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

September 5, 2018

**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: October 9, 2014

Grantor: William Mitchell and Melissa Mitchell

Trustee: Daniel A. Foster

Beneficiary: Betty Birdwell

Recorded in: Volume 1805, Page 725,  
Official Public Records of Hill County, Texas

Secures: Real Estate Lien Note (the "Note") in the original principal amount of \$160,000.00, executed by William Mitchell and Melissa Mitchell and payable to the order of Betty Birdwell

FILED  
NICOLE TANNER, COUNTY CLERK  
HILL COUNTY, TEXAS  
2018 SEP - 7 P 4: 03

**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").

**Substitute Trustee:** David K. Waggoner

**Substitute Trustee's Address:** 103 West Elm Street  
P.O. Box 875  
Hillsboro, Texas 76645

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

Date: Tuesday, October 2, 2018

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 Substitute 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 Substitute 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 Substitute 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 5th day of September, 2018.

  
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David K. Waggoner, Substitute Trustee  
State Bar No. 50511604  
103 West Elm Street  
P.O. Box 875  
Hillsboro, Texas 76645  
Telephone: 254-580-0265  
Info@WaggonerLawFirm.net

**EXHIBIT "A"**

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**Property (including any improvements):**

**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 ¼ 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.**

