

NOTICE OF [SUBSTITUTE] TRUSTEE'S 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.

2014 AUG 11 PM 2:44

FILED
NICOLE TANNER, COUNTY CLERK
HILL COUNTY, TEXAS

1. **Date, Time, and Place of Sale.**

Date: September 02, 2014

Time: The sale will begin at 11:00AM or not later than three hours after that time.

Place: THE EAST DOOR OF THE HILL COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

2. **Terms of Sale.** Cash.

3. **Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated March 26, 2013 and recorded in Document VOLUME 1748, PAGE 461 real property records of HILL County, Texas, with JEREMY SPAIN, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS"), AS NOMINEE, mortgagee.

4. **Obligations Secured.** Deed of Trust or Contract Lien executed by JEREMY SPAIN, securing the payment of the indebtednesses in the original principal amount of \$142,857.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. WELLS FARGO BANK, N.A. is the current mortgagee of the note and Deed of Trust or Contract Lien.

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

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES.

6. **Mortgage Servicer Information.** The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code § 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the Property referenced above. WELLS FARGO BANK, N.A., as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o WELLS FARGO BANK, N.A.
3476 STATEVIEW BLVD.
FORT MILL, SC 29715



CECIL KESTER, L PETR, R HUMPHRIES OR B. JACKSON
Substitute Trustee

c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP
15000 Surveyor Boulevard, Suite 100
Addison, Texas 75001



EXHIBIT "A"

BEING ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE JOHN M. MCCARTER SURVEY ABSTRACT NO. 535, HILL COUNTY, TEXAS, AND BEING THAT SAME CERTAIN CALLED 4.424 ACRE TRACT OF LAND AS CONVEYED BY EVANGELINE BYRN, A WIDOW, AND MARY ELAINE BYRN STOUT, A SINGLE WOMAN TO BOBBY DAN APPELGATE AND WIFE, NANCY JANE APPELGATE BY THE DEED RECORDED IN VOLUME 6 (87) 47, PAGE 529, OF THE DEED RECORDS OF HILL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING AT A 1/2 INCH IRON ROD FOUND ON A NORTHEASTERLY LINE OF OLD STATE HIGHWAY NO. 171, SAID IRON ROD FOUND BEING CALLED THE NORTHWEST CORNER OF THAT CERTAIN CALLED 13.02 ACRE TRACT OF LAND AS CONVEYED TO BOBBY DAN APPELGATE AND WIFE, NANCY JANE APPELGATE BY THE RELEASE OF LIEN AS RECORDED IN VOLUME 934, PAGE 402 OF THE DEED RECORDS OF HILL COUNTY, TEXAS, SAID IRON ROD FOUND BEING THE SOUTHWEST CORNER OF SAID APPELGATE 4.424 ACRE TRACT OF LAND, AND SAID IRON ROD FOUND BEING IN A CURVE TO THE RIGHT, HAVING A RADIUS OF 1432.70 FEET;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID APPELGATE 4.424 ACRE TRACT, ALONG A NORTHEASTERLY LINE OF OLD STATE HIGHWAY NO. 171, AND ALONG SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 327.21 FEET, BEING SUBTENDED BY A CHORD OF NORTH 34 DEGREES 15 MINUTES 09 SECONDS WEST, 326.50 FEET, TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF THAT CERTAIN CALLED 13.206 ACRE TRACT OF LAND AS CONVEYED TO JAMES M MCGINNIS BY THE DEED RECORDED IN VOLUME 576, 634, OF THE DEED RECORDS OF HILL COUNTY, TEXAS, AND SAID IRON ROD FOUND BEING THE NORTHWEST CORNER OF SAID APPELGATE 4.424 ACRE TRACT OF LAND.

THENCE NORTH 55 DEGREES 50 MINUTES 00 SECONDS EAST, ALONG THE COMMON LINE BETWEEN SAID 13.206 ACRE TRACT AND SAID APPELGATE 4.424 ACRE TRACT, A DISTANCE OF 567.64 FEET, TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID MCGINNIS 13.206 ACRE TRACT, SAID IRON ROD FOUND BEING ON A SOUTHWESTERLY LINE OF AFOREMENTIONED APPELGATE 13.02 ACRE TRACT, AND SAID IRON ROD FOUND BEING THE NORTHEAST CORNER OF SAID APPELGATE 4.424 ACRE TRACT OF LAND.

THENCE SOUTH 29 DEGREES 10 MINUTES 55 SECONDS EAST, ALONG A COMMON LINE BETWEEN SAID APPELGATE 13.02 ACRE TRACT AND SAID APPELGATE 4.424 ACRE TRACT, A DISTANCE OF 367.74 FEET, TO A 1/2 INCH IRON ROD FOUND FOR AN INSET CORNER OF SAID APPELGATE 13.02 ACRE TRACT, SAID IRON ROD FOUND BEING THE SOUTHEAST CORNER OF SAID APPELGATE 4.424 ACRE TRACT OF LAND.

THENCE SOUTH 59 DEGREES 33 MINUTES 27 SECONDS WEST, ALONG A COMMON LINE BETWEEN SAID APPELGATE 13.02 ACRE TRACT AND SAID APPELGATE 4.424 ACRE TRACT, A DISTANCE OF 536.77 FEET, TO THE POINT OF BEGINNING AND CONTAINING 4.408 ACRES OF LAND MORE OR LESS. AS SURVEYED BY BUFFALO CREEK SURVEYOR, IIC. JOE DAVIS BALLARD. RPLS NO. 5614

