

163

FILED
HILL COUNTY CLERK
HILL COUNTY, TEXAS
2013 OCT -9 PM 3:28

NOTICE OF FORECLOSURE SALE
(Trustee's Sale)

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 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: November 5, 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.

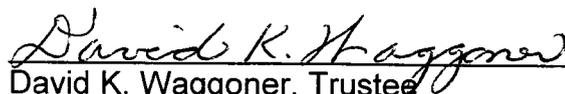
The Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and 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 Lake Whitney Medical Center. The Deed of Trust is dated December 22, 2005, and is recorded under Clerk's File Number 002042, and in Volume 1396, Page 0368, of the Official Public Records of Hill County, Texas; and the Deed of Trust lien and note was transferred and assigned to Drewford A. Barnett and Karen L. Barnett by instrument dated December 1, 2010, as recorded in Volume 1660, Page 213, 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 \$79,900.00, executed by Lake Whitney Medical Center, and payable to the order of Maloney & Associates, Inc.; (2) all renewals and extensions of the Note; and (3) any and all present and future indebtedness of Lake Whitney Medical Center to Drewford A. Barnett and Karen L. Barnett, who are the current owners and holders of the Obligations, and who are collectively 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 4th day of October, 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"

Page 1 of 2

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

Tract 2

Field notes for the survey of a certain lot, tract, or parcel of land being a part of Lots 1-3, Block 6 of the Original Town of Whitney in Hill County, Texas, according to plat recorded in Volume Y, Page 632 of the Deed Records of Hill County and a part of that certain 16.97 acre tract described in a Quitclaim Deed from Missouri-Kansas-Texas Railroad Company to the City of Whitney recorded in Volume 488, Page 763 of the Deed Records of Hill County (abandoned railroad right of way) being referred to as "Tract 105A". Said land is a part of that certain "Tract 2" and a part of that certain "Tract 3" conveyed in a Tax Resale Special Warranty Deed from Whitney Independent School District, et al to Maloney & Associates recorded in Volume 1313, Page 215 of the Official Public Records of Hill County, more particularly described as follows:

BEGINNING at a cotton spindle set in the west line of Colorado Street and in the east line of said Lot 1 for the northeast corner of this, said cotton spindle being $S00^{\circ}11'59"E$ 41.20 feet from a $5/8"$ iron rod found at the intersection of the west line of Colorado Street with the south line of a 20 foot alley for the northeast corner of said Lot 1:

THENCE with the west line of Colorado Street, $S00^{\circ}11'59"E$ 88.80 feet to a cotton spindle set in the east line of said "Tract 2" for the southeast corner of this;

THENCE $N89^{\circ}53'35"W$ 102.24 feet to a cotton spindle set for the southwest corner of this;

THENCE NORTH 82.64 feet to an "X" cut in concrete for an outside ell corner of this;

THENCE $N87^{\circ}00'01"E$ 5.30 feet to an "X" found cut in concrete for an inside ell corner of this;

THENCE $N01^{\circ}44'35"E$ 5.74 feet to an "X" found cut in concrete for the northwest corner of this;

THENCE $S89^{\circ}58'24"E$ 96.47 feet to the place of beginning, containing 0.207 acres of land.

A plat of even date accompanies these field notes.



Registered Professional Land Surveyor
08/04/05

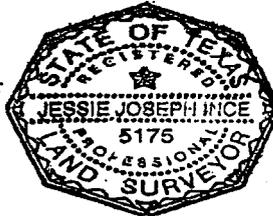
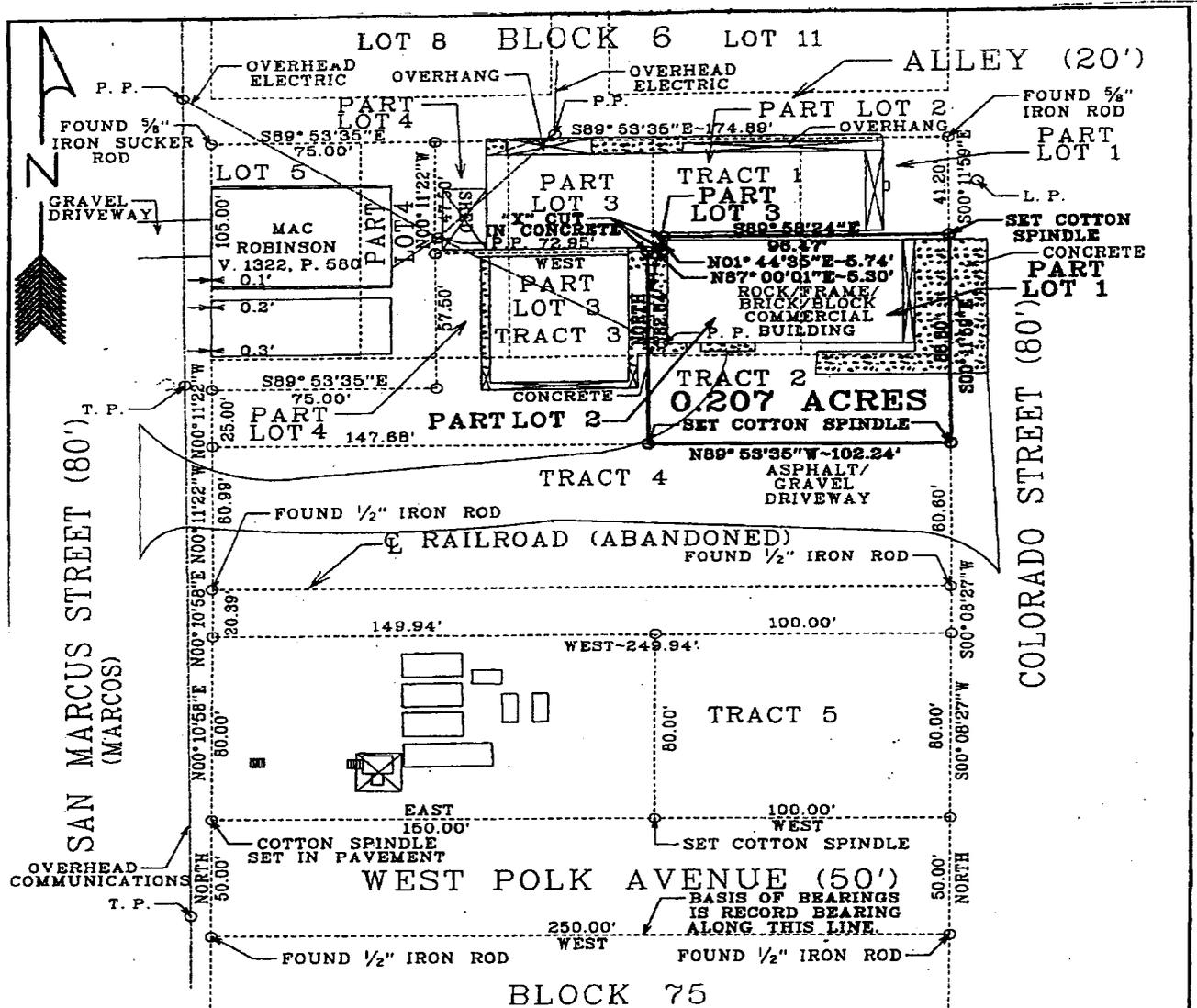


EXHIBIT "A"



UNLESS OTHERWISE NOTED ALL CORNERS ARE MONUMENTED WITH SET 1/2" IRON RODS.

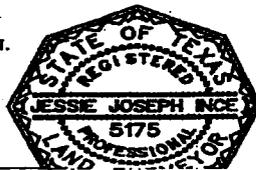
PLAT SHOWING THE SURVEY OF 0.207 ACRES OF LAND BEING A PART OF LOTS 1-3, BLOCK 6 OF THE ORIGINAL TOWN OF WHITNEY IN HILL COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME Y, PAGE 632 OF THE DEED RECORDS OF HILL COUNTY AND A PART OF THAT CERTAIN 16.97 ACRE TRACT DESCRIBED IN A QUITCLAIM DEED FROM MISSOURI-KANSAS-TEXAS RAILROAD COMPANY TO THE CITY OF WHITNEY RECORDED IN VOLUME 488, PAGE 763 OF THE DEED RECORDS OF HILL COUNTY (ABANDONED RAILROAD RIGHT OF WAY) BEING REFERRED TO AS "TRACT 105A". SAID LAND IS A PART OF THAT CERTAIN "TRACT 2" AND A PART OF THAT CERTAIN "TRACT 3" CONVEYED IN A TAX RESALE SPECIAL WARRANTY DEED FROM WHITNEY INDEPENDENT SCHOOL DISTRICT, ET AL TO MALONEY & ASSOCIATES RECORDED IN VOLUME 1313, PAGE 216 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY.

FLOOD STATEMENT: This property does not appear to lie within the 100-yr flood plain as delineated by the Federal Insurance Administration's "Flood Insurance Rate Map", Community-Panel No. 480865 0001 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.

Jesse Joseph Ince



BOOK 1396 PAGE 0376

TRACT 2
MALONEY & ASSOCIATES