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OCT 14 2013

NOTICE OF SUBSTITUTE TRUSTEE'S FORECLOSURE 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.**

By [Signature]  
CLERK COUNTY HILL COUNTY TEXAS  
DEPUTY

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

Field notes for the survey of a certain lot, tract, or parcel of land lying and situated in the F.M. Weatherhead Survey A-930 in Hill County, Texas and being all of Lots A, B, C, D, E, and F of the Re-subdivision of Lots 31 and 32 of the Loma Linda Subdivision in Hill County, Texas, according to plat recorded in Volume 468, Page 1, all of Lot 33 of the Loma Linda Subdivision, according to plat recorded in Volume 371, Page 409, and a part of that certain 220 acre tract described in a Judgment of Declaration of Taking recorded in Volume 368, page 389 of the Deed Records of Hill County. Said land is all those certain tracts described in a deed from Clayton Farms, Inc. to Billy W. Clayton recorded in Volume 1003, Page 846 and all that certain 0.554 acre tract described in a deed from the United States of America to Billy W. Clayton recorded in Volume 1451, Page 638 of the Official Public Records of Hill County, more particularly described as follows:

BEGINNING at U.S. Army Corps of Engineers monument #WE-424-A-147 found in the east line of said Lot A for the northwest corner of said Lot F, for an outside ell corner of said 220 acre tract (U.S. Army Corps of Engineers property, Lake Whitney Tract #WE-424-A), and for an inside ell corner of this:

THENCE with a south line of said 220 acre tract, N66°26'52"E 138.00 feet to a 1/2" iron rod set for the northeast corner of said Lot F, for the northwest corner of said Lot 33, for the southwest corner of said 0.554 acre tract, and for an inside ell corner of this;

THENCE generally along a chain link fence the following courses and distances:

- N28°04'03"E 17.22 feet to a 1/2" iron rod set,
- N19°12'45"E 51.15 feet to a 1/2" iron rod set,
- N42°55'46"E 32.52 feet to a 1/2" iron rod set,
- N49°45'36"E 40.33 feet to a 1/2" iron rod set,
- N51°10'14"E 83.15 feet to a 1/2" iron rod set,
- N77°13'12"E 32.02 feet to a 1/2" iron rod set,
- S79°43'42"E 20.71 feet to a 1/2" iron rod set, and
- S45°42'53"E 20.05 feet to a 1/2" iron rod set at a chain line fence corner;

THENCE S40°36'42"E 63.90 feet to a 1/2" iron rod set and S29°06'54"E 10.17 feet to a 1/2" iron rod set for an outside ell corner of this;

THENCE S60°53'06"W 15.00 feet to a 1/2" iron rod set in a chain link fence line for an inside ell corner of this;

THENCE generally along a chain link fence, S00°49'35"W 52.18 feet to a 1/2" iron rod set and S38°41'55"W 65.24 feet to an "X" found cut in concrete in a northeasterly line of said 220 acre tract for the southeast corner of said Lot 33 and for the southeast corner of said 0.554 acre tract, said rod being N28°34'48"W 100.05 feet from an "X" found cut in concrete for Corps monument #WE-424-A-145;

THENCE with the south line of said Lot 33, S58°56'35"W 98.30 feet to an "X" cut in concrete, S07°53'48"W 42.00 feet to a 1/2" iron rod set, and N82°06'12"W 30.00 feet to a 1/2" iron rod set for the southwest corner of said Lot 33 and for an inside ell corner of this;

THENCE with the west line of Canyon Court, S07°53'48"W 385.10 feet to a 1/2" iron rod set for the southeast corner of said Lot E and for the southeast corner of this;

THENCE S79°31'47"W 15.56 feet to a 1/2" iron rod set in the east line of Canyon Drive for the southwest corner of said Lot E and for the southwest corner of this;

THENCE with the east line Canyon Drive the following courses and distances:

- N10°51'33"W 78.26 feet to a 1/2" iron rod found,

N51°33'31"W 256.73 feet to a 1/2" iron rod set,  
N15°33'00"W 97.30 feet to a 1/2" iron rod set,  
N26°42'00"E 84.70 feet to a 1/2" iron rod set, and  
N36°42'00"E 165.70 feet to a 1/2" iron rod set in a westerly line of said 220 acre tract for the north corner of said Lot A and for the northwest corner of this;

THENCE with said westerly line of said Corps property and with the east line of said Lot A, S09°27'00"W 110.00 feet to the place of beginning, containing 2.937 acres of land.  
A plat of even date accompanies these field notes.

2. Instrument to be Foreclosed. The instrument to be foreclosed is the deed of trust to Mortgage Electronic Registration Systems, Inc. as nominee for The CIT Group/Consumer Finance, Inc., recorded on 01/08/2007 as Document No. 600297 in the real property records of Hill County, Texas. Assignment of Deed of Trust to U.S. Bank National Association as successor by merger of U.S. Bank National Association recorded on 07/29/2013 as Document No. 00060359 of the real property records of Hill County, Texas

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

Date: 11/05/2013

Time: The sale will begin no earlier than 10:00 A.M. or no later than three hours thereafter. The sale will be completed by no later than 4:00 P.M.

Place: Steps outside east door of courthouse or interior of courthouse near east door in case of inclement weather

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, to present a cashier's check or counter check made out to U.S. Bank National Association, in the exact amount of the sale, or present evidence of having wired funds to U.S. Bank, NA, Alexandria, KY, ABA Number 042100175, Account Number 042100175, Beneficiary - US Bank. If a bidder intends to use a cashier's check, or wire funds, the Substitute Trustee will recess the sale to allow the winning bidder to obtain a cashier's check or wire the funds and return with evidence of having wired the funds in the form of a statement or receipt. Should the winning bidder be unwilling or unable to provide evidence of having wired the funds, or fail to present a cashier's check, bidding will resume.

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.

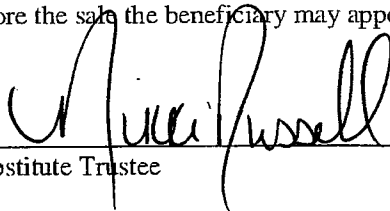
If the sale is set aside for any reason, the purchaser at the sale shall be entitled only to a return of the deposit paid. The purchaser shall have no further recourse against the mortgagor, the mortgagee, or the mortgagee's attorney.

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.

Pursuant to section 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 to 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 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 or any substitute trustee.

5. **Type of Sale.** The sale is a nonjudicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by Harold Ray Bentley.
6. **Obligations Secured.** The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to (a) the promissory note in the original principal amount of \$165,600.00, executed by Harold Ray Bentley, and payable to the order of The CIT Group/Consumer Finance, Inc.; (b) all renewals and extensions of the note; (c) any and all present and future indebtednesses of Harold Ray Bentley to The CIT Group/Consumer Finance, Inc.. U.S. Bank National Association, successor by merger to U.S. Bank National Association ND is the current holder of the Obligations and is the beneficiary under the deed of trust.
7. **Default and Request to Act.** Default has occurred under the deed of trust, and the beneficiary has requested Statewide Civil Process, Inc., 815-A Brazos St., #501, Austin, TX 78701 as substitute trustees, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person as substitute trustee to conduct the sale.

  
Substitute Trustee

Sent to obligors via certified mail by Klatt, Odekirk, Augustine, Sayer, Treinen, & Rastede, P.C., 531 Commercial St., Suite 250, Waterloo, IA 50701, 319-232-3304.

NOTICE OF SALE FORECLOSURE FORM

*Instructions: Submit this form to the county clerk in which the foreclosure is taking place. Date this form is submitted to county clerk (may be file stamped)*

Is this property residential real property? (Yes/No)

Yes

Zip code of the property for which the Notice of Sale is filed

76692

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Street Address: 221 East 11th Street, Austin, TX 78701

Mailing Address: PO Box 13941, Austin, TX 78711

Main Number: 512-475-3800 Toll Free: 1-800-525-0657

Email: [info@tdhca.state.tx.us](mailto:info@tdhca.state.tx.us) Web: [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)



Last updated 1/4/2012