

Notice of Foreclosure Sale

FILED
NICOLE TANNER, COUNTY CLERK
HILL COUNTY, TEXAS

2018 DEC 10 P 1:01

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

SEE ATTACHED EXHIBIT "A"

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the DEED OF TRUST dated on October 9, 2014 and recorded in Volume 1805, Page 725 in the deed records of HILL County, Texas, executed by WILLIAM MITCHELL AND MELISSA MITCHELL and any modification or extensions of said Deed of Trust.

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: January 2, 2018

Time: The sale will begin no earlier than 10:00 A.M. or no later than three hours thereafter. The sale will be completed by no later than 1:00 p.m.

Place: HILL County Courthouse in Hillsboro, Texas, at the following location: PLACE DESIGNATED BY THE COMMISSIONERS COURT

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 reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this sale.

4. *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 sale.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold.

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. The sale shall not cover any part of the property that has been released of public record from the lien of the deed of trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

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.

Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the deed of trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

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 or any substitute trustee.

5. *Type of Sale.* The sale is a nonjudicial deed-of-trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed WILLIAM MITCHELL AND MELISSA MITCHELL.


6. *Obligations Secured.* The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to the Retail Installment Contract executed by WILLIAM MITCHELL AND MELISSA MITCHELL, and payable to the order of BETTY BIRDWELL. BETTY BIRDWELL is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiary at BETTY BIRDWELL at 1169 Spring Cress Drive Burleson, Texas 76028.

7. *Default and Request to Act.* Default has occurred under the deed of trust, and the beneficiary has requested me, as trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

8. Assert and protect your rights as a member of the armed forces of the United States. If you 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

Dated: December 3, 2018



David L. Pritchard, Substitute Trustee
1244 SOUTHRIDGE CT, STE 102
HURST, TX 76053
Telephone (817) 285-8017
Telecopier (817) 285-0224

EXHIBIT "A"

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING AND SITUATED IN THE COUNTY OF HILL, STATE OF TEXAS, BEING A PART OF THE DIXON SPEARS SURVEY, ABSTRACT NO. 838 AND BEING A PART OF 99.2 ACRES OF LAND AS CONVEYED BY JOHN R. HUGHES ET AL, TO NEIMAN-MARCUS COMPANY AS SHOWN BY DEED RECORDED IN VOLUME 222, PAGE 627, DEED RECORDS OF HILL COUNTY, TEXAS, SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID SURVEY, WHICH POINT STANDS SOUTH 59-30 WEST 118 VARAS FROM THE NORTHEAST CORNER OF SAID 99.2 ACRE TRACT;

THENCE SOUTH 59-30 WEST 183 VARAS TO THE CORNER IN PUBLIC ROAD;

THENCE SOUTH 27-45 WEST 189 VARAS TO CORNER IN PUBLIC ROAD;

THENCE SOUTH 13-40 WEST 61 VARAS TO CORNER IN PUBLIC ROAD;

THENCE SOUTH 20 WEST 138.8 VARAS TO CORNER;

THENCE NORTH 59-30 EAST 468 VARAS TO CORNER IN THE WEST SIDE OF STATE HIGHWAY NO. 81;

THENCE NORTH 45-40 WEST 73 ½ VARAS TO THE PLACE OF BEGINNING; CONTAINING 12 1/3 ACRES OF LAND ACCORDING TO A SURVEY MADE UPON THE GROUND BY HERMAN EASTLAND, JR. ON APRIL 19, 1946, AND BEING THE SAME AND IDENTICAL PROPERTY DESCRIBED IN WARRANTY DEED FROM PEARL F. MITCHELL TO C. E. CRISP, DATED APRIL 20, 1946, RECORDED IN VOLUME 331, PAGE 569, DEED RECORDS OF HILL COUNTY, TEXAS.