

2016-74
FILED FOR RECORD
AT 3:28 O'CLOCK P.M.

NOTICE OF FORECLOSURE SALE

MAY 17 2016

May 14, 2016

SHERRY DOWD, County Clerk
NAVARRO COUNTY, TEXAS
BY *[Signature]* DEPUTY

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: September 15, 2015

Grantor: Gabriel Villagomez, Jr.

Trustee: David K. Waggoner

Beneficiary: Frances Fitts

Recorded in: Clerk's Instrument Number 00007515,
Official Public Records of Navarro County, Texas

Secures: Real Estate Lien Note (the "Note") in the original principal amount of \$13,702.38, executed by Gabriel Villagomez, Jr., and payable to the order of Frances Fitts

Legal Description of the Property: All of the real property 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: June 7, 2016

Time: The Sale shall begin no earlier than 1:00 P.M., or no later than three hours thereafter. The Sale shall be completed by no later than 4:00 P.M.

Place: Navarro County Temporary Courthouse in Corsicana, Texas, at the following location: at or around the east entrance on the first floor as prescribed by the Commissioner's Court of Navarro County, Texas.

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.

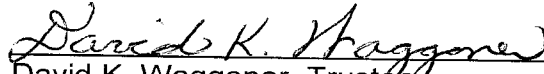
Those desiring to purchase the Property will need to demonstrate their ability to pay cash on the day the property is sold. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

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 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 14th day of May, 2016.



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

EXHIBIT "A"

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ELLIS ASSOCIATES
SURVEYORS

212 NORTH COLLEGE STREET • WAXAHACHIE, TEXAS 75165 •
Telephone 972-937-7474 • Fax 972-937-0331

FIELD NOTES for Cross Country Land Company

Job no. E-98108.1

BEING a part of the Caswell Rushian Survey, Abstract 707, Navarro County, Texas, and being a part of the tract described in deed from the First Union National Bank of Florida to Frances Fitts recorded in Volume 1255, Page 631, Deed Records, Navarro County, Texas, and being more particularly described by its metes and bounds as follows;

BEGINNING at a 1/2 inch steel rod set in the center of County Road No. NE 2140, at a point that is S 30°00'00" W, 315.40 feet from the northwest corner of said Survey, Fitts tract and on the east line of Tract One described in deed from Shelley Rene Sessions Trust to Scott Lee Powers, et ux recorded in Volume 1211, Page 120, Deed Records, Navarro County, Texas and on the east line of the D.R. Mitchell Survey, Abstract 533;

THENCE N 61°05'04" E, 1380.32 feet to a 1/2 inch steel rod set on the east line of said Fitts tract and the west line of Tract Four described in said Powers deed;

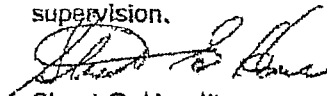
THENCE S 29°45'54" E, (deed S 30°00'57" E) with the common line of said Fitts tract and Tract Four and generally along a fence, 248.59 feet to a 1/2 inch steel rod set from, which a 1 inch pipe found bears S 29°45'54" E, 35.80 feet;

THENCE S 59°06'35" W, 1379.22 feet to a 1/2 inch steel rod set in the center of said Road, on the west line of said Fitts tract, the east line of said Tract One and east line of said Mitchell Survey;

THENCE N 30°00'00" W, (bearing base line) with the center of said Road and common line of said Fitts tract and said Tract One, 296.14 feet to the point of beginning and containing approximately 8.626 acres of land.

See attached survey plat.

I declare that the above field notes were prepared from a survey made on the ground on the 19th of March, 1998 and that all corner monuments were found or placed under my personal supervision.


Stuart G. Hamilton
Registered Professional
Land Surveyor, No. 4480

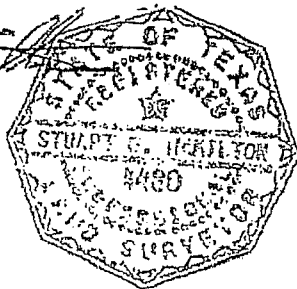
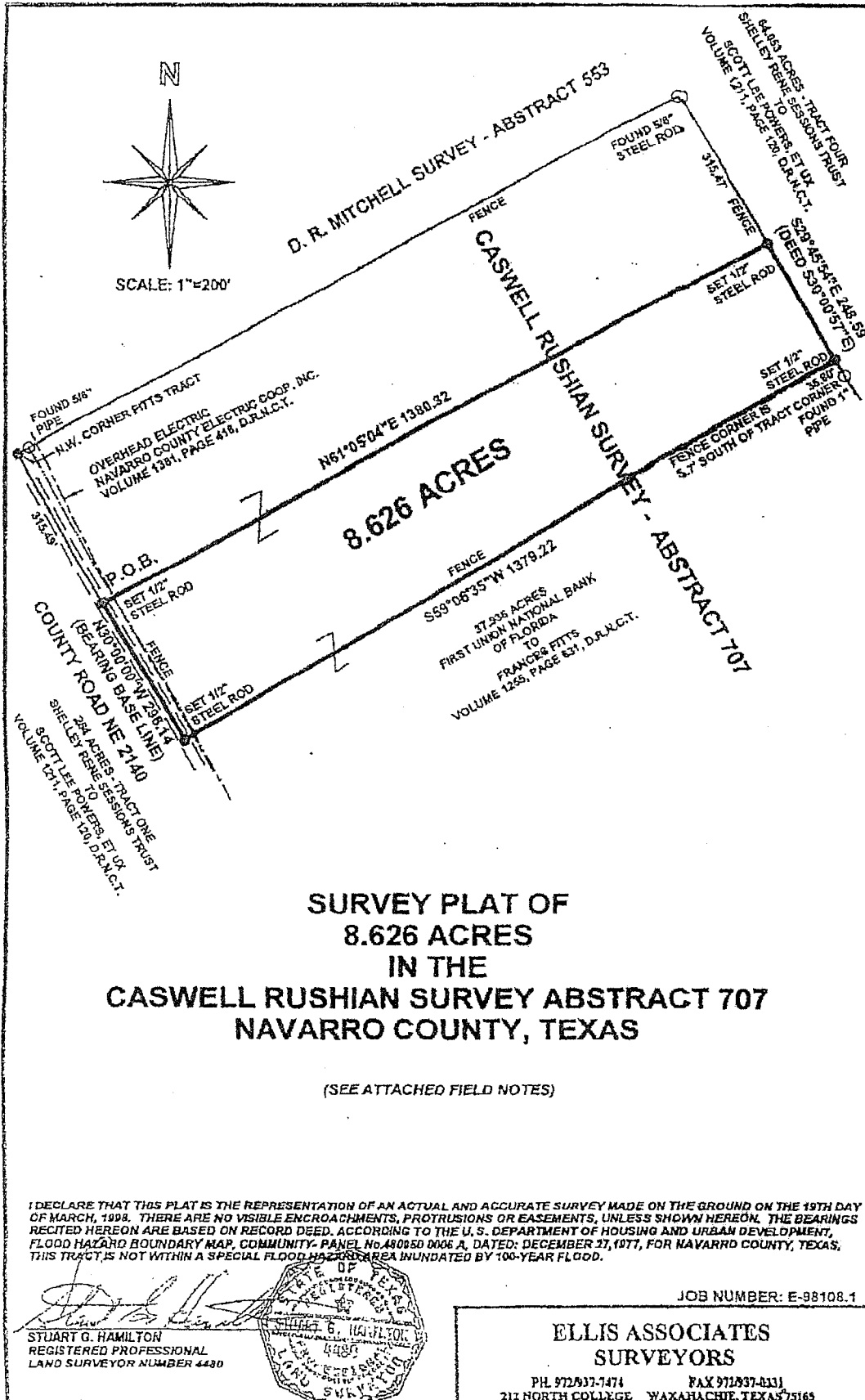


EXHIBIT "A"

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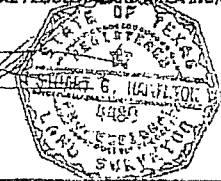


**SURVEY PLAT OF
8.626 ACRES
IN THE
CASWELL RUSHIAN SURVEY ABSTRACT 707
NAVARRO COUNTY, TEXAS**

(SEE ATTACHED FIELD NOTES)

I DECLARE THAT THIS PLAT IS THE REPRESENTATION OF AN ACTUAL AND ACCURATE SURVEY MADE ON THE GROUND ON THE 19TH DAY OF MARCH, 1998. THERE ARE NO VISIBLE ENCROACHMENTS, PROTRUSIONS OR EASEMENTS, UNLESS SHOWN HEREON. THE BEARINGS RECITED HEREON ARE BASED ON RECORD DEED, ACCORDING TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FLOOD HAZARD BOUNDARY MAP, COMMUNITY-PANEL No. 450850 006 A, DATED: DECEMBER 27, 1977, FOR NAVARRO COUNTY, TEXAS, THIS TRACT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA INUNDATED BY 100-YEAR FLOOD.

Stuart G. Hamilton
STUART G. HAMILTON
REGISTERED PROFESSIONAL
LAND SURVEYOR NUMBER 4430



JOB NUMBER: E-98108.1

**ELLIS ASSOCIATES
SURVEYORS**

PH. 972/937-7474 FAX 972/937-8133
212 NORTH COLLEGE WAXAHACHIE, TEXAS 75165