

FILED 2:45 P M 167

NOTICE OF FORECLOSURE SALE
(Trustee's Sale)

OCT 15 2013

Notice is hereby given of a public non-judicial foreclosure sale
Nicole Tanner
COUNTY TEXAS
BY D. Barnett DEPUTY

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.

1. **Property To Be Sold.** The real property to be sold is described as follows, to wit:

All that certain lot, tract or parcel of land described as 2.454 acres situated in the JOSEPH GREER SURVEY, ABSTRACT #320, Hill County, Texas, and being more fully described on **Exhibit "A"** attached hereto and incorporated herein for all purposes (the "Property").

2. **Date, Time, and Place of Sale.** The foreclosure sale (the "Sale") is scheduled to be held at the following date, time, and place:

Date: November 5, 2013

Time: The Sale shall begin no earlier than 10:00 A.M., or no later than three hours thereafter. The Sale shall be completed by no later than 1:00 P.M.

Place: Hill County Courthouse in Hillsboro, Texas, at the following location: at or around the east steps on the first floor as prescribed by the Commissioner's Court of Hill County, Texas.

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.

3. **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 promissory note (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 Property shall be sold on an "AS IS, WHERE IS" basis. THERE WILL BE NO WARRANTY RELATING TO TITLE,

POSSESSION, QUIET ENJOYMENT, OR THE LIKE FOR THE PERSONAL PROPERTY, IF ANY, IN THIS DISPOSITION.

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.

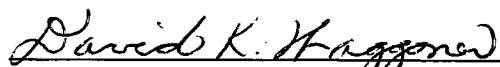
The Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and 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.

4. Type of Sale. 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 executed by Jerry Moore. The Deed of Trust is dated June 29, 2012, and is recorded in the office of the County Clerk of Hill County, Texas, in Volume 1718, Page 665, of the Official Public Records of Hill County, Texas.

5. Obligations Secured. The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described (collectively, the "Obligations") including but not limited to: (1) the Note in the original principal amount of \$99,000.00, executed by Jerry Moore, and payable to the order of Joe Montes; (2) all renewals and extensions of the Note; and (3) any and all present and future indebtedness of Jerry Moore to Joe Montes, who is the current owner and holder of the Obligations, and is the Beneficiary under the Deed of Trust.

6. Default and Request To Act. 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.

Executed this 10th day of October, 2013.



David K. Waggoner, Trustee

Attorney At Law

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Hillsboro, Texas 76645

Telephone: 254-580-0265

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EXHIBIT "A"

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INCE SURVEYING & ENGINEERING
134 THOUSAND OAKS DRIVE
WHITNEY, TEXAS 75692
PHONE: (254) 694-7708
FAX: (254) 694-7230

Field notes for the survey of a certain lot, tract, or parcel of land lying and situated in the Joseph Greer Survey A-320 in Hill County, Texas. Said land is all that certain tract described in a deed from James Lambert and Clara B. Lambert to Harry Dean Elmore et ux, Rena F. Elmore recorded in Volume 812, Page 91 of the Official Public Records of Hill County, more particularly described as follows:

BEGINNING at a 1/2" iron rod found in the south line of State Highway 22/East Jefferson Avenue for the northeast corner of that certain 2.447 acre tract described in a deed to Steve Overton recorded in Volume 1054, Page 562 of the Official Public Records of Hill County and for the northwest corner of this:

THENCE with the south line of State Highway 22, N58°01'37"E 135.77 feet to a 1/2" iron rod found at a chain link fence corner for the northwest corner of that certain 0.115 acre tract described in a deed to Roy Ingram recorded in Volume 1159, Page 604 of the Official Public Records of Hill County and for the northeast corner of this;

THENCE generally along a fence, S30°16'01"E 645.35 feet to a 1/2" iron rod found at a fence corner in the north line of that certain 8.555 acre tract described in a deed to Molly Properties, Inc. recorded in Volume 1380, Page 841 of the Official Public Records of Hill County for the southwest corner of that certain tract described in a deed to Harris Ray Ingram recorded in Volume 1150, Page 398 of the Official Public Records of Hill County and for an outside ell corner of this;

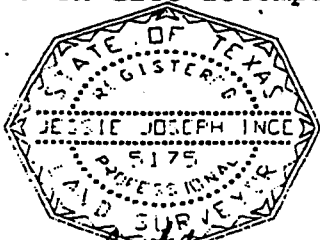
THENCE generally along a fence, S56°25'28"W 50.75 feet to a 1" iron pipe found at a fence corner for the northwest corner of said 8.555 acre tract and for an inside ell corner of this;


THENCE with the west line of said 8.555 acre tract and generally along a fence, S30°10'31"E 244.65 feet to a 3" iron pipe fence corner post found for the northeast corner of that certain 6.904 acre tract described in a deed to Molly Properties, Inc. recorded in Volume 1457, Page 103 of the Official Public Records of Hill County and for the southeast corner of this;

THENCE generally along a fence, S58°43'00"W 81.18 feet to a 1/2" iron rod found for the southeast corner of said Overton tract and for the southwest corner of this;

THENCE N30°29'30"W 890.33 feet to the place of beginning, containing 2.454 acres of land.

A plat of even date accompanies these field notes.





Registered Professional Land Surveyor
06/11/08