

#61

NOTICE OF TRUSTEE'S SALE
(NON-JUDICIAL FORECLOSURE)

December 14, 2020

Notice is hereby given of a public, non-judicial foreclosure sale.

Notice to Member(s) of Armed Forces: 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 a as a member of the 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. The address of the sender of this notice is set forth below.

Deed of Trust:

Dated: January 10, 2020

Grantor: Lewis Allen Holland

Trustee: David K. Waggoner

Beneficiary: Freddie Earl Hargrove

Recorded in: Volume 2034, Page 105,
Clerk's Instrument Number 109869,
Official Public Records of Hill County, Texas

Secures: Real Estate Lien Note (the "Note") in the original principal amount of \$35,000.00, executed by Lewis Allen Holland and payable to the order of Freddie Earl Hargrove

Description of the Real Property: All that certain lot, tract or parcel of land being a part of Lot 8, Block 27 of the Browder Addition to the City of Itasca in Hill County, Texas, and being more fully described on **Exhibit "A"** attached hereto and incorporated herein for all purposes (the "Property").

Trustee: David K. Waggoner

Trustee's Address: 103 West Elm Street
P.O. Box 875
Hillsboro, Texas 76645

FILED 9:55 A.M

DEC 14 2020

Nicole Tanner
CLERK COUNTY, HILL COUNTY TEXAS
BY J. Castaneda DEPUTY

Foreclosure Sale (the "Sale"):

Date: Tuesday, January 5, 2021

Time: The Sale shall begin no earlier than 9:00 A.M., or no later than three hours thereafter. The Sale shall be completed by no later than 12:00 P.M.

Place: Hill County Courthouse in Hillsboro, Texas, on the east exterior steps as designated for foreclosure sales by the Commissioners Court of Hill County, Texas, pursuant to Section 51.002 of the Texas Property Code.

Terms of Sale: The Sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the Beneficiary thereunder to have the bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of the Sale. Pursuant to the Deed of Trust, the Beneficiary has the right to direct the Trustee to sell the Property in one or more parcels and/or to sell all or only part of the Property.

The Deed of Trust permits the Beneficiary to postpone, withdraw, or reschedule the Sale for another day. In that case, the trustee or substitute trustee under the Deed of Trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be re-posted and re-filed in accordance with the posting and filing requirements of the Texas Property Code. Such re-posting or re-filing may be after the date originally scheduled for this Sale.

Those desiring to purchase the Property will need to demonstrate their ability to pay cash on the day the property is sold. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

The Sale is a non-judicial Deed of Trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust. The 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 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. Pursuant to Section 51.0075 of the Texas Property Code, the Trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the Trustee.

Pursuant to section 51.009 of the Texas Property Code, the Property shall be sold on an "AS IS, WHERE IS" basis, without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust.

Default has occurred under the Deed of Trust and the Beneficiary has requested me, as the duly appointed Trustee, to conduct the Sale. Notice is given that before the Sale the Beneficiary may appoint another person as Substitute Trustee to conduct the Sale.

THIS INSTRUMENT APPOINTS THE TRUSTEE IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT (DEED OF TRUST) IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY AUTHORIZED TO CONDUCT THE FORECLOSURE SALE ON BEHALF OF THE MORTGAGEE (BENEFICIARY) .

Executed this 14th day of December, 2020.

David K. Waggoner

David K. Waggoner, Trustee
State Bar No. 50511604
103 West Elm Street
P.O. Box 875
Hillsboro, Texas 76645
Telephone: 254-580-0265
Info@WaggonerLawFirm.net

CERTIFICATE OF POSTING

I am David K. Waggoner, whose address is 103 West Elm Street, Hillsboro, Texas, 76645. I hereby declare under penalty of perjury that on December 14, 2020, I filed this Notice of Trustee's Sale at the office of the Hill County Clerk and caused it to be posted at the location directed by the Hill County Commissioners Court.

David K. Waggoner

David K. Waggoner

EXHIBIT "A"

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Field notes for the survey of that certain lot, tract or parcel of land being a part of Lot 8, Block 27 of the Browder Addition to the City of Itasca in Hill County, Texas. Said land is all that certain tract described in a Sheriff's Deed from Brent Button to the City of Itasca in trust recorded in Volume 1562, Page 117 of the Official Public Records of Hill County as it exists on the ground today, more particularly described as follows:

BEGINNING at a 5/8" iron rod set in the east line of South Aquilla Street and in the west line of said Lot 8 for the northwest corner of that certain "First Tract" described in a deed to Vera McGill recorded in Volume 739, Page 142 of the Deed Records of Hill County and for the southwest corner of this, said rod being $N29^{\circ}44'18"W$ 85.44 feet from the southwest corner of said Lot 8 at the intersection of the east line of South Aquilla Street with the north line of Marion Street (Burleson Street):

THENCE with the east line of South Aquilla Street, $N29^{\circ}44'18"W$ 42.72 feet to a 5/8" iron rod set for the southwest corner of that certain "Second Tract" described in a deed to Marvin Dwayne Hyder recorded in Volume 1353, Page 324 of the Official Public Records of Hill County;

THENCE $N59^{\circ}10'59"E$ 75.00 feet to a 5/8" iron rod set in the east line of said Lot 8 for the southeast corner of said Hyder tract and for the northeast corner of this;

THENCE with the east line of said Lot 8, $S29^{\circ}44'18"E$ 42.72 feet to a 5/8" iron rod set for the northeast corner of McGill tract and for the southeast corner of this;

THENCE $S59^{\circ}10'59"W$ 75.00 feet to the place of beginning, containing 0.073 acres of land.