

#47

FILED  
RICOLE TANNER, COUNTY CLERK  
HILL COUNTY, TEXAS

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

2022 JUL 12 PM 4:25

July 11, 2022

**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: July 2, 2021

Grantor: Carlos Gonzalez and Jessica Banda

Trustee: David K. Waggoner

Original Beneficiary: Hard Investments, LLC

Current Beneficiary: Silver Clear Investments, LLC

Recorded in: Volume 2119, Page 628,  
Clerk's Instrument Number 00124052,  
Official Public Records of Hill County, Texas

Secures: Real Estate Lien Note (the "Note") in the original principal amount of \$875,000.00, executed by Carlos Gonzalez and Jessica Banda and payable to the order of Hard Investments, LLC; said Note and lien assigned to Silver Clear Investments, LLC.

**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").

**Trustee:** David K. Waggoner

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

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

**Date:** Tuesday, August 2, 2022

**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:** The east exterior steps of the Hill County Courthouse located at 1 North Waco Street, Hillsboro, Hill County, Texas, 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 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.

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 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.

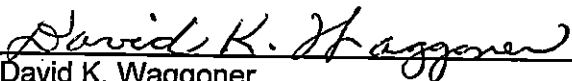
**THIS INSTRUMENT APPOINTS THE TRUSTEE IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT (DEED OF TRUST) IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY AUTHORIZED TO CONDUCT THE FORECLOSURE SALE ON BEHALF OF THE MORTGAGEE (BENEFICIARY) .**

Executed this 11th day of July, 2022.

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

**CERTIFICATE OF POSTING**

I am David K. Waggoner, whose address is 103 West Elm Street, Hillsboro, Texas, 76645. I hereby declare under penalty of perjury that on July 12, 2022, my agent filed this Notice of Trustee's Sale at the office of the Hill County Clerk and caused it to be posted at the location directed by the Hill County Commissioners Court.

  
\_\_\_\_\_  
David K. Waggoner

# EXHIBIT "A"

Page 1 of 2

Field notes for 87.89 acres of land in the Green McDonald Survey, Abstract Number 608, Hill County, Texas, being that called Tract Two (43.917 acres) and that called Tract One (43.919 acres) described in a deed to Joseph A. Elisma, Gregory Michael Mitchell, and John Alex Mitchell, recorded in Volume 1640, Page 507 of the Official Public Records of Hill County, Texas. Described as follows with bearings based on the State Plane Coordinate System, Texas North Central, NAD 83.

Beginning at a mag nail set in the approximate centerline of Hill County Road 2215, at the northeast corner of said Tract Two, at the northwest corner of that called 73.354 acres described in a deed to Kelley Clark Brisco, recorded in Volume 1188, Page 413 of the Official Public Records of Hill County, Texas, and at the northeast corner of this, from which a 1/2-inch iron rod set capped "Blackland" Bears: S30°46'18"E 19.90' for reference:

Thence South 30 Degrees 46 Minutes 18 Seconds East 2185.17 feet (RECORD: S29°16'E) to a 3/8-inch iron rod found at the southeast corner of said Tract One, at the northwest corner of that called 20.00 acres of land described in a deed to Danny L. Conley, recorded in Volume 1674, Page 578 of the Official Public Records of Hill County, Texas, at the northeast corner of that called Tract One (43.919 Acres) described in a deed to Coranell Womack 2018 Irrevocable Trust, recorded in Volume 1971, Page 410 of the Official Public Records of Hill County, Texas, and at the southeast corner of this;

Thence South 58 Degrees 31 Minutes 43 Seconds West 1741.20 feet (RECORD: S60°00'15"W 1739.1') to a 10-inch wood fence post at the southwest corner of said Tract One and at the southwest corner of this;

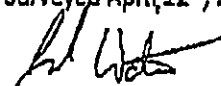
Thence North 31 Degrees 06 Minutes 01 Seconds West 998.64 feet (RECORD: N29°28'W) to a 1/2-inch iron rod set capped "Blackland" at an interior corner of said Tract One and at an interior corner of this;

Thence South 58 Degrees 50 Minutes 51 Seconds West 10.29 feet (RECORD: N60°19'E 10') to a 1/2-inch iron rod set capped "Blackland" at a southwesterly corner of this;

Thence North 30 Degrees 56 Minutes 09 Seconds West 1186.70 feet (RECORD: N29°42'W) along the center of a gravel road to a mag nail set in the approximate centerline of said Hill County Road 2215 and at the northwest corner of this;

Thence North 58 Degrees 32 Minutes 21 Seconds East 1760.61 feet (RECORD: N60°00'30"E 1760.8') to the point of beginning, containing 87.89 acres of land.

Surveyed April 12<sup>th</sup>, 2021

  
Jacob R. Waters  
RPLS No. 6849  
Job No. 21-04-0191

