

STATE OF TEXAS §
 §
COUNTY OF HILL §

FILED
NICOLE TANNER, COUNTY CLERK
HILL COUNTY, TEXAS

2016 JUN 10 P 4: 03

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

DATE, TIME AND PLACE OF SALE: Tuesday, July 5, 2016 (which is the first Tuesday of that month). The earliest time at which the sale shall occur is 1:00 p.m. (Hill County, Texas time). The sale will be conducted at that time or not later than three (3) hours after that time. The sale will take place on the steps outside the east door facing Waco Street at the Hill County Courthouse in Hillsboro, Hill County, Texas, or at such other place as may be designated by the Hill County Commissioner's Court.

INDEBTEDNESS PROMPTING SALE: The indebtedness prompting the sale evidenced by that Promissory Note ("**Note**") dated July 6, 2007, executed by MMM Properties, Inc., as borrower, in the original principal amount of \$950,000 (the "**Indebtedness**") (together with any and all renewals, increases, modifications, or extensions thereof, the "**Note**"), payable to Branch Banking and Trust Company ("**Holder**"), through its purchase of select assets from the FDIC, as receiver for Colonial Bank, N.A., as original lender.

DEED OF TRUST LIEN UNDER WHICH THE SALE IS BEING CONDUCTED: The sale is being conducted under and pursuant to that certain Deed of Trust, Security Agreement, and Financing Statement dated July 6, 2007, executed by MMM Properties, Inc., as grantor, to C. Malcolm Holland, Trustee ("**Original Trustee**"), recorded in Book 1495, Page 0801 in the Official Public Records of Hill County, Texas (together with any and all renewals, modifications, or extensions thereof, the "**Deed of Trust**").

OWNER AND HOLDER OF INDEBTEDNESS AND SECURITY INSTRUMENT: Holder is the current sole legal owner of the Note and all beneficial interests under the Deed of Trust, and the rights and remedies under all other written documents, instruments, or agreements executed, delivered, made or entered into in connection with the Note and the Deed of Trust.

PROPERTY BEING SOLD: The real and personal property described in the Deed of Trust (the "**Mortgaged Property**") and the land comprising the Mortgaged Property is more particularly described on **Exhibit "A"** attached hereto and incorporated herein for all purposes.

SUBSTITUTE TRUSTEE CONDUCTING THE SALE: Holder has appointed **JAMES A. ELLIOTT**, individually, ("**Substitute Trustee**") to act without the necessity of joinder of any other Substitute Trustee in the place and stead of and to succeed to all the rights, titles, powers, and estates granted under the Deed of Trust to the Original Trustee to act under and by virtue of the Deed of Trust.

Holder has requested that the Substitute Trustee under the Deed of Trust sell the Property for cash and that the proceeds of such sale be applied in accordance with the provisions of the Deed of Trust and under applicable law; provided, however, Holder reserves the right to direct the Substitute Trustee to postpone and resume the foreclosure sale, or cancel the foreclosure sale, in its sole and absolute discretion. Therefore, on the date and at the time and place set forth above, the undersigned, as Substitute Trustee, will sell the Property to the highest bidder for cash

pursuant to the terms of the Deed of Trust and applicable law, subject to the right of Holder to enter a credit bid on the Property, and further subject to the right of Holder to direct Substitute Trustee to postpone and resume the foreclosure sale or to cancel the foreclosure sale in its sole and absolute discretion.

PURSUANT TO SECTION 51.009 OF THE TEXAS PROPERTY CODE, THE PROPERTY WILL BE SOLD AND CONVEYED BY THE SUBSTITUTE TRUSTEE "AS IS," AND THE PURCHASER AT THE FORECLOSURE SALE SHALL ACQUIRE THE FORECLOSED PROPERTY AT THE PURCHASER'S OWN RISK AND "AS IS" AND WITHOUT ANY EXPRESS OR IMPLIED WARRANTIES, EXCEPT AS TO THE WARRANTY OF TITLE GIVEN TO THE PURCHASER BY AND ON BEHALF OF THE GRANTOR OF THE DEED OF TRUST, ITS SUCCESSORS, ASSIGNS, HEIRS AND LEGAL REPRESENTATIVES BY VIRTUE OF AND PURSUANT TO THE AUTHORITY CONFERRED BY THE DEED OF TRUST, ANY SUCH OTHER WARRANTIES BEING EXPRESSLY DISCLAIMED; AND SUCH PURCHASER IS AND SHALL NOT BE A CONSUMER.


IN WITNESS WHEREOF, this Notice of Substitute Trustee's Sale has been executed on the 10th day of June, 2016.



JAMES A. ELLIOTT, Substitute Trustee
1601 Elm Street, Suite 3700
Dallas, Texas 75201
214-777-4200

STATE OF TEXAS §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 10th day of June, 2016, by JAMES A. ELLIOTT, Substitute Trustee.



Notary Public in and for the State of Texas

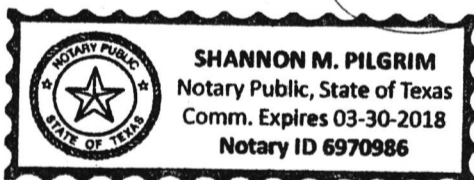


EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

FIELD NOTES for a lot, tract, or parcel of land containing 10.994 acres lying and situated in the J. E. Ross Survey A-750 in Hill County, Texas. Said land is all of that certain 10.994 acre tract described in a special warranty deed with vendor's lien from Republic American Life Insurance Co. to MMM Properties, INC. as recorded in Volume 1293, Page 470 of the Official Public Records of Hill County, and is more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod found in the intersection of the south line of U. S. Highway 77 & 81 and the west line of Milford Road for the northeast corner of said 10.994 acre tract.

THENCE: S 37 deg 39 min 0 sec E 332.99 feet along said west line to a "X" found in a concrete curb;

THENCE: S 0 deg 7 min 0 sec W 478.95 feet continuing along said west line to a 1/2" iron rod found in the north line of the M.K.&T. Railroad for the southeast corner of said 10.994 acre tract;

THENCE: S 69 deg 42 min 45 sec W 552.00 feet along said north line to a 1/2" iron rod found for point of curvature;

THENCE: around a curve to the left with a radius of 8385.54 feet, an arc distance of 500.00 and a chord bearing S 67 deg 28 min 15 sec W 499.87 feet along said north line to a 1/2" iron rod found in the south line of State Highways 77 & 88 for the western most corner of said 10.994 acre tract;

THENCE: N 29 deg 37 min 0 sec E 360.00 feet along said south line to a railroad spike found for a point of curvature;

THENCE: along said south line around a curve to the right with a radius of 5679.58 feet, an arc distance of 125.00 feet and a chord bearing N 30 deg 14 min 47 sec E 124.99 feet to a railroad spike found;

THENCE: N 30 deg 53 min 8 sec E 146.90 feet along said south line to a railroad spike found;

THENCE: N 38 deg 38 min 0 sec E base bearing 738.02 feet along said south line to the place of beginning, containing 10.994 acres of land.