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

FILED  
SHERIFF TANNER, COUNTY CLERK  
HILL COUNTY, TEXAS

2014 DEC 15 PM 2:57

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 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 of the real property 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:** January 6, 2015

**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.

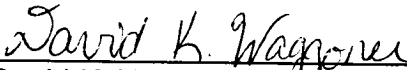
The Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and 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 Earl J. Thibodeaux, Jr., and spouse, Penny Thibodeaux. The Deed of Trust is dated May 5, 2006, and is recorded in the office of the County Clerk of Hill County, Texas, under County Clerk's File Number 005250, in Volume 1412, Page 0785, 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 **\$60,000.00**, executed by Earl J. Thibodeaux, Jr., and Penny Thibodeaux, and payable to the order of Leslie Gordon Irvin; (2) all renewals and extensions of the Note; and (3) any and all present and future indebtedness of Earl J. Thibodeaux, Jr., and Penny Thibodeaux to Leslie Gordon Irvin, 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 15th day of December, 2014.

  
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David K. Waggoner, Trustee  
Attorney At Law  
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Info@WaggonerLawFirm.net

# EXHIBIT "A"

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Field notes for the survey of a certain lot, tract, or parcel of land lying and situated in the Sarah A. Cook Survey A-121 in Hill County, Texas. Said land is a part of that certain 62.80 acre tract described in a deed from Sam B. Grimes et ux, Edna Grimes to Leslie Gordon Irvin recorded in Volume 519, Page 443 of the Deed Records of Hill County, more particularly described as follows:

BEGINNING at a 1/2" iron rod found in the center of HCR #4358, in the east line of the Charles L. Harrison Survey A-433, in the east line of that certain tract described in a contract of sale and purchase between the Veterans Land Board of the State of Texas and James Douglas Davis recorded in Volume 970, Page 353 of the Official Public Records of Hill County, in the west line of said Cook Survey, and in the west line of said 62.80 acre tract for the northwest corner of that certain 1.000 acre tract described in a deed to Earl Thibodeaux recorded in Volume 1119, Page 394 of the Official Public Records of Hill County and for the most westerly southwest corner of this, said rod being N30°00'12"W 180.29 feet from a 1/2" iron rod found at the intersection of the center of HCR #4363 with the center of HCR #4358 for the southwest corner of said Cook Survey, for the southeast corner of said Davis tract, and for the southwest corner of said 62.80 acre tract:

THENCE with the center of HCR #4358, with the east line of said Harrison Survey, with the west line of said Cook Survey, and with the west line of said 62.80 acre tract, N30°00'12"W 857.31 feet to a 1/2" iron rod set for the northwest corner of this;

THENCE N60°00'00"E, at 28.18 feet passing a 1/2" iron rod set for reference, in all a distance of 1301.45 feet to a 1/2" iron rod set in the east line of said Cook Survey, in the east line of said 62.80 acre tract, in the west line of the Riley Wilson Survey A-775, and in the west line of that certain 72-1/4 acre tract described in a deed to Harold B. Kernodle recorded in Volume 490, Page 433 of the Deed Records of Hill County for the northeast corner of this;

THENCE S30°00'03"E, at 1021.58 feet passing a 1/2" iron pipe found for reference, in all a distance of 1037.60 feet to a 1/2" iron rod found in the center of HCR #4363, in the south line of said Cook Survey, in the north line of the Ed Hampton Survey A-394, and in the north line of that certain 70 acre tract described in a deed to Michael Greenhill recorded in Volume 1313, Page 828 of the Official Public Records of Hill County for the southwest corner of said Kernodle tract, for the southeast corner of said 62.80 acre tract, and for the southeast corner of this;

THENCE with the north line of said Hampton Survey, with the south line of said Cook Survey, with the south line of said 62.80 acre tract, and with the center of HCR #4363, S60°00'00"W 1059.79 feet to a 1/2" iron rod found for the southeast corner of said Thibodeaux tract and for the most southerly southwest corner of this;

THENCE N30°00'12"W, at 17.96 feet passing a 5/8" iron rod found for reference, in all a distance of 180.29 feet to a 5/8" iron rod found for the northeast corner of said Thibodeaux tract and for an inside ell corner of this;

THENCE S60°00'00"W, at 211.93 feet passing a 5/8" iron rod found for reference, in all a distance of 241.62 feet to the place of beginning, containing 30.000 acres of land, of which approximately 0.970 acres lies in public roads.