set for corner, N 0°07'57" E 89.2 feet to a 3/8 inch spike set for corner and N 43°56'03" W 143.7 feet to a 3/8 inch spike set for corner in the southeast railroad right-of-way line;

Thence N 46°04'02" E 455.7 feet with said right-of-way line to a 3/8 inch spike set for corner at the intersection of said railroad right-of-way line and the westerly right-of-way line of Cliff Drive;

Thence in a southerly direction with said westerly right-of-way line of Cliff Drive the following calls: S 21°55'27" E 99.95 feet to a 3/8 inch spike set for angle point, S 13°50'23" E 206.98 feet to a 3/8 inch spike set for angle point and S 0°07'57" W 448.9 feet to a 3/8 inch spike set for corner;

Thence N 89°52'03" W 380.0 feet with the south line of said 5.0 acre tract to the **point of beginning** containing 5.109 acres more or less.

2. Date, Time, and Place of Sale.

The sale is scheduled to be held at the following date, time, and place:

Date: Tuesday, June 6, 2017

Time: The sale shall begin no earlier than 10:00 A.M. and no later than three (3) hours thereafter. The sale shall be completed by no later than 4:00 P.M.

Place: Young County Courthouse, 516 Fourth Street, Graham, Young County, Texas, at the location designated by the Young County Commissioner's Court for holding such sales.

The *Deed of Trust* permits the Beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the *Deed of Trust* need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the *Texas Property Code*. Such reposting or refiled may be after the date originally scheduled for this sale.

3. Terms of Sale.

The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the *Deed of Trust* permitting the Beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the *Deed of Trust* at the time of sale. Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold.

The 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 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*. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

THE PROPERTY WILL BE SOLD “AS IS” AND “WITH ALL FAULTS”.

4. Type of Sale.

The sale is a non-judicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the following *Deed of Trust*:

Deed of Trust dated **June 15, 2015**, from **Mark Kalaj**, as Grantor, to **Jarrold Stephens**, as Trustee, for the benefit of **Graham Industrial Association, Inc.**, a Texas corporation, and which is recorded in Volume 1188, Page 1246, of the Official Public Records of Young County, Texas.

5. Obligations Secured.

The *Deed of Trust* provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including, but not limited to:

- (1) *Real Estate Lien Note* dated **June 15, 2015**, executed by **Mark Kalaj**, as Borrower, payable to **Graham Industrial Association, Inc.**, a Texas corporation, as Lender, and in the original principal sum of **four hundred twenty-seven thousand five hundred and no/100 dollars (\$427,500.00)** (the "Note"); and,
- (2) All renewals and extensions of the *Note*.

Graham Industrial Association, Inc., is the current owner and holder of the Obligations and is the Beneficiary under the *Deed of Trust*.

As of **April 18, 2017**, there was owed **\$399,662.95** in principal, plus all unpaid accrued interest and late charges. The *Note* will continue to accrue interest at the rate set forth in the *Note* until paid. Additionally, the *Note* and the *Deed of Trust* securing the *Note* provide for reimbursement of reasonable attorney's fees incurred by the holder and beneficiary of these instruments in the collection of the indebtedness owed on the *Note*.

6. **Questions Concerning Sale.**

Questions concerning the sale may be directed to the undersigned or to the Beneficiary:

Graham Industrial Association, Inc.
Attn: Mr. Neal Blanton
P. O. Box 1465
Graham, Texas 76450
Telephone: (940) 549-6006
Email: nblanton@grahamtxas.net.

7. **Appointment of Substitute Trustee.**


The Beneficiary has appointed **Stanley H. Peavy, III**, as Substitute Trustee, by and through the following instrument:

Appointment of Substitute Trustee dated **March 21, 2017**, executed by **Graham Industrial Association, Inc.** and filed for record as Instrument No. 17000761 in the Official Public Records of Young County, Texas.

8. **Default and Request To Act.**

Default has occurred under the *Deed of Trust*, and the Beneficiary has requested **Stanley H. Peavy, III**, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the Beneficiary may appoint another person as substitute trustee to conduct the sale.

Dated: **April 21, 2017.**



Stanley H. Peavy, III, Substitute Trustee

Peavy Law Firm
423 Fourth Street
Graham, Texas 76450
Telephone: 940.549.0440
Telecopier: 888.470.2763
Email: plf@peavylawfirm.com

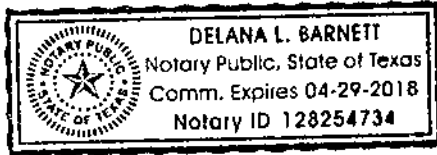
Acknowledgment

State of Texas

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County of Young

On April 21, 2017, before me, a Notary Public in and for said state, personally appeared Stanley H. Peavy, III, in his capacity as Substitute Trustee, known to me to be the person who executed the foregoing *Notice of Foreclosure Sale* and acknowledged to me that he executed the same for the purposes therein stated.



Delana L. Barnett

Notary Public, State of Texas

This instrument has been prepared in reliance upon information provided by Beneficiary concerning the Property and is done so without title examination. Peavy Law Firm makes no representation concerning liens, marketability of title or adequacy of legal description.

Prepared in the Law Firm of:

After Recording Return to:

Peavy Law Firm
423 Fourth Street
Graham, Texas 76450

Peavy Law Firm
423 Fourth Street
Graham, Texas 76450

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