

**NOTICE OF FORECLOSURE SALE**  
(Trustee's Sale)

Nicole Tanner  
CLERK COUNTY, HILL COUNTY TEXAS  
BY *[Signature]* DEPUTY

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.

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 being all of Lot 35 of the KATY KNOLL SUBDIVISION in Hill County, Texas, according to the plat thereof filed in Volume 420, Page 260, of the Deed Records of Hill County, Texas, and said land 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:** December 3, 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 Clifton Russell. The Deed of Trust is dated February 4, 2011, and is recorded in the office of the County Clerk of Hill County, Texas in Volume 1666, Page 508, 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 \$91,500.00, executed by Clifton Russell, and payable to the order of Rollin' P Properties, LLC; (2) all renewals and extensions of the Note; and (3) any and all present and future indebtedness of Clifton Russell to Rollin' P Properties, LLC, who is the current owner and holder of the Obligations, and who 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 11th day of November, 2013.



David K. Waggoner, Trustee

Attorney At Law

103 West Elm Street

P.O. Box 875

Hillsboro, Texas 76645

Telephone: 254-580-0265

Info@WaggonerLawFirm.net

EXHIBIT "A"

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

Field notes for the survey of a certain lot, tract or parcel of land being all of Lot 35 of the Katy Knoll Subdivision in Hill County, Texas, according to plat recorded in Volume 420, Page 260 of the Deed Records of Hill County. Said land is all that certain tract described in a deed from Steve Luehring to Brenda C. Kirkland recorded in Volume 883, Page 701 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 Mohon Drive (Cedar Lane) for the northwest corner of said Lot 35;

THENCE with the south line of Mohon Drive, N63°19'00"E 64.00 feet to a 1/2" iron rod set for the beginning of a curve to the right;

THENCE along said curve having a radius of 10.00 feet, S59°23'48"E for a chord distance of 12.84 feet, an arc distance of 13.94 feet, to a 1/2" iron rod set in the west line of Elm Street (Drive No. 1) for the end of said curve;

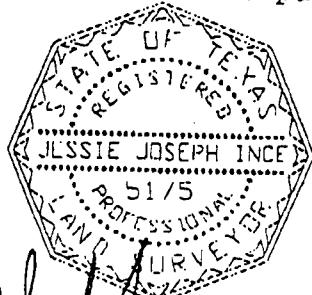
THENCE with the west line of Elm Street, S27°56'52"E 25.00 feet to a 1/2" square iron rod found for the northeast corner of said Lot 35;

THENCE S07°50'08"W 152.78 feet to a 1/2" iron rod found in the north line of U. S. Army Corps of Engineers property (Lake Whitney Tract #WC-275) for the southeast corner of said Lot 35;

THENCE with the north line of said Corps property, N83°30'00"W 80.02 feet to a 1/2" iron rod found for the southwest corner of said Lot 35;

THENCE N08°09'26"E 143.63 feet to the place of beginning, containing 0.299 acres of land.

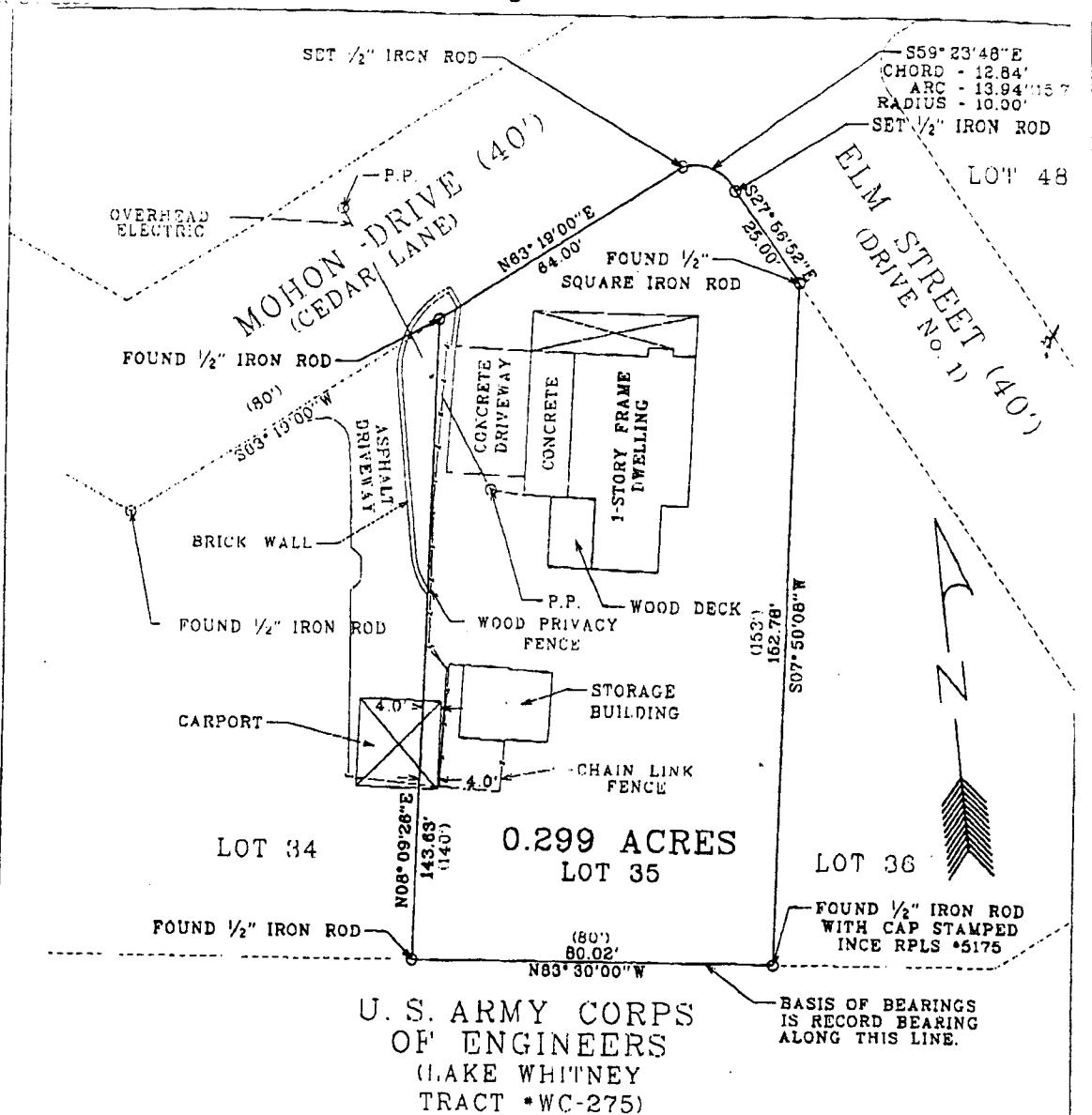
A plat of even date accompanies these field notes.



*Jessie Joseph Ince*  
Registered Professional Land Surveyor  
06/02/09

EXHIBIT "A"

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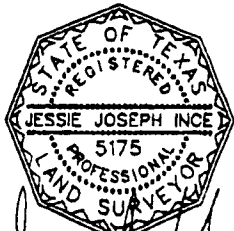


PLAT SHOWING THE SURVEY OF 0.299 ACRES OF LAND BEING ALL OF LOT 35 OF THE KATY KNOLL SUBDIVISION, UNIT 1 IN HILL COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 420, PAGE 260 OF THE DEED RECORDS OF HILL COUNTY. SAID LAND IS ALL THAT CERTAIN TRACT DESCRIBED IN A DEED FROM STEVE LUEHRING TO BRENDA C. KIRKLAND RECORDED IN VOLUME 883, PAGE 701 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY.

FLOOD STATEMENT: The structures on this property do not appear to lie within the 100-yr flood plain as delineated by the Federal Insurance Administration's "Flood Hazard Boundary Map," Community-Panel No. 480857 0004 A.

FIELD NOTES OF EVEN DATE ACCOMPANY THIS PLAT.

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



REGISTERED PROFESSIONAL LAND SURVEYOR

259 MOHON DRIVE  
WHITNEY, TEXAS 76692  
**BRENDA KIRKLAND**

SURVEYED BY  
INCE SURVEYING & ENGINEERING  
184 THOUSAND OAKS DRIVE  
WHITNEY, TEXAS 76692