

Notice of Foreclosure Sale

July 7, 2020

AMY L. VARNELL
CASS COUNTY CLERK

2020 MAY 21 AM 10:19

FILED FOR RECORD

Contract for Deed (the "Contract"):
Dated: April 1, 2016
Purchaser: Tammy Betterton
Trustee: Lance W. Hinson
Lender: Thomas Sims and Mary Sims
Recorded in: Unrecorded
Legal Description: See Exhibit A attached hereto and made a part of this instrument for all purposes
Secures: Contract for Deed ("Contract") in the original principal amount of \$165,000.00, executed by Tammy Betterton
Property: The real property, improvements, and personal property described in and mortgaged in the Contract for Deed, including the real property described in the attached Exhibit A, and all rights and appurtenances thereto
Trustee: Lance W. Hinson
Trustee's Address: 311 E 16th St Frnt, Mt. Pleasant, Texas, 75455
Foreclosure Sale:
Date: Tuesday, July 7, 2020
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 Entrance, Cass County Courthouse, 100 W Houston St., Linden, Texas 75563
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 Thomas Sims and Mary Sims' bid may be by credit against the indebtedness secured by the lien of the Contract for Deed.

Default has occurred in the payment of the Contract and in the performance of the obligations of the contract. Because of that default, Thomas Sims and Mary Sims, the owner and holder of the indebtedness secured by the Contract for Deed, has requested Trustee to sell the Property.

The Contract for Deed may encumber both real and personal property. Formal notice is hereby given of Thomas Sims and Mary Sims's election to proceed against and sell both the real property and any personal property described in the Contract for Deed in accordance with Thomas Sims and Mary Sims' rights and remedies under the Contract and section 9.604(a) of the Texas Business and Commerce Code and the Texas Property 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 Contract for Deed, and applicable Texas law.

If Thomas Sims and Mary Sims pass 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 Contract for Deed and the Texas Property Code.

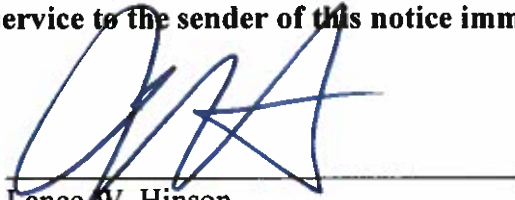
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Contract for Deed, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been subordinated to the Contract for Deed. 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 Contract for Deed by Thomas Sims and Mary Sims. 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 Contract for Deed. 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.



Lance W. Hinson
311 E 16th St Fmt
Mt. Pleasant, Texas 75455
Telephone (903) 572-9831
lwhinson@att.net

Exhibit A

ADDENDUM (Page 1 of 3)

Tract 1

All that certain 65.58 acre tract of land called to be situated in the E. West Survey, A-1080 and in the E. Meyer Survey, A-1304 of Cass County, Texas and being all of a called 13.5 acre tract described in a deed recorded in Volume 626, Page 781 and a part of a called 83.638 acre tract described in a Contract of Sale recorded in Volume 775, Page 391 of the Cass County, Deed Records, said tract being further described as follows:

BEGINNING at a ¼ inch iron pipe found at the Northeast corner of said called 83.638 acre tract which is called to be on the North line of said West Survey and being N 89° 46' 55" E 752.57 feet from the occupied Southeast corner of the J. G. Harrison Survey, A-491;

THENCE S 00° 20' 52" E along the East line of said 83.638 acre tract 1140.16 feet to a stone found at the Southeast corner of said 83.638 acre tract;

THENCE S 89° 46' 55" W (bearing by solar observation) along the South line of said 83.638 acre tract 2146.93 feet to a railroad spike set in the center of Cass County Road No. 2864;

THENCE N 22° 12' 10" E 400.37 feet and N 08° 06' 08" E 629.67 feet and N 02° 05' 15" E 147.13 feet along the general meanders of the center of said road to a railroad spike set on the North line of said called 83.638 acre tract which is called to be the North line of said West Survey;

THENCE N 89° 46' 55" E along said North line 1142.04 feet to a 3/8 inch iron rod set for the Southwest corner of said called 13.5 acre tract which is the occupied Southeast corner of the Harrison Survey and the occupied most Western Southwest corner of the E. Meyers Survey, from which a fence corner bears S 00° 54' 44" E 2 feet and a 20 inch Sweet Gum bears N 70° 07' E 23.4 feet;

THENCE N 00° 54' 44" W along the West line of said called 13.5 acre tract which is called to be the West line of said Meyers Survey and the East line of the Harrison Survey 453.48 feet to a fence corner found for the occupied northwest corner of the Meyers Survey and the Southwest corner of the J. W. Williams Survey A-1140, from which a 20 inch Hickory bears S 66° E 27.2 feet;

THENCE S 89° 57' 26" E along the North line of said called 13.5 acre tract which is called to be the North line of the Meyers Survey and the South line of the Williams Survey 1334.14 feet to a concrete marker found for the Northeast corner of said called 13.5 acre tract, from which a 14 inch Hickory bears S 78° E 24.5 feet and a 24 inch Hickory bears S 04° E 16 feet;

THENCE S 00° 30' 04" W along the East line of said called 13.5 acre tract 447.41 feet to a 3/8 inch iron rod set for the Southeast corner of said called 13.5 acre tract, from which a fence corner bears N 00° 30' 04" E 2.6 feet and a 16 inch Hickory bears N 20° 13' W 31.0 feet;

THENCE S 89° 46' 55" W along the South line of said called 13.5 acre tract 570.44 feet to the point of beginning and containing 65.58 acres of land, more or less.

LESS & EXCEPT:

All that certain 32.29 acre tract of land situated in the E. West Survey, Abstract 1080 of Cass County, Texas and being part of a called 65.58 acre tract described in deed from Charles Evan Scarborough to Steven W. Putman, filed December 4, 1995 in Volume 998, Page 602 of the Cass County Deed Records, said tract being further described as follows:

BEGINNING at a railroad spike set in an existing country road at the most Western Northwest corner of said 65.58 acre tract on the North line of said West Survey;

THENCE N 89° 46' 55" E along the North line of said West Survey 1142.04 feet to a 3/8 inch iron rod found at an ell corner of said 65.58 acre tract;

THENCE S 00° 54' 44" E (bearing by solar observation) 1140.24 feet to a 3/8 inch iron rod set on the South line of said 65.58 acre tract, from which a stone found at an ell corner of said 65.58 acre tract bears North 89° 46' 55" East 741.34 feet;

THENCE S 89° 46' 55" W along the South line of said 65.58 acre tract 1405.59 feet to a railroad spike set at the Southwest corner of said 65.58 acre tract in an existing county road;

THENCE N 22° 12' 10" East 400.37 feet and North 08° 06' 08" E 629.67 feet and North 02° 05' 15" East 147.13 feet along the meanders of said road and along the West line of said 65.58 acre tract to the POINT OF BEGINNING and containing 32.29 acres of land, more or less of which 0.54 of an acre, more or less, lies in an existing county roadway.

Access Easement

A perpetual non-exclusive 30' access easement for ingress and egress over and across the South boundary line retained in Warranty Deed filed in Volume 1031, Page 449, from Steven W. Putman aka Steven Wayne Putman, a single man to Edd J. Minor, Jr. And wife, Debbie Minor dated May 2, 1997 in the Official Public Records of Cass County, Texas.

Tract 2

All that certain 16.0 acres of land in the Ed Meyer Survey A-1304, Cass County, Texas, located about 15.5 miles west of the Courthouse in the City of Linden, and being a part of a called 166.6 acre tract conveyed by L. C. Harris to James H. Harris and wife, by deed dated September 30, 1955, recorded in Volume 321, Page 221, Deed Records, Cass County, Texas; said 16.0 acres of land being more particularly described as follows:

BEGINNING at a 4" concrete monument found at a fence corner for the Westernmost Northwest corner of the 166.6 acre tract;

THENCE with the fenced boundary line of the 166.6 acre tract South 87° 40' 18" E 1032.64 feet and South 87° 19' 40" E 1015.01 feet to a 3/8 inch iron rod set on the West right-of-way line of FM Road 161;

THENCE S 12° 39' 00" W 123.00 feet with the West right-of-way line of FM Road 161 to a 3/8 inch iron rod set in same, from which a concrete highway monument found 50 feet left of Engineer's Centerline Station PT 105 + 38.4 brs South 12° 39' 00" West 552.20 feet;

THENCE S 48° 57' 00" W 90.00 feet with the centerline of a dirt road to a 3/8 inch iron rod set;

THENCE N 87° 19' 40" W 641.56 feet to a 3/8 inch iron rod set;

ADDENDUM (Page 3 of 3)

THENCE S 16° 33' 22" W 255.68 feet to a 3/8 inch iron rod set for a corner of the 166.6 acre tract;

THENCE N 88° 01' 15" W 1257.75 feet with the boundary line of the 166.6 acre tract to a fence corner;

THENCE N 02° 34' 50" E 440.57 feet with the fenced boundary line of the 166.6 acre tract to the point of beginning and containing 16.0 acres of land, more or less.

Tract 3

All that certain tract or parcel of land situated in Cass County, Texas, a part of the Ed West Survey A-1080, more particularly described as follows:

BEGINNING at a stake in old fence corner at the NE corner of said West Survey as used and occupied on the ground.

THENCE S with the EBL of said West survey 746.5 feet to a stake for corner in said line;

THENCE N 89 ¼ W 695.7 feet to a stake for corner;

THENCE N 746.5 feet to a stake for corner in the NBL of said West Survey, witness a 4" R.O. brs. S 56 W.9 feet a 4" R.O. brs. S 14 E 14.4 feet

THENCE S 89 ¼ E with the NBL of said survey 695.7 feet to the beginning, containing 11.92 acres of land, more or less.