

**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 OF FORECLOSURE SALE

FILED FOR RECORD  
2019 JAN - 7 AM 8:34  
AMY L. VARNELL  
CASS COUNTY CLERK

**("Deed of Trust"):**

Dated: December 13, 2017

Grantor: **KENNETH LEE VAUGHN** and wife, **MELISSA RENEE VAUGHN**, and **LINDA KAY STAPLETON**, a single woman

Trustee: Amanda Whatley Lafferty

Lender: **BRIMAR INVESTMENTS, LLC**

Recorded in: Instrument No. 2017004983, of the Official Public Records of Cass County, Texas

**Legal Description:**

All that certain 10.680 acre tract of land in the Samuel Harrison Survey, A-524, in Cass County, Texas, being part of the called 13.789 acre tract conveyed from Dorothy McCloud and Hansel Lee McCloud to Mark Stephen McCloud and Bruce Franklin McCloud by Warranty Deed dated August 12, 1999, and recorded in Volume 1090, Page 598, of the Real Property Records of Cass County, Texas, said 10.680 acre tract being more particularly described as follows:

COMMENCING at a ½" iron rod found at a fence corner post in the South line of the called 4 acre tract conveyed to Rolan H. Stover and wife, Mildred Phillips Stover, by Warranty Deed recorded in Volume 554, Page 500, of the Real Records of Cass County, Texas, for the Northwest corner of the called 26.723 acre tract conveyed to Lisa Virginia Belote by Warranty Deed recorded in Clerk's File No. 2013005386 of the Official Public Records of Cass County, Texas, and the Northeast corner of said called 13.789 acre tract;

THENCE S 02° 48' 11" E generally along a fence and with the West line of said called 26.723 acre tract 294.19 feet to a ⅝" iron rod set for the Northeast corner of the called 13.789 acre tract conveyed to Tony Cox by Warranty Deed recorded in Clerk's File No. 2008006938 of said Official Public Records, and the Southeast corner of said McCloud called 13.789 acre tract, from which a cross-tie fence corner post bears N 50° 50' 54" E 9.51 feet;

THENCE S 87° 56' 28" W with the North line of said Cox called 13.789 acre tract, at 325.00 feet pass a ⅝" iron rod set in County Road No. 3449 for the Southeast corner of the called 0.564 acre tract conveyed to Bruce Franklin McCloud and wife, Rhonda Kay McCloud by Warranty Deed recorded in Volume 774, Page 462, of said Real Property Records, and continuing for a total distance of 450.00 feet to a ⅝" iron rod set for the Southwest corner of said called 0.564 acre tract;

THENCE S 87° 56' 28" W continuing with the North line of said Cox called 13.789 acre tract 50.00 feet to a ⅝" iron rod set for the Southeast corner and Point of Beginning of this tract;

THENCE S 87° 56' 28" W generally along a fence and with the North line of said Cox called 13.789 acre tract 1310.92 feet to a ⅝" iron rod set in the East line of the called 6.8945 acre tract conveyed to Tony Cox by Warranty Deed recorded in Clerk's File No. 2010003135 of said Official Public Records, for the Northwest corner of said Cox called 13.789 acre tract and the Southwest corner of said McCloud called 13.789 acre tract and this tract;

THENCE N 02° 48' 00" W with the East line of said called 6.8945 acre tract 369.10 feet to a ⅝" iron rod found in the South line of the called 9.07 acre tract conveyed to J. W. Coats by Warranty Deed recorded in Volume 1042, Page 251, of said Real Property Records, for the Northwest corner of this tract;

THENCE N 89° 38' 46" E with the South line of said called 9.07 acre tract and the South line of the called 2.45 acre tract conveyed to J. W. Coats and wife, Janette Coats, by Warranty Deed recorded in Volume 753, Page 344, of said Real Property Records, a distance of 649.20 feet to a 1" iron pin found for the Southeast corner of said called 2.45 acre tract and the Southwest corner of the called 6.730 acre tract conveyed to Charles Randall McAlexander, et al, by Warranty Deed recorded in Clerk's File No. 2012000641 of said Official Public Records, for an angle point in the North line of this tract;

THENCE S 89° 17' 15" E generally along a fence and the North side of County Road No. 3444, and with the South line of said called 6.730 acre tract 961.75 feet to a 5/8" iron rod set for the Northeast corner of this tract, from which a cross-tie fence corner post bears N 52° 54' 32" W 8.69 feet and a 3/4" iron rod found for the Southeast corner of said called 6.730 acre tract bears S 89° 17' 15" E 7.83 feet;  
THENCE S 19° 58' 09" W generally along the West side of County Road No. 3449, a distance of 37.48 feet to a 5/8" iron rod set for the Northeast corner of the called 0.559 acre tract conveyed to Mark Stephen McCloud by Warranty Deed recorded in Volume 774, Page 465, of said Real Property Records, and the most easterly Southeast corner of this tract;  
THENCE N 89° 41' 37" W with the North line of said called 0.559 acre tract, at 230.00 feet pass a 5/8" iron rod set for the Northwest corner of same and continuing for a total distance of 280.04 feet to a 5/8" iron rod set for an inner corner of this tract;  
THENCE S 02° 03' 53" E 280.07 feet to the Point of Beginning, containing 10.680 acres of land, more or less; as surveyed by David R. Collins, Jr., RPLS No. 6488, on April 21, 2015.

**Secures:** Promissory ("Note") in the original principal amount of \$140,900.00, executed by Kenneth Lee Vaughn and wife, Melissa Renee Vaughn, and Linda Kay Stapleton, a single woman ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

**Property:** The real property, improvements, and personal property described in and mortgaged in the Deed of Trust

**Foreclosure Sale:**

**Date:** Tuesday, February 5, 2019

**Time:** The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 A.M. and not later than three hours thereafter.

**Place:** North front door, Cass County Courthouse in Linden, Texas

**Terms of Sale:** The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that BriMar Investments, LLC's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, BriMar Investments, LLC, the owner and holder of the Note, has requested Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of BriMar Investments, LLC's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with BriMar Investments, LLC's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If BriMar Investments, LLC passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure 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 Foreclosure 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.

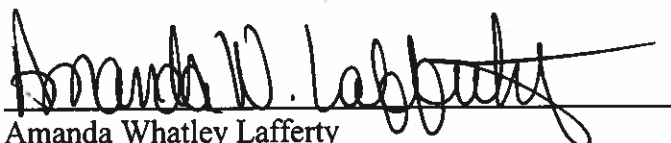
For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by BriMar Investments, LLC. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to section 51.0075(a) of the Texas Property Code, Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Trustee.

**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.**

**THIS INSTRUMENT APPOINTS THE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.**



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