

**SUBSTITUTED TRUSTEE'S NOTICE OF SALE**

WHEREAS on the 18<sup>th</sup> day of July, 2003, Bradlee S. Spence executed a Deed of Trust to David Porteous, as Trustee for the benefit of Suzy M. Spence which Deed of Trust is recorded in Deed of Trust Book 1784 at page 185 in the office of the Chancery Clerk of Desoto County, Mississippi; and

WHEREAS, the aforesaid Suzy M. Spence, the holder of said Deed of Trust and the note secured thereby, authorized the appointment and substitution of another Trustee in the place of the Trustee named in said Deed of Trust. Suzy M. Spence substituted William P. Myers, as Substitute Trustee therein, as authorized by the terms thereof by instrument and recorded on the 6<sup>th</sup> day of March, 2012, in Book 3,409 at Page 678 in the office of the Chancery Clerk of Desoto County Mississippi; and

WHEREAS, default having been made in the terms and conditions of said Deed of Trust and the entire debt secured thereby having been declared to be due and payable in accordance with the terms of said Deed of Trust, and the legal holder of said indebtedness, Suzy M. Spence, having requested the undersigned Substituted Trustee to execute the trust and sell said land and property in accordance with the terms of said Deed of Trust for the purpose of raising the sums due thereunder together with attorney's fees, Substituted Trustee's fees and expenses of sale;

NOW THEREFORE, I, William P. Myers, Substituted Trustee in said Deed of Trust will on the 23<sup>rd</sup> day of April, 2012, offer for sale at public outcry for cash to the highest bidder, and sell within legal hours (being between the hours of 11:00 a.m. and 4:00 p.m.) at the East Front Door of the Desoto County Courthouse located at 2535 Hwy. 51 S., Hernando, Desoto County, State of Mississippi, the following described property situated in DeSoto County, Mississippi, as follows:

**See attached Exhibit "A" for legal description**

4-23-12

I WILL CONVEY only such title as is vested in me as Substituted Trustee.

WITNESS MY SIGNATURE, this the 22<sup>d</sup> day of March, 2012.



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WILLIAM P. MYERS, SUBSTITUTED TRUSTEE  
MYERS LAW GROUP, PLLC  
P. O. BOX 876  
HERNANDO, MS 38632  
662-429-1994

**PREPARED BY:**

MYERS LAW GROUP, PLLC  
P. O. BOX 876  
HERNANDO, MS 38632  
662-429-1994

**PUBLICATION DATES:** March 27, April 3, 10, 17

Exhibit A

A legal description of a 11.84 acres more or less, tract of land being located in the Northwest quarter of the Northwest quarter of Section 31, Township 1 South, Range 6 West, town, DeSoto County, Mississippi and being more particularly described as follows:

Commencing at the Northwest corner of Section 31; thence East for a distance of 212.58 feet to a point; thence South for a distance of 84.29 feet to a 1/2" rebar found on the South right of way of Mississippi Highway #302 being the True Point of Beginning for the herein described tract of land; thence North 85 degrees 33 minutes 51 seconds East for a distance of 121.78 feet to a concrete right of way marker found; thence South 89 degrees 53 minutes 07 seconds East for a distance of 216.99 feet to a 1/2" rebar found; thence South 00 degrees 06 minutes 53 seconds West for a distance of 265.00 feet to a 1/2" rebar found; thence South 89 degrees 53 minutes 07 seconds East for a distance of 200.00 feet to a 1/2" rebar found; thence North 00 degrees 06 minutes 53 seconds East for a distance of 263.60 feet to a 1/2" rebar found; thence South 85 degrees 16 minutes 43 seconds East for a distance of 44.71 feet to a concrete right of way marker found; thence South 84 degrees 00 minutes 34 seconds East for a distance of 139.29 feet to a concrete right of way marker found; thence North 82 degrees 58 minutes 26 seconds East for a distance of 125.71 feet to a concrete right of way marker found; thence South 37 degrees 11 minutes 11 seconds East for a distance of 80.76 feet to a concrete right of way marker found on the West right of way of Autumn Oaks Drive (50'); thence South 00 degrees 39 minutes 18 seconds East for a distance of 480.40 feet to a 1/2" pipe found on said right of way; thence North 89 degrees 42 minutes 50 seconds West for a distance of 153.24 feet to a 1/2" pipe found; thence South 28 degrees 09 minutes 11 seconds West for a distance of 39.14 feet to a 1/2" rebar found; thence South 89 degrees 33 minutes 18 seconds West for a distance of 896.27 feet to a 1/2" rebar found on the East right of way of Davidson Road (80'); thence North 00 degrees 13 minutes 49 seconds West for a distance of 326.06 feet to a 1/2" rebar found on said right of way; thence South 89 degrees 53 minutes 07 seconds East for a distance of 169.85 feet to a 1/2" rebar found; thence North 00 degrees 15 minutes 27 seconds West for a distance of 255.34 feet to a point to the True Point of Beginning and containing 515,659 square feet or 11.84 acres, more or less, being subject to all codes, regulations and restrictions, rights of way, and easements of record; and

A legal description of a 1.22 acres, more or less, tract of land being located in the Northwest quarter of the Northwest quarter of Section 31, Township 1 South, Range 6 West, Olive Branch, DeSoto County, Mississippi and being more particularly described as follows:

Commencing at the Northwest corner of Section 31; thence East for a distance of 550.99 feet to a point; thence South for a distance of 75.30 feet to a 1/2" rebar found on the South right of way of Mississippi

Highway #302 being the True Point of Beginning for the herein described tract of land; thence South 89 degrees 53 minutes 07 seconds East for a distance of 182.68 feet to a concrete right of way marker found; thence South 85 degrees 16 minutes 43 seconds East for a distance of 17.38 feet to a 1/2" rebar found; thence South 00 degrees 06 minutes 53 seconds West for a distance of 263.60 feet to a 1/2" rebar found; thence North 89 degrees 53 minutes 07 seconds West for a distance of 200.00 feet to a 1/2" rebar found; thence North 00 degrees 06 minutes 53 seconds East for a distance of 265.00 feet to a point to the True Point of Beginning and containing 52,987 square feet of 1.22 acres, more or less, being subject to all codes, regulations and restrictions, rights of way, and easements of record.

*Less and except those tracts previously conveyed and described as follows:*

**1. Conveyed to Lucky 7 Investments, LLC by deed dated October 31, 2005 and recorded in Book 514 at Page 734:**

1.43 acres being part of Davidson Oaks Commercial Subdivision located in the Northwest Quarter of Section 31, Township 1 South Range 6 West, City of Olive Branch, DeSoto County, Mississippi, being described as follows:

Commencing from the Northwest Corner of Section 31, Township 1 South, Range 6 West, DeSoto County, Mississippi, thence East for a distance of 212.46 feet, thence South 84.30 feet to a PK nail set in a driveway entrance on the South side of Goodman Road, said point being the point of beginning; thence along said South right of way North 85 degrees 33 minutes 51 seconds East for a distance of 121.78 feet to a half inch iron pin set; thence continuing along said right of way South 89 degrees 53 minutes 07 seconds East for a distance of 116.99 feet to a half inch iron pin set; thence leaving said right of way South 0 degrees 06 minutes 51 Seconds West for distance of 265.00 feet to a half inch iron pin set; thence North 89 degrees 53 minutes 07 seconds West for a distance of 236.73 feet to a half inch iron pin found; thence North 0 degrees 15 minutes 27 seconds West for a distance of 255.34 feet to a PK nail set, said point being the point of beginning. Said parcel contains 1.43 acres and is subject to right of ways and easements of record.

**2. Conveyed to O'Reilly Automotive, Inc. by deed dated March 4, 2006 and recorded in Book 523 at Page 16.**

A tract of land being located in the Northwest Quarter of the Northwest Quarter of Section 31, Township 1 South, Range 6 West, DeSoto County, Mississippi and being more particularly described as follows:

Commencing at the Northwest corner of said Section 31; thence North 90 degrees 00 minutes 00 seconds East 927.34 feet to a point; thence South 00 degrees 00 minutes 00 seconds East 94.63 feet to a 1/2 inch rebar set on the south right of way line of Mississippi Highway #302 (aka Goodman Road)

being the true Point of Beginning; thence South 00 degrees 11 minutes 47 seconds East 251.38 feet to a 1/2 inch rebar; thence North 90 degrees 00 minutes 00 seconds West 150.00 feet to a 1/2 inch rebar; thence North 00 degrees 11 minutes 47 seconds West 266.72 feet to a 1/2 inch rebar set in the said south right of way line; thence along said south right of way line the following courses: South 85 degrees 16 minutes 43 seconds East 18.19 feet to a found concrete right of way marker; thence South 84 degrees 00 minutes 34 seconds East 132.65 feet back to the Point of Beginning.

Indexing Instructions: A tract of land located in the NW 1/4 of the NW 1/4 of Section 31, Township 1 South, Range 6 West, DeSoto County, Mississippi

**3. Conveyed to Davidson Oaks Property Owner's Association, Inc. by deed dated April 11, 2008 and recorded in Book 582 at Page 398.**

#### TRACT I

A legal description of a 0.94, more or less, acre tract of land located in the Northwest quarter of the Northwest quarter of Section 31, Township 1 South, Range 6 West, Olive Branch, DeSoto County, Mississippi and is further described as follows:

Commencing at the Northwest corner of Section 31, Township 1 South, Range 6 West thence East along the North line of said Section a distance of 1107.65 feet to a point in the center of Goodman Road; thence South a distance of 144.28 feet to a 1/2" rebar set at the Northeast corner of Lot 4 of Davidson Oaks Commercial Subdivision; thence South 00 degrees 39 minutes 18 seconds East a distance of 362.68 feet to a 1/2" rebar set at the point of beginning of the herein described property; thence South 00 degrees 39 minutes 18 seconds East a distance of 117.71 feet to a 1/2" rebar set; thence North 89 degrees 42 minutes 50 seconds West a distance of 153.24 feet to a 1/2" rebar set; thence South 28 degrees 09 minutes 11 seconds West a distance of 39.14 feet to a 1/2" rebar set; thence South 89 degrees 33 minutes 18 seconds West a distance of 115.18 feet to a 1/2" rebar set; thence North 00 degrees 25 minutes 06 seconds West a distance of 187.65 feet to a 1/2" rebar set; thence North 90 degrees 00 minutes 00 seconds East a distance of 68.14 feet at a 1/2" rebar set; thence South 49 degrees 33 minutes 58 seconds East a distance of 54.60 feet to a 1/2" rebar set; thence North 89 degrees 57 minutes 50 seconds East a distance of 177.21 feet to a 1/2" rebar set which is the True Point of Beginning, having an area of 41079.03 square feet, 0.943 acres, being subject to all regulations and restrictions, rights of way and easements of record, and maintenance requirements set forth by the City of Olive Branch, and the future right of way of Autumn Oaks Road.

## TRACT II

A legal description of a 0.79, more or less, acre tract of land located in the Northwest quarter of the Northwest quarter of Section 31, Township 1 South, Range 6 West, Olive Branch, DeSoto County, Mississippi and is further described as follows:

Commencing at the Northwest corner of Section 31, Township 1 South, Range 6 West thence East along the North line of said Section a distance of 450.99 feet to a point in the center of Goodman Road; thence South a distance of 75.10 feet to a 1/2" rebar set on the South line of Goodman Road and the point of beginning of the herein described property; thence South 89 degrees 53 minutes 07 seconds East along the South line of Goodman Road a distance of 30.00 feet to a 1/2" rebar set; thence South 00 degrees 06 minutes 50 seconds West a distance of 265.00 feet to a 1/2" rebar set; thence South 89 degrees 53 minutes 08 seconds East a distance of 218.18 feet to a 1/2" rebar set; thence with a curve turning to the right with an arc length of 43.66 feet, a radius of 330.00 feet, a chord bearing of South 86 degrees 05 minutes 42 seconds East, a chord length of 43.63 feet; and a delta angle of 7 degrees 34 minutes 50 seconds to a 1/2" rebar set; thence with a reverse curve turning to the left with an arc length of 36.26 feet, with a radius of 270.00 feet, a chord bearing of South 86 degrees 09 minutes 09 seconds East, a chord length of 36.24 feet, a delta angle of 7 degrees 41 minutes 43 seconds to a 1/2" rebar set; thence North 90 degrees 00 minutes 00 seconds East a distance of 150.00 feet to an iron pin found; thence South 00 degrees 00 minutes 06 seconds East a distance of 30.0 feet to a 1/2" rebar set; thence North 89 degrees 59 minutes 54 seconds West a distance of 150.00 feet to a 1/2" rebar set; thence with a curve turning to the right with an arc length of 40.29 feet, with a radius of 300.00 feet a chord bearing of North 86 degrees 09 minutes 09 seconds West, a chord length of 40.26 feet, and a delta angle of 7 degrees 41 minutes 43 seconds to a 1/2" rebar set; thence with a reverse curve turning to the left with an arc length of 39.69 feet, with a radius of 300.00 feet, a chord bearing of North 86 degrees 05 minutes 42 seconds West, with a chord length of 39.66 feet and a delta angle of 7 degrees 34 minutes 50 seconds to 1/2" rebar set; thence North 89 degrees 53 minutes 08 seconds West a distance of 325.25 feet to a 1/2" rebar set; then North 89 degrees 53 minutes 07 seconds West a distance of 329.47 feet to a 1/2" rebar set on the East right of way of Davidson Road, thence North 00 Degrees 15 minutes 27 Seconds West along the East line of said right of way a distance of 30.00 feet to a 1/2" rebar set at the Southwest corner of Lot 1 Davidson Oaks Commercial Subdivision; thence along the South line of said Lot 1 South 89 degrees 53 minutes 07 seconds East a distance of 170.00 feet to a 1/2" rebar set being a common corner of the herein described property and Lot 2 of Davidson Oaks Commercial Subdivision; thence South 89 degrees 53 minutes 04 seconds East along the South line of Lot 2 a distance of 236.73 feet to a 1/2" rebar set being a common corner of the herein described property and the aforementioned Lot 2; thence

North 00 degrees 06 minutes 50 seconds East along the East line of Lot 2 a distance of 265.00 feet to a 1/2" rebar set which is the True Point of Beginning, having an area of 34494.10 square feet, 0.79 acres, being subject to all regulations and restrictions.

INDEXING INSTRUCTIONS: Both tracts of land located in the Northwest quarter of the Northwest quarter of Section 31, Township 1 South, Range 6 West, DeSoto County, Mississippi.

**4. Conveyed to Pro Entertainment, Inc. by deed dated April 11, 2008 and recorded in Book 586 at Page 221.**

A legal description of a 3.00, more or less, acre tract of land located in the Northwest quarter of the Northwest quarter of Section 31, Township 1 South, Range 6 West, Olive Branch, DeSoto County, Mississippi and is further described as follows:

Commencing at the Northwest corner of Section 31, Township 1 South, Range 6 West thence East along the North line of said Section a distance of 450.99 feet to a point in the center of Goodman Road; thence South a distance of 75.10 feet to a 1/2" rebar set on the South line of Goodman Road at the Northeast corner of Lot 2 of Davidson Oaks Commercial Subdivision; thence South 00 degrees 06 minutes 50 seconds West along the East line of said Lot 2 a distance of 265.00 feet to a 1/2" rebar set at the Southeast corner of Lot 2; thence North 89 degrees 53 minutes 04 seconds West along the South line of the aforementioned Lot 2 a distance of 77.07 feet to a point; thence South 00 degrees 06 minutes 51 seconds West a distance of 30.00 feet to a 1/2" rebar set being the point of beginning of the herein described property; thence South 89 degrees 53 minutes 08 seconds East a distance of 325.25 feet to a 1/2" rebar set; thence with a curve turning to the right with an arc length of 39.69 feet, a radius of 300.00 feet, a chord bearing of South 86 degrees 05 minutes 42 seconds East, a chord length of 39.66 feet, and a delta angle of 7 degrees 34 minutes 50 seconds to a 1/2" rebar set; thence with a reverse curve turning to the left with an arc length of 40.29 feet, a radius of 300.00 feet, a chord bearing of South 86 degrees 09 minutes 09 seconds East, a chord length of 40.26 feet, and a delta angle of 7 degrees 41 minutes 43 seconds to a 1/2" rebar set; thence South 89 degrees 55 minutes 19 seconds East a distance of 45.86 feet to a 1/2" rebar set; thence South 00 degrees 25 minutes 06 seconds East a distance of 283.22 feet to a 1/2" rebar set; thence South 89 degrees 33 minutes 18 seconds West a distance of 453.52 feet to a 1/2" rebar set; thence North 00 degrees 06 minutes 51 seconds East a distance of 292.85 feet to a 1/2" rebar set; which is the point of beginning, having an area of 130966.99 square feet, 3.007 acres, being subject to all regulations and restrictions, subdivision restrictions, rights of way and easements of record.

INDEXING INSTRUCTIONS: A tract of land located in the Northwest quarter of the Northwest quarter of Section 31, Township 1 South, Range 6 West, DeSoto County, Mississippi.

**5. Conveyed to Barry Holland and Larry Holland by deed dated December 29, 2004 and recorded in Book 489 at Page 739.**

Lot 4, Davidson Oaks Subdivision, in Section 31, Township 1 South, Range 6 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 89, Page 31, in the office of the Chancery Clerk of DeSoto County, Mississippi.