

## **NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**Notice Pursuant To Texas Property Code Sec. 51.002(i): 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 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 IMMEDIATELY.**

STATE OF TEXAS  
COUNTY OF FAYETTE

FILED  
11:00 AM  
JAN 11 2017

JAN 11 2017

JAN 11 2017

Julie Karstedt KS  
JULIE KARSTEDT

CO. CLERK, FAYETTE CO. TEXAS

WHEREAS, by that certain Deed of Trust dated May 7, 1999, recorded at Volume 1061, Page 719, Official Public Records of Fayette County, Texas (hereinafter referred to as the "Deed of Trust"), Daniel F. Hallmark and Wendy Hallmark (hereinafter referred to hereinafter as "Borrowers") conveyed to Don Stricklin, Trustee, all of the herein described property located in Fayette County, Texas, together with all improvements thereon and all other property described in and conveyed by the Deed of Trust (collectively referred to as the "Property") to secure the payment of that one certain Note dated May 7, 1999, executed by Daniel F. Hallmark and Wendy Hallmark, in the original principal balance of \$40,500.00 and originally payable to State Bank, La Grange, Texas (hereinafter referred to as the "Note"); and

WHEREAS, Prosperity Bank is holder and owner of the Indebtedness evidenced by the Note and the Deed of Trust, and liens securing same, as successor in interest of First Victoria National Bank, successor in interest to State Bank, La Grange, Texas, and is entitled to receive all amounts due thereunder, and

WHEREAS, the undersigned has been appointed Substitute Trustee in place of said Original Trustee and any other Substitute Trustee, upon the contingency and in the manner authorized by said Deed of Trust; and

WHEREAS, default has occurred in the payment of the Indebtedness evidenced by the Note and the same is now wholly due, and the owner and holder of said Indebtedness has requested the undersigned to sell said property to satisfy said Indebtedness; and

NOW, THEREFORE, Notice is hereby given that on Tuesday, the 7<sup>th</sup> day of February, 2017, between ten o'clock a.m. and four o'clock p.m. (10 a.m. to 4 p.m.), I will sell to the highest bidder at public auction the Property ("Property") described below, at the Fayette County Courthouse Bulletin Board located on the edge of the Courthouse Square on West Colorado Street in the area just west of where the straight sidewalk from the North entrance of the Courthouse building meets West Colorado Street outside the Fayette County Courthouse located at 151 North Washington Street, La Grange, Fayette County, Texas 78945, or such other area place as has been designated by the Commissioners' Court of Fayette County, Texas for the conducting of foreclosure sales, pursuant to Section 51.002 of the Texas Property Code, as the place where foreclosure sales are to take place. The Substitute

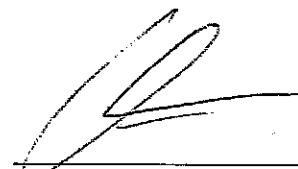
Trustee's sale will be begin no earlier than 1:00 p.m. and must be concluded within three hours of such starting time. Said sale shall be to the highest bidder for cash

The property to be sold, including any improvements, located in Fayette County, State of Texas, (hereinafter collectively referred to as the "Property") is described as follows, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER WITH all other collateral and other interests granted and conveyed under said Deed of Trust to secure the payment of the aforementioned Note executed by Daniel F. Hallmark and Wendy Hallmark.

Signed this 10<sup>th</sup> day of January, 2017.



H. CLINTON MILNER, Substitute Trustee  
111 Garvin Way  
Midlothian, Texas 76065  
TEL. (214) 342-0700

EXHIBIT "A"

All that certain tract or parcel of land being 2.00 acres of land, a part of the Silas Jones Survey, Abstract 60, of Fayette County, Texas, and also being all of that certain tract conveyed to Anton A. Havelka, Jaks Havelka and Joseph Havelka as recorded in Volume 668, Page 506, of the Deed Records of Fayette County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found in the southwest margin of Petter Rainosek Loop, a Fayette County maintained public road and accepted for an exterior corner of the residual of a called 161.1 acre Liby Freeman et ux tract (Volume 699, Page 79) and for the North corner hereof;

THENCE with the Southwest margin of Petter Rainosek Loop South 23° 17' 42" East - 314.73 feet to a 1/2" iron rod found and accepted for the Southeast corner hereof;

THENCE with the Northwest margin of Petter Rainosek Loop South 29° 29' 40" West - 58.30 feet to a 1/2" iron rod set for an exterior corner hereof;

THENCE with the Northwest margin of Petter Rainosek Loop South 37° 59' 12" West - 32.83 feet to a 1/2" iron rod set for an exterior corner hereof;

THENCE with the Northwest margin of Petter Rainosek Loop South 45° 00' 00" West - 138.00 feet to a 1/2" iron rod found in concrete and accepted for an exterior corner of the Freeman tract and for the South corner hereof;

THENCE with the line of the Freeman tract North 45° 00' 00" West - 311.72 feet to a 1/2" iron rod found and accepted for an interior corner of the Freeman tract and for the West corner hereof;

THENCE with the line of the Freeman tract North 44° 57' 06" East - 343.16 feet to the Place of Beginning, containing 2.00 acres of land.

SUBJECT TO such presently valid and subsisting easements, if any, to which the above property is subject, as may be actually located upon the ground, which are not of record.

SUBJECT TO any portion of the property herein described, if any, which falls within the boundaries of any road or roadway.

SUBJECT TO Pipeline Right of Way dated January 27, 1970, executed by Freeman Farms, Inc. to Intratex Gas Company, recorded in Volume 420, Page 404, Deed Records of Fayette County, Texas, together with all rights incident thereto.

SUBJECT TO Pipeline Right of Way dated August 28, 1981, executed by Liby Edwin Freeman and wife, Aline Freeman to Phillips Petroleum Company, recorded in Volume 586, Page 732, Deed Records of Fayette County, Texas, together with all rights incident thereto.

SUBJECT TO Right of Way Easement dated December 16, 1947, executed by Liby Edwin Freeman and wife, Aline Freeman, to Fayette Electric Cooperative, Inc., recorded in Volume 217, Page 429, Deed Records of Fayette County, Texas, together with all rights incident thereto.

SUBJECT TO Oil and Gas Lease dated July 7, 1982, executed by Liby Edwin Freeman, et ux, to Indexgeo-J.V., recorded in Volume 185, Page 710, Oil and Gas Lease Records of Fayette County, Texas, together with all rights incident thereto.

SUBJECT TO mineral and/or royalty reservation appearing in the Deed dated July 12, 1982, executed by Freeman Farms, Inc. to Wayne St. Onge, et ux, recorded in Volume 609, Page 55, Deed Records of Fayette County, Texas, together with all rights incident thereto.

SUBJECT TO Oil and Gas Lease dated January 25, 1992, executed by Aline Freeman, et al, to Holt Group LTD, recorded in Volume 328, Page 714, Oil and Gas Lease Records of Fayette County, Texas, together with all rights incident thereto.

SUBJECT TO overhead electric lines as shown on survey plat dated April 13, 1999, prepared by Rocky Von Roesler, R.P.L.S. No. 4702