

1246

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

FILED
NICOLE TANNER, COUNTY CLERK
HILL COUNTY, TEXAS

STATE OF TEXAS §
 §
COUNTY OF HILL §

KNOW ALL MEN BY THESE PRESENTS. 2016 JUL 12 P 2:41

WHEREAS, by that one certain Deed of Trust dated January 17, 2006, and recorded in Book 1392, Page 0647, Real Property Records, Hill County, Texas (the "Deed of Trust"), Circus, Circus, Inc. ("Grantor"), conveyed to David K. Waggoner, Trustee ("Trustee") for the benefit of Dewey Clemons and Jerrie Clemons ("Beneficiary"), the real property situated in Hill County, Texas, as more particularly described on Exhibit "A" attached hereto and incorporated herein for all purposes (the "Property"), to secure the payment of that one certain Real Estate Lien Note dated January 17, 2006, in the original principal amount of \$121,140.00, executed by Grantor and made payable to the order of Beneficiary (the "Note"); and

WHEREAS, by Assignment of Deed of Trust dated June 27, 2006, and recorded in Book 1423, Page 0490, Real Property Records, Hill County, Texas, Beneficiary assigned the Note and Deed of Trust to Southwest Securities, FSB; and

WHEREAS, PlainsCapital Bank ("Current Beneficiary") is the successor-in-interest to Southwest Securities, FSB, and Current Beneficiary is the current owner and holder of the Note and Deed of Trust; and

WHEREAS, default occurred under the terms of the Note and the Deed of Trust; and

WHEREAS, demand for payment of all amounts owed under the Note and the Deed of Trust was made, and all required notices have been given, all in accordance with the Note, the Deed of Trust and applicable law; and

WHEREAS, the indebtedness evidenced by the Note and secured by the Deed of Trust is now wholly due and payable; and

WHEREAS, the outstanding balance due under the Note and the Deed of Trust has not been paid; and

WHEREAS, David K. Waggoner, Trustee in the aforesaid Deed of Trust, was removed as Trustee, and the undersigned or Lee F. Christie or Jeremy L. Harmon or Michael L. Atchley or Ethel A. Steele were appointed as Substitute Trustee in the place and stead of the said David K. Waggoner, said removal and appointment being in the manner authorized by the Deed of Trust; and

WHEREAS, Current Beneficiary, the current owner and holder of said indebtedness and the current beneficiary under the Deed of Trust, has requested the undersigned or Lee F. Christie or Jeremy L. Harmon or Michael L. Atchley or Ethel A. Steele, as acting Substitute Trustee, to sell the Property to satisfy the indebtedness.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, the 2nd day of August, 2016, between the hours of 10:00 A.M. and 4:00 P.M., the undersigned or Lee F. Christie or

Jeremy L. Harmon or Michael L. Atchley or Ethel A. Steele will sell the Property at public auction at the east door of the Hill County Courthouse, 80 N. Waco Street, Hillsboro,, Texas 76645, or in the area designated by the Hill County Commissioners Court, if different, to the highest bidder for cash, subject to the right of Current Beneficiary to have its bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale. Said sale will begin no earlier than 1:00 P.M. and no later than three hours after that time.

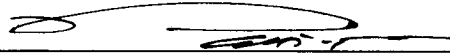
ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.

The Sender of this notice and his contact information is as follows:

Matthew T. Taplett
Pope, Hardwicke, Christie, Schell, Kelly & Ray, L.L.P.
500 W. 7th Street, Suite 600
Fort Worth, Texas 76102
817/332-3245

WITNESS MY HAND this 12th day of July, 2016.

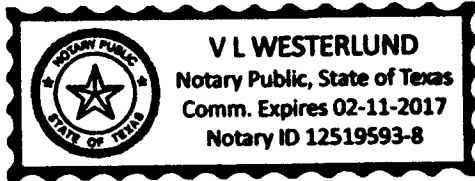
SUBSTITUTE TRUSTEE:



Matthew T. Taplett

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This instrument was acknowledged before me on the 12th day of July, 2016, by Matthew T. Taplett, Substitute Trustee, who acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.



V. L. Westerlund

Notary Public for the State of Texas

**NAME, ADDRESS AND TELEPHONE
NUMBER OF MORTGAGEE:**

PlainsCapital Bank
c/o Mr. Michael Flotté
6221 Riverside Drive, Suite 3500
Irving, TX 75039
(469) 718-4603

**NAME, ADDRESS AND PHONE
NUMBER OF SUBSTITUTE
TRUSTEE:**

Matthew T. Taplett
Lee F. Christie
Michael L. Atchley
Jeremy Lee Harmon
Ethel A. Steele
Pope, Hardwicke, Christie, Schell,
Kelly & Ray, L.L.P.
500 W. 7th Street, Suite 600
Fort Worth, TX 76102
(817) 332-3245

EXHIBIT "A"
Page 1 of 4

FIELD NOTES for a lot, tract or parcel of land containing 20.000 acres lying and situated in the Samuel Wylie Survey A-1002 in Hill County, Texas. Said land is a part of that certain 139.519 acre tract described in a deed from Kenneth Charles Kennedy and wife, Sharon G. Kennedy to D & N Ventures as recorded in Volume 952, Page 428 of the Official Public Records of Hill County, a part of that certain 24.66 acre tract described in a deed from Kenneth Charles Kennedy and wife, Sharon G. Kennedy to D & N Ventures as recorded in Volume 968, Page 524 of the Official Public Records of Hill County. Said land is more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found in the center of HCR 4240 for the southeast corner of said 24.66 acre tract;

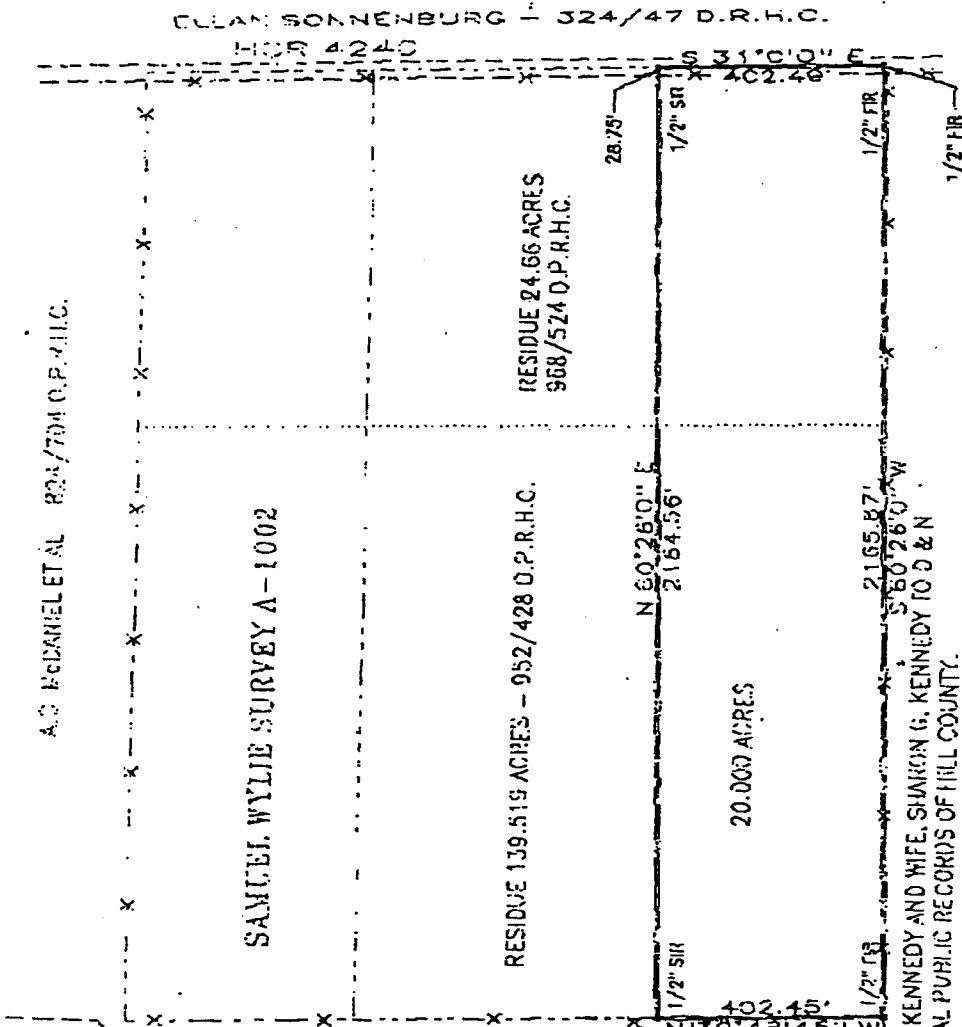
THENCE: S 60 deg 26 min 0 sec W at 28.48 feet pass a 1/2" iron rod found in the west line of said HCR 4240, in all 2165.87 feet to a 1/2" iron rod found for corner;

THENCE: N 30 deg 48 min 45 sec W 402.45 feet to a 1/2" iron rod set for corner;

THENCE: N 60 deg 28 min 0 sec E at 2135.81 feet pass a 1/2" iron rod set in the west line of said HCR 4240, in all 2164.56 feet to a 1/2" iron rod set in the center of said road;

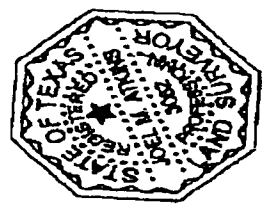
THENCE: S 31 deg 0 min 0 sec E 402.49 feet along said road to the point of beginning, containing 20.000 acres of land.

EXHIBIT "A"
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LEGEND	
—	FIRE FOUND IRON ROD
—	SUR-SET IRON ROD
—	FIRE FOUND IRON PIPE
-X-	FENCE

PLAT SHOWING THE SURVEY OF 20.000 ACRES LYING AND SITUATED IN THE SAMUEL WYLIE SURVEY A-1002 IN HILL COUNTY, TEXAS. SAID LAND IS A PART OF THAT CERTAIN 139.519 ACRE TRACT DESCRIBED IN A DEED TO D & N VENTURES AS RECORDED IN VOLUME 952, PAGE 428 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY AND A PART OF THAT CERTAIN 24.66 ACRE TRACT DESCRIBED IN A DEED FROM KENNETH CHARLES KENNEDY AND WIFE, SHARON G. KENNEDY TO D & N VENTURES AS RECORDED IN VOLUME 968, PAGE 574 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY.



Joel M. Adams
REGISTERED PROFESSIONAL SURVEYOR

09/07/02 SCALE: 1" = 300' JNO20907.5

D & N VENTURES
TRACT
SUBMITTED BY
D & N CONSULTING
544 WEST CIMA STREET
HILLSBORO TEXAS 78645

EXHIBIT "A"
Page 3 of 4

FIELD NOTES for a lot, tract or parcel of land containing 25.811 acres lying and situated in the Jackson Hardin Survey A-423 in Hill County, Texas. Said land is a part of that certain 139.519 acre tract described in a deed from Kenneth Charles Kennedy and wife, Sharon G. Kennedy to D & N Ventures as recorded in Volume 952, Page 428 of the Official Public Records of Hill County, a part of that certain 24.66 acre tract described in a deed from Kenneth Charles Kennedy and wife, Sharon G. Kennedy to D & N Ventures as recorded in Volume 968, Page 624 of the Official Public Records of Hill County. Said land is more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found in the center of HCR 4240 for the southeast corner of 20.000 acres described in a deed from D & N Ventures to Billy Lynn McClendon as recorded in Volume 178, Page 703 of the Official Public Records of Hill County, said point being S 31 deg 0 min 0 sec E 403.11 feet from the northeast corner of said 24.66 acre tract;

THENCE: S 30 deg 59 min 48 sec E 501.54 feet along said road to a 1/2" iron rod found for the northeast corner of 20.000 acres described in a deed from D & N Ventures to Dewey Clemons as recorded in Volume 1188, Page 374 of the Official Public Records of Hill County;

THENCE: S 60 deg 26 min 0 sec W at 27.75 feet pass a 1/2" iron rod found in the west line of said HCR 4240, in all 2164.56 feet along Clemons' north line to a 1/2" iron rod found for corner;

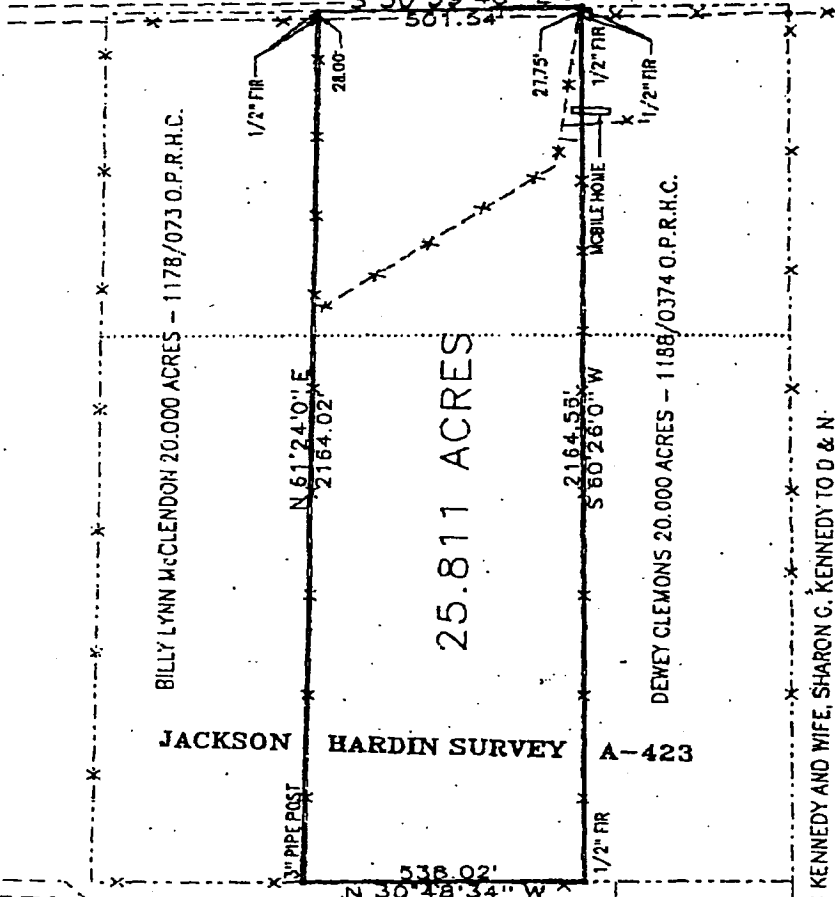
THENCE: N 30 deg 48 min 34 sec W 536.02 feet along a fence to a 3" pipe post found at a fence corner;

THENCE: N 61 deg 24 min 0 sec E along a fence at 2136.02 feet pass a 1/2" iron rod found in the west line of said HCR 4240, in all 2164.02 feet to the point of beginning, containing 25.811 acres of land.

EXHIBIT "A"
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ELLAN SONNENBURG - 324/47 D.R.H.C.

HCR 4240



BILLY LYNN McCLEENDON 20.000 ACRES - 1178/073 O.P.R.H.C.

25.811 ACRES

DEWEY CLEMONS 20.000 ACRES - 1188/0374 O.P.R.H.C.

JACKSON HARDIN SURVEY A-423

ERNEST MACH - 420/230 D.R.H.C.

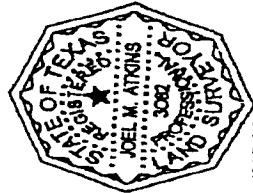
SAMUEL WYLIE SURVEY A-1002

HCR 4241

LEGEND	
FIR	= FOUND IRON ROD
SIR	= SET IRON ROD
FIP	= FOUND IRON PIPE
X	= FENCE



PLAT SHOWING THE SURVEY OF 25.811 ACRES LYING AND SITUATED IN THE JACKSON HARDIN SURVEY A-423 IN HILL COUNTY, TEXAS. SAID LAND IS A PART OF THAT CERTAIN 139.519 ACRE TRACT DESCRIBED IN A DEED TO D & N VENTURES AS RECORDED IN VOLUME 852, PAGE 428 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY AND A PART OF THAT CERTAIN 24.66 ACRE TRACT DESCRIBED IN A DEED FROM KENNETH CHARLES KENNEDY AND WIFE, SHARON G. KENNEDY TO D & N VENTURES AS RECORDED IN VOLUME 968, PAGE 524 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY.



Joel M. Atkins
REGISTERED PROFESSIONAL SURVEYOR

01/10/04 SCALE: 1" = 300' JN040110.2

D & N VENTURES

TRACT SURVEYED BY
AA CONSULTING
54 A WEST ELM STREET
HILLSBORO TEXAS 76645