

84

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

FILED  
NICOLE TANNER, COUNTY CLERK  
HILL COUNTY, TEXAS

October 15, 2019

2019 OCT 15 P 4:06

**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: August 26, 2016

Grantor: Alejandra Joya and Marisol Guerrero

Trustee: David K. Waggoner

Beneficiary: Sammy D. Lewis and Mary G. Lewis

Recorded in: Volume 1878, Page 839,  
Official Public Records of Hill County, Texas

Secures: Real Estate Lien Note (the "Note") in the original principal amount of \$45,000.00, executed by Alejandra Joya and Marisol Guerrero and payable to the order of Sammy D. Lewis and Mary G. Lewis

**Description of the Real Property:** All of the real property (including all improvements, if any) 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

**Foreclosure Sale (the "Sale"):**

**Date:** Tuesday, November 5, 2019

**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 15th day of October, 2019.

  
\_\_\_\_\_  
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 October 15, 2019, 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

**EXHIBIT "A"**

Page 1 of 2

**INCE SURVEYING & ENGINEERING  
FIRM #10068000  
184 THOUSAND OAKS DRIVE  
WHITNEY, TEXAS 76692  
PHONE: (254)694-7708  
FAX: (254)694-7230**

**TRACT 2**

Field notes for the survey of a certain lot, tract, or parcel of land being 3.801 acres out of the Henry Ross Survey A-755, 0.494 acres out of the Dixon Spears Survey A-838, and 5.705 acres out of the John R. Lansford Survey A-523 in Hill County, Texas.

Said land is a part of that certain 169.274 acre tract described in a deed from Pascal Nail, Gerald M. Nail, and Frank M. Nail to Sammy D. Lewis et ux, Mary G. Lewis recorded in Volume 852, Page 656 of the Official Public Records of Hill County, more particularly described as follows:

BEGINNING at a 5/8" iron rod set in a fence line in the south line of that certain 17.90 acre tract (Lake Aquilla Tract #447) described in a deed to the United States of America recorded in Volume 627, Page 912 of the Deed Records of Hill County and in the north line of said 169.274 acre tract for the northeast corner of this, said rod being S75°38'08"W 29.84 feet, S82°16'35"W 249.84 feet, S11°11'06"E 47.99 feet, and S88°12'23"W 286.27 feet from a 1/2" iron rod found in the center of HCR #2452 for the southeast corner of said 17.90 acre tract and for the northeast corner of said 169.274 acre tract:

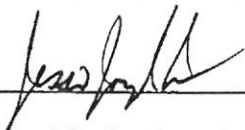
THENCE S28°51'45"E, at 929.33 feet passing a 5/8" iron rod set for reference, in all a distance of 954.33 feet to a 1/2" iron rod set in the center of HCR #2452 for the southeast corner of this;

THENCE generally along the center of HCR #2452, S60°05'00"W 410.66 feet to a 1/2" iron rod set for the southwest corner of this;

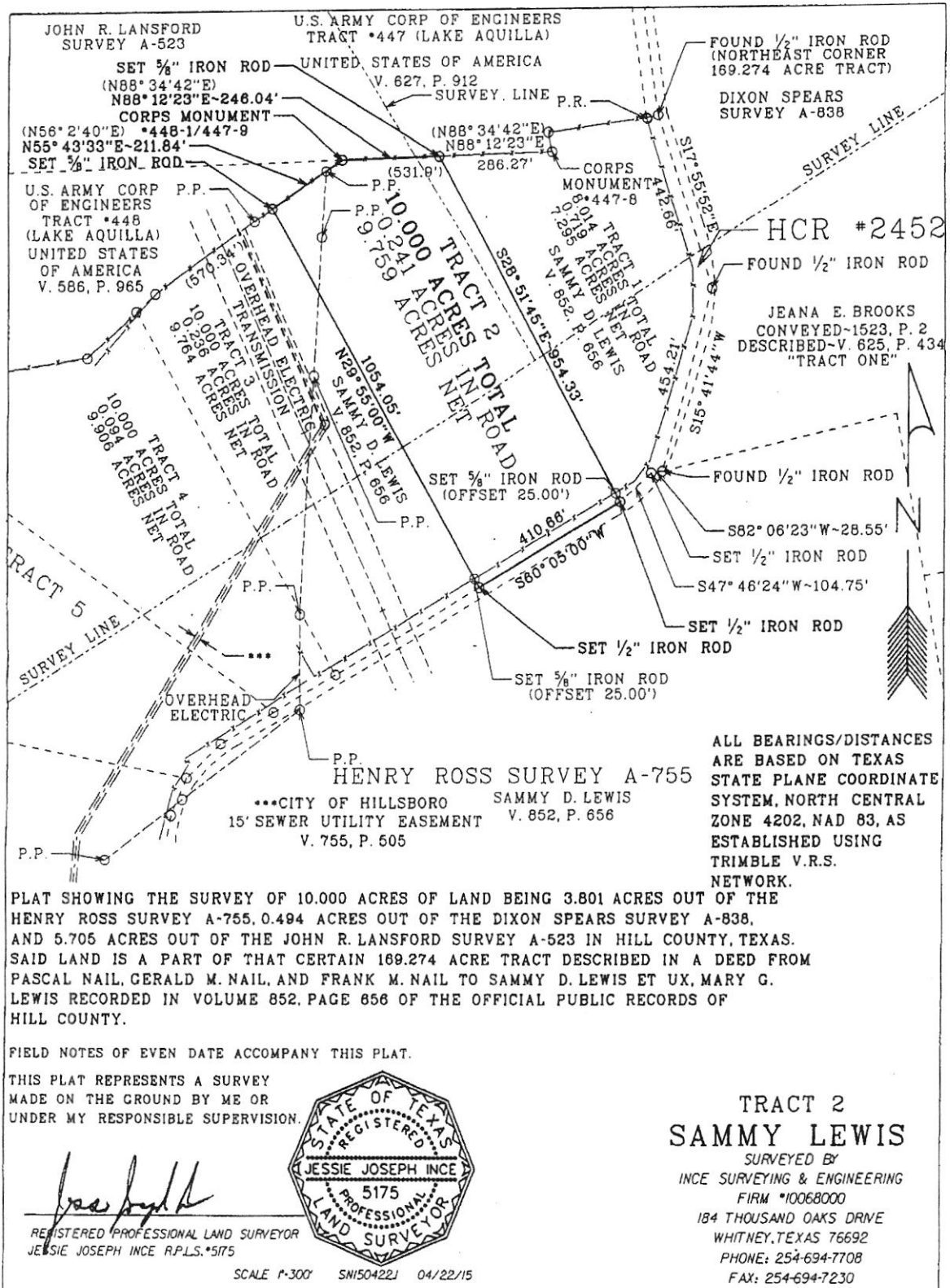
THENCE N29°55'00"W, at 25.00 feet passing a 5/8" iron rod set for reference, in all a distance of 1054.05 feet to a 5/8" iron rod set in a fence line in the north line of said 169.274 acre tract and in the southeast line of that certain 154.33 acre tract (Lake Aquilla Tract #448) described in a deed to the United States of America recorded in Volume 586, Page 965 of the Deed Records of Hill County for the northwest corner of this;

THENCE generally along a fence, N55°43'33"E 211.84 feet to Corps monument #448-1/447-9 found in the south line of said 17.90 acre tract for the northeast corner of said 154.33 acre tract and N88°12'23"E 246.04 feet to the place of beginning, containing 10.000 acres of land, of which approximately 0.241 acres lies in a public road.

A plat of even date accompanies these field notes.

  
\_\_\_\_\_  
Registered Professional Land Surveyor  
04/22/15





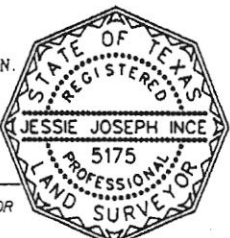
ALL BEARINGS/DISTANCES ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83, AS ESTABLISHED USING TRIMBLE V.R.S. NETWORK.

PLAT SHOWING THE SURVEY OF 10,000 ACRES OF LAND BEING 3,801 ACRES OUT OF THE HENRY ROSS SURVEY A-755, 0.494 ACRES OUT OF THE DIXON SPEARS SURVEY A-838, AND 5,705 ACRES OUT OF THE JOHN R. LANSFORD SURVEY A-523 IN HILL COUNTY, TEXAS. SAID LAND IS A PART OF THAT CERTAIN 169,274 ACRE TRACT DESCRIBED IN A DEED FROM PASCAL NAIL, GERALD M. NAIL, AND FRANK M. NAIL TO SAMMY D. LEWIS ET UX, MARY G. LEWIS RECORDED IN VOLUME 852, PAGE 856 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY.

FIELD NOTES OF EVEN DATE ACCOMPANY THIS PLAT.

THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND BY ME OR UNDER MY RESPONSIBLE SUPERVISION.

*Jessie Joseph Ince*  
REGISTERED PROFESSIONAL LAND SURVEYOR  
JESSIE JOSEPH INCE R.P.L.S.#5175



SCALE 1"=300' SH150422J 04/22/15

TRACT 2  
SAMMY LEWIS  
SURVEYED BY  
INCE SURVEYING & ENGINEERING  
FIRM #10068000  
184 THOUSAND OAKS DRIVE  
WHITNEY, TEXAS 76692  
PHONE: 254-694-7708  
FAX: 254-694-7230