

58

NOTICE OF FORECLOSURE SALE

FILED
NICOLE TANNER, COUNTY CLERK
HILL COUNTY, TEXAS

2011 JUL -7 P 4: 08

1. **Property to be Sold.** The property to be sold is described as follows:

404 3rd Street, Blum Hill County, Texas, more fully described in Exhibit "A" attached hereto;

2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the deed of trust filed and recorded at Volume 1588, Page 302, of the Hill County Official Public Records on March 6, 2009.

3. **Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time and place:

Date: August 1, 2017

Time: The sale will begin no earlier than 10:00 A.M. or no later than three hours thereafter.

Place: At the East Door of the Hill County Courthouse, Hillsboro, Hill County, Texas or, if the preceding area is no longer the designated area, at the area most recently designated by the Hill County Commissioner's Court.

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 reposted and refiled in accordance with the posting and filing requirements of the *Texas Property Code*. The reposting or refiled may be after the date originally scheduled for this sale.

4. **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 sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

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. The sale shall not cover any part of the property that has been released of public record from the lien of the deed of trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to Sec. 51.009 of the *Texas Property Code*, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as the warranties of title (if any) provided for under the deed of trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

Pursuant to Sec. 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 or any substitute trustee.

5. **Type of Sale.** The sale is a nonjudicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted in the deed of trust executed by **David Barrett and Leslie**

Barrett. The deed of trust is dated **February 28, 2009** and is recorded at **Volume 1588, Page 302** of the Official Public Records of Hill County, Texas.

The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the *Texas Business and Commerce Code*.

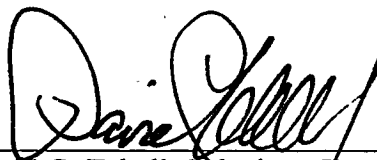
6. **Obligations Secured.** The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively, the "obligations") including but not limited to (a) the February 28, 2009 Real Estate Lien Note Contract in the original principal amount of **\$32,500.00**, executed by **David Barrett and Leslie Barrett**, and payable to the order of **Brian Hayashi and wife, Fariba Hayashi**; (b) all renewals and extensions of the Real Estate Lien Note. **Brian Hayashi and wife, Fariba Hayashi** are the current owners and holders of the Obligations and are the beneficiaries under the deed of trust.

Questions concerning the sale may be directed to the undersigned.

7. **Default and Request to Act.** Default has occurred under the deed of trust, and the beneficiaries have requested me, as Trustee, to conduct this sale. Notice is given that before the sale the beneficiaries may appoint another person substitute trustee to conduct the sale.

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.

Dated: June 30, 2017



David G. Tekell, Substitute Trustee
Tekell & Atkins, L.L.P.
5400 Bosque Boulevard, Suite 600
Waco, Texas 76710
Telephone 254/776-5095
Facsimile 254/776-5091

CM / RRR # 7012 2210 0002 6262 6577 and 7012 2210 0002 6262 6560

FIRST CLASS MAIL

EXHIBIT "A"

Page 1 of 2

INCE SURVEYING & ENGINEERING
407 ANGELINA STREET
WHITNEY, TEXAS 76692
PHONE: (254)694-7708
FAX: (254)694-7230

Field notes for the survey of a certain lot, tract, or parcel of land being a part of Lot 3, Block 32 of the Original Town of Blum, Hill County, Texas, according to plat recorded in Volume 162, Page 22 of the Deed Records of Hill County and also being referred to as Lots "3-C" and "3-D". Said land is all that certain tract described in a deed from Barbara D. Rice to Brian Hayashi and Fariba Hayashi recorded in Volume 1563, Page 721 and all that certain tract described in a deed from Alan Thomas Tucker to Brian Hayashi et ux, Fariba Hayashi recorded in Volume 1587, Page 90 of the Official Public Records of Hill County, more particularly described as follows:

BEGINNING at a 5/8" iron rod found at the intersection of the south line of East Third Street with the west line of HCR #1137 (Old Derden Road) for the northeast corner of said Lot "3-C" and for the northeast corner of this:

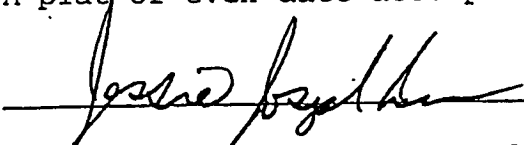
THENCE with the west line of HCR #1137, S44°00'26"W 91.02 feet to a 5/8" iron rod found for the southeast corner of said Lot "3-C" and for the northeast corner of said Lot "3-D" and ~~S44°02'29"W 78.98 feet to a 1/2" iron rod found for the northeast~~ corner of that certain 0.278 acre tract described in a deed to Richard Lee Jean recorded in Volume 600, Page 901 of the Deed Records of Hill County, for the southeast corner of said Lot "3-D", and for the southeast corner of this;

THENCE with the north line of said Jean tract and generally along a chain link fence as extended, N57°29'06"W 70.12 feet to a 1/2" iron rod set for the southwest corner of said Lot "3-D" and for the southwest corner of this;

THENCE generally along a chain link fence as extended, N30°51'50"E 100.86 feet to a 5/8" iron rod found for the northwest corner of said Lot "3-D" and for the southwest corner of said Lot "3-C" and N30°39'07"E 61.81 feet to a 5/8" iron rod found in the south line of East Third Street for the northwest corner of said Lot "3-C" and for the northwest corner of this;

THENCE with the south line of East Third Street, S59°35'00"E 109.02 feet to the place of beginning, containing 0.337 acres of land.

A plat of even date accompanies these field notes.


Registered Professional Land Surveyor
02/26/08

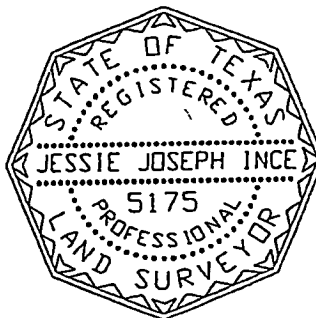
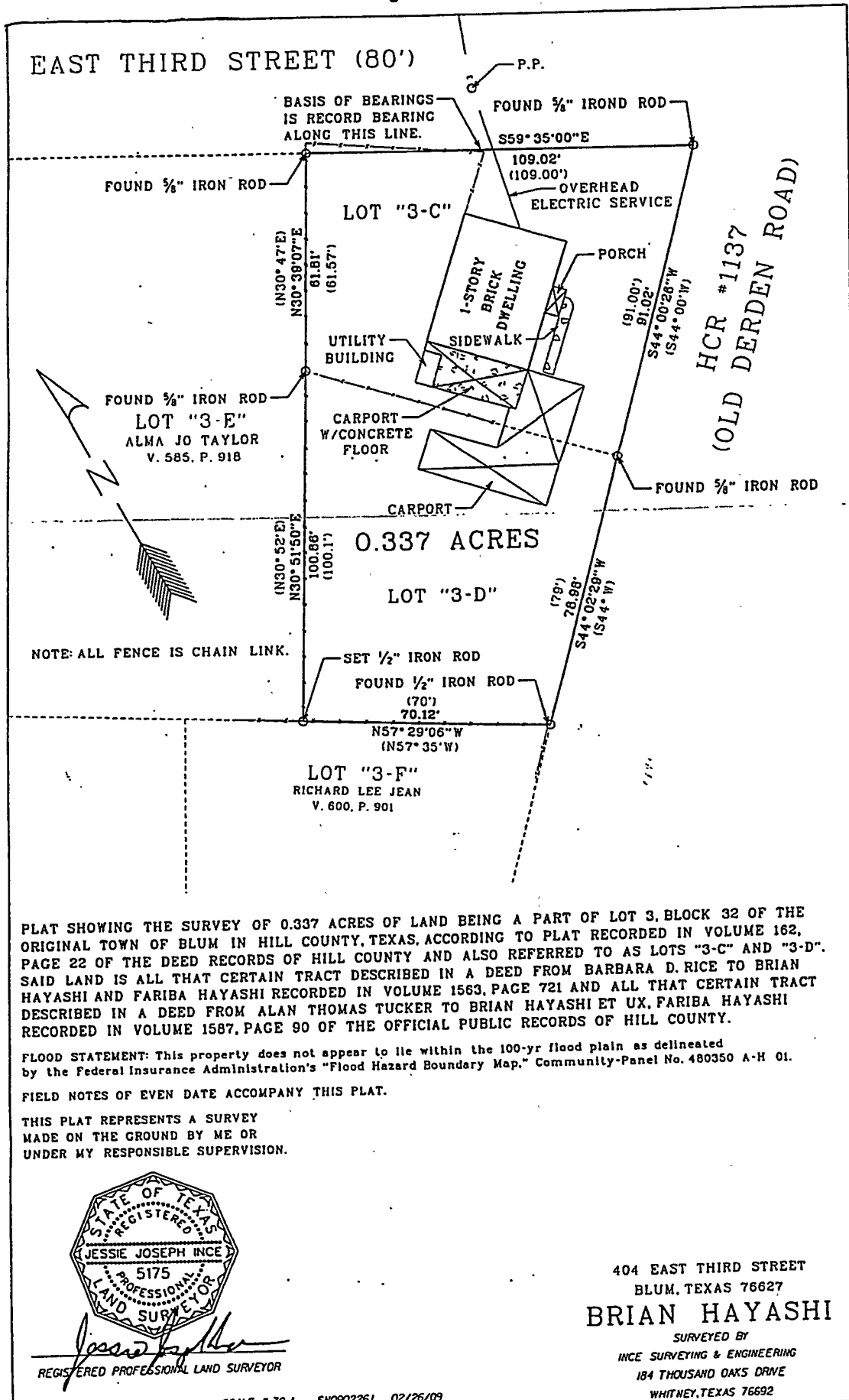


EXHIBIT "A"
Page 2 of 2

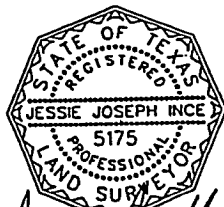


PLAT SHOWING THE SURVEY OF 0.337 ACRES OF LAND BEING A PART OF LOT 3, BLOCK 32 OF THE ORIGINAL TOWN OF BLUM IN HILL COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 162, PAGE 22 OF THE DEED RECORDS OF HILL COUNTY AND ALSO REFERRED TO AS LOTS "3-C" AND "3-D". SAID LAND IS ALL THAT CERTAIN TRACT DESCRIBED IN A DEED FROM BARBARA D. RICE TO BRIAN HAYASHI AND FARIBA HAYASHI RECORDED IN VOLUME 1563, PAGE 721 AND ALL THAT CERTAIN TRACT DESCRIBED IN A DEED FROM ALAN THOMAS TUCKER TO BRIAN HAYASHI ET UX, FARIBA HAYASHI RECORDED IN VOLUME 1587, PAGE 90 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 Hazard Boundary Map," Community-Panel No. 480350 A-H 01.

FIELD NOTES OF EVEN DATE ACCOMPANY THIS PLAT.

THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND BY ME OR UNDER MY RESPONSIBLE SUPERVISION.



Jessie Joseph Ince
REGISTERED PROFESSIONAL LAND SURVEYOR

404 EAST THIRD STREET
BLUM, TEXAS 76627
BRIAN HAYASHI
SURVEYED BY
INCE SURVEYING & ENGINEERING
184 THOUSAND OAKS DRIVE
WHITNEY, TEXAS 76692

SCALE 1" = 30' SNO902261. 02/26/09