

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

THE STATE OF TEXAS §

COUNTY OF COOKE §

Borrower: Herbert F. Sicking (herein "Borrower")

Noteholder: First United Bank and Trust Company (herein "Noteholder")

Note: Commercial Promissory Note dated December 14, 2016, executed by Clint Clifford Sicking, in the original principal amount of \$508,000.00, payable to the order of Noteholder, and subsequently assumed by Herbert F. Sicking, as shown by Assumption Agreement dated September 14, 2018, of record under Document No. 86954, Volume 2222, Page 149, Official Public Records of Cooke County, Texas (herein the "Note")

Deed of Trust: Commercial Deed of Trust, Security Agreement and Assignment of Rents dated August 6, 2018, executed by Jo Ann R. Sicking Pagel, to Greg Massey, Trustee, of record in Volume 2210, Page 540, Official Public Records of Cooke County, Texas, and given as additional security for the above referenced Note (the "Deed of Trust")

Property: Being two (2) tracts of land out of the Patterson Moore Survey, Abstract No. 657, Cooke County, Texas, described as follows, to-wit:

TRACT ONE:

Being all that certain tract or parcel of land situated in the Patterson Moore Survey, Abstract No. 657, Cooke County, Texas, being part of a 43.85 acre tract described in a Deed from Herbert Richardson, undivided interest to Joann R. Sicking recorded in Volume 948, Page 316 of the Cook County Official Pubic Records, being the same tract described in a Deed from Clifford C. Richardson, et ux to Nelline Jones Richardson recorded in Volume 850, Page 36 of the Cooke County Deed Records, containing 14.60 acres of land, and being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes;

FILED FOR RECORD
20 OCT 13 PM 3:45
PAUL HARRISON
COUNTY CLERK, COOKE CO. TX
BY DEPUTY

TRACT TWO:

Being all that certain tract or parcel of land situated in the Patterson Moore Survey, abstract No. 657, Cooke County, Texas, being part of a called 148 acre tract of land described as Tract Two in a Deed from Dorothy John Richardson to Clifford Clyde Richardson by Deed recorded in Volume 596, Page 656 of the Cooke County Deed Records, containing 28.76 acres of land, and being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes;

(herein the "Property")

Substitute Trustee: William Riley Nix, Mary Mancuso, Francesca Ortolani, Shelley Ortolani, and Michele Hreha (herein the "Substitute Trustee")

Substitute Trustee's
Mailing Address: 717 N. Crockett
Sherman, Grayson County, Texas 75090

WHEREAS, pursuant to the Deed of Trust, Borrower conveyed to Greg Massey, Trustee for the benefit of Noteholder, the Property as herein described together with the improvements, personal property, fixtures, appurtenances, and other rights, titles, and interests more particularly described in the Deed of Trust (hereinafter collectively referred to as the "Property"), to secure the payment of, among other things, the Note;

WHEREAS, the undersigned has been appointed Substitute Trustee (herein so called) in the place of the original Trustee pursuant to the terms of the Deed of Trust;

WHEREAS, an event of default has occurred under the terms of the Note and the Deed of Trust, and pursuant to its rights under the Note and the Deed of Trust, Noteholder accelerated the maturity of the Note, causing the entire unpaid principal balance of and all accrued and unpaid interest thereon to become due and payable, and written notice of default and Noteholder's intent to accelerate, and written notice of acceleration have been given to Borrower;

WHEREAS, the Note has remained unpaid from the date that it was accelerated and declared due and payable; and

WHEREAS, Noteholder has requested William Riley Nix, Mary Mancuso, Francesca Ortolani, Shelley Ortolani, and Michele Hreha, as Substitute Trustee, either one of them acting alone is duly authorized to sell the Property, in the manner provided for in the Deed of Trust (the "Foreclosure Sale"), to satisfy the indebtedness secured by the lien of the Deed of Trust (the "Indebtedness").

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that the Property will be sold at the Foreclosure Sale pursuant to the Texas Property Code, as follows:

1. The Foreclosure Sale will be on **Tuesday, November 3, 2020;**
2. The earliest time at which the Foreclosure Sale will occur is **1:00 p.m.** and will begin at that time or not later than three hours after that time;
3. The Foreclosure Sale will take place on the east steps of the **Cooke County Courthouse, 101 S. Dixon Street, Gainesville, Texas**, that being the area designated by the Cooke County Commissioner's Court for such sales; and
4. The Property will be sold to the highest bidder for cash, except that Noteholder's bid may be by credit against the Indebtedness.

The sale noticed herein shall include the interest of the Borrower in any fixtures and personal property covered by the Deed of Trust and any other documents executed in connection with or as security for the Note, Noteholder having directed the undersigned to sell, and the undersigned hereby noticing the sale of, any such fixtures and personalty pursuant to rights granted to the Noteholder under the Texas Business and Commerce Code.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. EXCEPT AS EXPRESSLY PROVIDED HEREIN, THE SUBSTITUTE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, NOR WITH RESPECT TO CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU 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.

WITNESS MY HAND this 13th day of October, 2020.

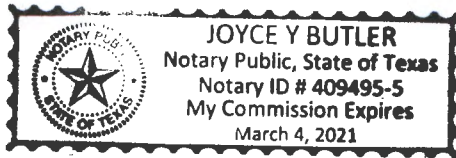



WILLIAM RILEY NIX, Substitute Trustee

THE STATE OF TEXAS §

COUNTY OF GRAYSON §

This instrument was acknowledged before me on the 13th day of October, 2020, by WILLIAM RILEY NIX, Substitute Trustee.





Notary Public, State of Texas

EXHIBIT "A"

TRACT ONE:

FIELD NOTES TO 14.80 ACRES IN THE PATTERSON MOORE SURVEY
ABSTRACT 857, COOKE COUNTY, TEXAS

All that certain tract or parcel of land situated in the Patterson Moore Survey Abstract 857, Cooke County, Texas, being part of a 43.85 acre tract described in a deed from Herbert Richardson, undivided interest to John R. Sicking recorded in Volume 848, page 316 of the Cooke County Official Public Records, being the same tract described in a deed from Clifford C. Richardson, et ux to Nellie Jones Richardson recorded in Volume 850, page 36 of the Cooke County Deed Records, and being more particularly described as follows:

BEGINNING at a found 60d nail at the Northeast corner of said 43.85 acre tract, common to the Southeast corner of a 28.76 acre tract described in a deed from Clifford C. Richardson, et ux to Nellie Jones Richardson recorded in Volume 850, page 33 of said Deed Records, on the Western line of a tract described in a deed to Glenn Beasley recorded in Volume 858, page 458 of said Public Records, in County Road 343:

THENCE Southwesterly, with said common line, in said County Road 343, the following courses and distances:

South 44 degrees 10 minutes 24 seconds West, a distance of 174.56 feet to a found 60d nail,
South 42 degrees 15 minutes 47 seconds West, a distance of 136.06 feet to a found 60d nail,
South 37 degrees 49 minutes 24 seconds West, a distance of 367.48 feet to a found 60d nail,
South 41 degrees 02 minutes 21 seconds West, a distance of 78.83 feet to a found 60d nail,
South 43 degrees 45 minutes 34 seconds West, a distance of 78.24 feet to a found 60d nail,
South 47 degrees 08 minutes 50 seconds West, a distance of 84.24 feet to a found 60d nail,
South 48 degrees 39 minutes 19 seconds West, a distance of 173.93 feet to a set 60d nail:

THENCE North 36 degrees 14 minutes 05 seconds West, passing a fence corner on the Northern line of said County Road 343, and continuing a distance of 228.66 feet to a fence corner:

THENCE North 18 degrees 38 minutes 42 seconds West, a distance of 1366.33 feet to a set steel pin in a fence on the South line of said 28.76 acre tract:

THENCE Southeasterly, with said South line and said fence, the following courses and distances:

South 36 degrees 03 minutes 24 seconds East, a distance of 169.51 feet to a fence corner,
South 44 degrees 51 minutes 37 seconds East, a distance of 478.28 feet to a fence corner,
South 63 degrees 08 minutes 30 seconds East, a distance of 312.48 feet to a fence corner,
South 71 degrees 17 minutes 11 seconds East, a distance of 14.77 feet to a fence corner,
South 87 degrees 34 minutes 23 seconds East, passing said fence on the North line of said County Road 343, continuing a total distance of 601.12 feet to the point of beginning containing 14.80 acres of land.

TRACT TWO:

All that certain tract or parcel of land situated in the Patterson Moore Survey Abstract 637, Cooke County, Texas being part of a called 148 acre tract of land described as Tract Two in a deed from Dorothy John Richardson to Clifford Clyde Richardson by deed recorded in Volume 596, Page 656 of the Cooke County Deed Records and being more particularly described as follows:

BEGINNING at a spike on the Southeast line of said tract in a public road at the South corner of a 67.57 acre tract conveyed by Clifford Richardson, et ux to Herbert Sicking by deed recorded in Volume 632, Page 364 of said Deed Records;

THENCE South 48 degrees 10 minutes 06 seconds West with said Southeast line in the middle of said public road, a distance of 500.71 to a spike;

THENCE South 46 degrees 17 minutes 41 seconds West with said Southeast line in the middle of said public road, a distance of 76.84 feet to a spike;

THENCE North 87 degrees 34 minutes 23 seconds West, passing a fence corner on the Westerly line of said public road, continuing along a fence a total of 601.12 feet to a fence angle;

THENCE North 71 degrees 17 minutes 11 seconds West with a fence, a distance of 14.77 feet to a fence angle;

THENCE North 63 degrees 08 minutes 30 seconds West, along a fence, a distance of 312.46 feet to an angle;

THENCE North 44 degrees 51 minutes 37 seconds West, along a fence, a distance of 479.28 feet to an angle;

THENCE North 36 degrees 03 minutes 23 seconds West, along a fence, a distance of 429.21 feet to a corner on the Northwest line of said 148 acre tract;

THENCE North 47 degrees 35 minutes 55 seconds East with said Northwest line, a distance of 273.30 feet to a corner on the Northwesterly line of said 67.57 acre tract;

THENCE Southeasterly with the Southwesterly line of said tract the following courses and distances:

North 57 degrees 25 minutes 30 seconds East 141.41 feet,

South 85 degrees 30 minutes 00 seconds East 541.61 feet,

South 60 degrees 24 minutes 50 seconds East 296.31 feet,

South 03 degrees 01 minutes 40 seconds East 97.37 feet,

South 61 degrees 37 minutes 40 seconds East 206.50 feet,

South 68 degrees 23 minutes 40 seconds East 254.52 feet,

South 24 degrees 13 minutes 40 seconds East 88.65 feet,

South 62 degrees 40 minutes East, passing a steel pin at

a fence corner on the Northwesterly line of said public road, continuing a total of 376.20 feet to the point of beginning containing 28.76 acres of land.