

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

SUBSTITUTE TRUSTEE'S DEED

**THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF HARRIS §**

THAT on March 21, 2012, SHACKELFORD & ASSOCIATES, LLC ("**Mortgagor**") executed that certain Promissory Note (the "**Note**") in the original principal sum of \$805,500.00 payable to the order of Icon Bank of Texas, N.A. ("**Icon Bank**"), which Note is secured by a Deed of Trust and Security Agreement (with Assignment of Rents and Leases) (the "**Deed of Trust**") of even date therewith from Mortgagor to MARK S. REILEY, as Trustee ("**Trustee**") for the benefit of Icon Bank, recorded as Clerk's File No. 20120126795 in the Official Public Records of Harris County, Texas, conveying all of Mortgagor's right, title, and interest in and to that one certain parcel of real property situated in Harris County, Texas, and described as follows:

Lot Two (2) in Block One (1), of Ivanhoe Park Villas, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded under Film Code No. 605208, of the Map Records of Harris County, Texas (the "**Property**"); and

WHEREAS, BANCORPSOUTH BANK, as successor by merger with Icon Bank, became owner and holder of the Note effective as of October 1, 2018; and

WHEREAS, the Note matured and was in default, and the amount due and owing under the Note as of January 28, 2019 was \$774,113.82, plus attorney's fees, trustee's fees, and other charges as provided in the Note and Deed of Trust; and

WHEREAS, BANCORPSOUTH BANK appointed the undersigned, Brian B. Kilpatrick, as Substitute Trustee ("**Substitute Trustee**"), whose street address is 2500 Fannin Street, Houston, Texas 77002, pursuant to the Deed of Trust and directed Substitute Trustee to enforce the power of sale under the Deed of Trust after giving notice of the time, place and terms of said sale and the property to be sold pursuant to the requirements of the Deed of Trust and the laws of the State of Texas; and

WHEREAS, I, Brian B. Kilpatrick, as Substitute Trustee, caused to be posted a written Notice of Substitute Trustee's Sale at the courthouse door of the County Courthouse of Harris County, Texas, for at least 21 days prior to the day of sale, March 5, 2019, being the first Tuesday of March, 2019, stating that I, as Substitute Trustee under the Deed of Trust, would sell the Property at public auction to the highest bidder for cash at the Bayou City Event Center in Harris County, Texas, which has been designated by the Commissioner's Court of Harris County, Texas, as the area where

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foreclosure sales are to take place, which area is situated at 9401 Knight Road, Houston, Harris County, Texas, between the hours of 10:00 a.m. and 4:00 p.m., with the sale beginning no earlier than 10:00 a.m. and no later than three hours thereafter; and

WHEREAS, as evidenced by the affidavit attached to this Substitute Trustee's Deed and made a part of it, BANCORPSOUTH BANK, by and through its duly appointed Substitute Trustee, served the Notice of Substitute Trustee's Sale by certified mail, return receipt requested, at least 21 consecutive days prior to the date of the sale, on each debtor obligated to pay the indebtedness according to the records of BANCORPSOUTH BANK at its last-known address as shown in the records of the holder as required by law; and

WHEREAS, as evidenced by the affidavit attached to this Substitute Trustee's Deed and made a part of it, BANCORPSOUTH BANK, by and through its duly-appointed Substitute Trustee, served a Notice of Nonjudicial Sale of Property (IRS Form 14497) by certified mail, return receipt requested, at least 25 consecutive days prior to the date of the sale, on the United States of America Internal Revenue Service in accordance with the provisions of 26 U.S.C. § 7425; and

WHEREAS, I, as Substitute Trustee, caused the Notice of Substitute Trustee's Sale to be filed with the Harris County Clerk's office at least 21 consecutive days prior to the date of the sale under Clerk's File No. FRCL-2019-1251 in the Official Public Records of Harris County, Texas; and

WHEREAS, pursuant to the mailing, posting, and filing of the notices and in accordance with the Deed of Trust and the laws of the State of Texas, I, as Substitute Trustee under the Deed of Trust, proceeded to sell the Property on March 5, 2019, at the Bayou City Event Center in Harris County, Texas, which has been designated by the Commissioner's Court of Harris County, Texas, as the area where foreclosure sales are to take place, which area is situated at 9401 Knight Road, Houston, Harris County, Texas, between the hours of 10:00 a.m. and 4:00 p.m., with the sale beginning no earlier than 10:00 a.m. and no later than three hours thereafter (as specified in the Notice of Substitute Trustee's Sale); and


WHEREAS, at the sale, on March 5, 2019 at 10:47 a.m., the Property was sold by me as Substitute Trustee, to BANCORPSOUTH BANK ("Grantee"), whose mailing address is 201 South Spring Street, Tupelo, MS 38804, for the sum of \$605,500.00, Grantee being the highest bidder for the Property, and that sum being the highest bid for the Property; and

NOW, THEREFORE, I, BRIAN B. KILPATRICK, SUBSTITUTE TRUSTEE, of Harris County, Texas, by virtue of the power granted to me under the Deed of Trust, and in the capacity of Substitute Trustee, and in consideration of the foregoing premises and the sum \$605,500.00, cash in hand paid to me by Grantee, the receipt of which is hereby acknowledged, and which sum I have applied pursuant to the terms of the Deed of Trust, have **GRANTED, SOLD and CONVEYED**, and by these presents do **GRANT, SELL and CONVEY**, unto Grantee, its successors and assigns, all of the above-described Property "AS-IS," "WHERE-IS," and "WITH ALL FAULTS" without any express or implied warranties, except as to warranties of title,

TO HAVE AND TO HOLD, the Property, together with all and singular, the rights and appurtenances thereto, in anywise belonging to Grantee, its successors and assigns forever; and for

and on behalf of Mortgagor, Grantor in the Deed of Trust, and its successors and assigns, warrant and forever defend those rights and appurtenances insofar as is authorized by the Deed of Trust to Grantee and its successors and assigns, against every person whomsoever lawfully claiming or attempting to claim the Property or any part thereof.

IN WITNESS HEREOF, this instrument has been executed on April 11, 2019.


Brian B. Kilpatrick, Substitute Trustee

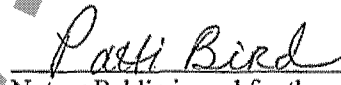
THE STATE OF TEXAS

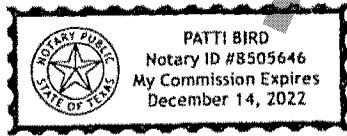
§
§
§

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Brian B. Kilpatrick, Substitute Trustee, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND and SEAL OF OFFICE on this the 11 day of April, 2019.


Notary Public in and for the
State of Texas



AFTER RECORDING RETURN TO:
Wilson Cribbs + Goren
2500 Fannin Street
Houston, Texas 77002
Attention: Brian B. Kilpatrick
(Our File No. 10152.005)

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COPY

SUBSTITUTE TRUSTEE'S AFFIDAVIT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

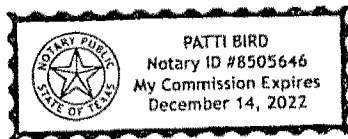
The undersigned, having knowledge of the matters hereinafter set forth, after being duly sworn, deposes and states under oath as follows:


BANCORPSOUTH BANK, as successor by merger with Icon Bank of Texas, N.A., is the holder of the indebtedness secured by a Deed of Trust executed by Shackelford & Associates, LLC to MARK S. REILEY, as Trustee for the benefit of Icon Bank of Texas, N.A., recorded as Clerk's File No. 20120126795 in the Official Public Records of Harris County, Texas. As authorized by and provided for in said Deed of Trust, BANCORPSOUTH BANK appointed me, Brian B. Kilpatrick, as Substitute Trustee, and I did, at least twenty-one (21) days preceding the date of the sale made on March 5, 2019: (i) cause to have served written notice of the proposed sale, including a statement of the earliest time at which the sale was to occur and a description of the area where the sale was to be held, at the area located at the Bayou City Event Center in Harris County, Texas, which has been designated by the Commissioner's Court of Harris County, Texas, as the area where foreclosure sales are to take place, which area is situated at 9401 Knight Road, Houston, Harris County, Texas, by certified mail on each debtor obligated to pay such indebtedness, according to the records of such holder, by the deposit of a copy of the notice of such Substitute Trustee's Sale, enclosed in a postpaid wrapper, properly addressed to each such Debtor at Debtor's most recent address, as shown by the records of the holder of such indebtedness, in a post office or official depository under the care and custody of the United States Postal Service; (ii) cause to have filed with the Harris County Clerk's office written notice of the proposed sale; and (iii) cause to have posted at the courthouse door of the County Courthouse of Harris County, Texas, the county in which the Property is situated, notice of the proposed sale. Further, I did, , at least twenty-five (25) consecutive days prior to the date of the sale made on March 5, 2019, cause to be served a Notice of Nonjudicial Sale of Property (IRS Form 14497) by certified mail, return receipt requested on the United States of America Internal Revenue Service, in accordance with the provisions of 26 U.S.C. § 7425.



Brian B. Kilpatrick, Substitute Trustee

SWORN TO and SUBSCRIBED before me by Brian B. Kilpatrick on this 11 day of April, 2019, to certify which witness my hand and seal of office.





Notary Public in and for the
State of Texas

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COPY

COMPLETED SALE FORECLOSURE FORM

Instructions: Submit this form to the county clerk in which the foreclosure is taking place.

Date this form is submitted to county clerk (may be file stamped) _____

Is this property residential real property? (Yes/No) _____

Yes

Zip code of the property for which the substitute trustee's deed, sheriff's deed or other valid conveyance out of foreclosure is filed _____

77027

This form is being used to memorialize the filing of a substitute trustee's deed, sheriff's deed or other valid conveyance out of foreclosure related to residential real property in connection with the notices required by TEX. PROP. CODE, §51.002.

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UNOFFICIAL COPY

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
Street Address: 221 East 11th Street, Austin, TX 78701
Mailing Address: PO Box 13941, Austin, TX 78711
Main Number: 512-475-3800 Toll Free: 1-800-525-0657
Email: info@dhca.state.tx.us Web: www.dhca.state.tx.us



Last updated 1/4/2012

POSTING AFFIDAVIT

STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned on this day personally appeared Tom Emerson, a person well known to me, who, after being duly sworn, upon oath stated:

That I Tom Emerson am a person over the age of 18 years, have never been convicted of a felony or a crime of moral turpitude and have personal knowledge of the facts set forth herein.

At the request of Brian Kilpatrick, Substitute Trustee, appointed to enforce the power of sale contained in that one certain Deed of Trust dated March 21, 2012, executed by Icon Bank of Texas to Mark S. Reiley, Trustee, filed for record under Clerk's File No. 20120126795 in the Official Public Records of Real Property of Harris County, Texas, securing payment of that one certain Note dated March 21, 2012, executed by Shackelford & Associates, LLC payable to the order of Icon Bank of Texas, N.A., its heirs, successors and assigns, I posted a signed copy of a Notice of Substitute Trustee's Sale, of which a true and correct copy is attached hereto and incorporated herein by reference for all purposes, at the following time and place:

The Courthouse door of the County Courthouse of Harris County, Texas at 4:20 PM a.m./p.m) on the 8th day of February, 2019.

In addition I filed a signed copy of a Notice of Substitute Trustee's Sale, of which a true and correct copy is attached in the Office of the County Clerk of Harris County, Texas at 4:10 am/pm) on the 8th day of February, 2019.

EXECUTED this 8th day of February, 2019.

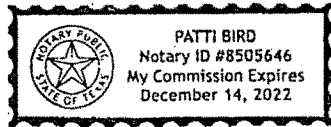
Tom Emerson
Affiant

STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority personally appeared Tom Emerson, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and considerations therein stated.

GIVEN UNDER MY HAND SEAL OF OFFICE on this 8th day of February, 2019.



Patti Bird
Notary Public in and for the State of Texas

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Pages 7
04/12/2019 12:02 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
DIANE TRAUTMAN
COUNTY CLERK
Fees \$36.00

COPY UNOFFICIAL

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Diane Trautman

COUNTY CLERK
HARRIS COUNTY, TEXAS

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