



**Notice of Foreclosure Sale**

**February 28, 2017**

**Deeds of Trust: ("Deed of Trust"):**

Dated: May 11, 2016 and October 21, 2016 (as identified below)

Grantor: Kenneth Paul Giessner and Jennifer Dee Giessner, as Co-Trustees of the Giessner Operating Trust Agreement for Jointly Owned Property after Divorce and Kenneth Paul Giessner

Trustee: Bethany Espinoza  
299 S. Columbia  
Stephenville, TX 76401

Beneficiary: Jennifer Dee Giessner

Recorded in: Document Numbers 20160833, 20160834, and 2016151 of the real property records of Hamilton County, Texas.

Legal Description: Tract One:  
All that certain tract of land situated in Hamilton County, Texas, and being a part of the following surveys: 8.74 acres out of the Henry Fuller Survey, Abstract No. 272 and 61.26 acres out of the C.W. Avery Survey, Abstract No. 23, also being a portion of the same land described in Deed of Trust dated March 6, 1957, recorded in Volume 64, Page 608, of the Deed of Trust Records of Hamilton County, Texas, more particularly described as follows:  
BEGINNING at a steel pin which lies South 31 deg. 05' East, 30.0 feet and South 59 deg. 48' West, 2994.7' from the Northeast corner of the W.B. McCaleb Survey, said beginning being in the South line of a 30' access lane;  
THENCE South 31 deg. 57' East, 2151.3' to a point in the center of the Hico-Carlton County Road;  
THENCE with the center of said road as follows: S. 53 deg. 34' West, 292.2'; South 83 deg. 54' West, 581.0'; North 77 deg. 27' West, 94.0'; North 66 deg. 17' West, 427.2'; North 66 deg. 05' West, 600.0' and North 66 deg. 01' West, 1262.5' to a point in the South line of the above described access lane;  
THENCE with said access lane North 60 deg. 50' East, 498.9'; North 41 deg. 47' East, 111.2' and North 59 deg. 47' East, 1561.6' to the place of beginning and containing 70.00 acres of land, more or less, of which 1.87 acres lies in the right of way of the above described County road.

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Tract Two:

All that certain tract or parcel of land being the South 25 feet of Lots 9 and 10 Block 02 (1) of the Original Town of Hico, Hamilton County, Texas being a lot 25 feet by 50 feet.

Tract Three:

That certain South 25' of Lots 6,7, & 8, Block 02 (01) of the Original Town of Hico, Hamilton County, Texas, being 25 feet by 75 feet, and identified as ID 19774 on the Hamilton County Tax Rolls and listed as 100 N. Railroad.

**Secures:** Real Estate Lien Note in the original principal amount of \$325,000.00, executed by Kenneth Paul Giessner and Jennifer Dee Giessner, as Co-Trustees of the Giessner Operating Trust Agreement for Jointly Owned Property after Divorce and payable to the order of Beneficiary, and subsequently amended by the Reformed Agreed Final Decree of Divorce in Cause No. FM01815 in the 220<sup>th</sup> Judicial District Court of Hamilton County, Texas; entered November 2, 2016, and amended by Promissory Note ("Note") dated October 21, 2016, in the original principal amount of \$278,000.00 executed by Kenneth Paul Giessner, as Grantor ("Borrower") and payable to the order of Beneficiary.

**Modifications:** Modified by the above described Reformed Agreed Final Decree of Divorce and an Owelty Deed of Trust, dated October 21, 2016 executed by Kenneth Paul Giessner for the benefit of Beneficiary, and recorded as Document Number 20161751 of the real property records of Hamilton County, Texas (as used herein, the terms "Note" and "Deed of Trust" mean the Note and Deed of Trust of the original documents and as so modified, renewed, and/or extended as described herein).

**Foreclosure Sale:**

**Date:** Tuesday, April 4, 2017

**Time:** The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; **the earliest time at which the Foreclosure Sale will begin is 10:00 A.M. and not later than three hours thereafter.**

**Place:** At the North East portico of the Hamilton Courthouse located at 102 N. Rice, Hamilton, TX 76531

**Terms of Sale:** The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that

Beneficiary's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Beneficiary, the owner and holder of the Note, has requested Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Beneficiary's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Beneficiary's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code. Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

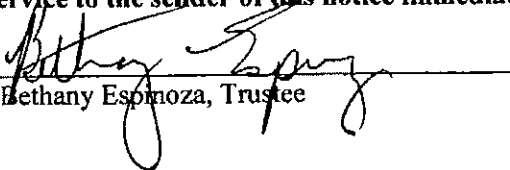
If Beneficiary passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure 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 Foreclosure 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. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Beneficiary. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (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(a) of the Texas Property Code, Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Trustee.

**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.**

  
Bethany Espinoza, Trustee

## FILED and RECORDED

Instrument Number: 20170330 B: RP V: 518 P: 781

Filing and Recording Date: 03/02/2017 10:59:12 AM Recording Fee: 2.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the REAL PROPERTY RECORDS of Hamilton County, Texas.



*Kiesha Bagwell*

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Kiesha Bagwell, County Clerk  
Hamilton County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

**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.

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

Date: April 04, 2017

Time: The sale will begin at 1:00PM or not later than three hours after that time.

Place: THE WEST CENTER STEPS OF THE HAMILTON COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

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

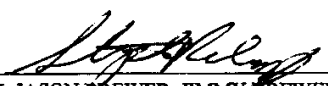
3. **Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated September 27, 2004 and recorded in Document VOLUME 377, PAGE 263 real property records of HAMILTON County, Texas, with MILDRED ECCLES, grantor(s) and WELLS FARGO BANK, N.A., mortgagee.

4. **Obligations Secured.** Deed of Trust or Contract Lien executed by MILDRED ECCLES, securing the payment of the indebtednesses in the original principal amount of \$108,000.00, 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 in the attached Exhibit A.

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

  
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JUANITA COX, JASON BREWER, JIMMY BREWER, BOBBY BREWER, SHELLY HENDERSON, SANDY MEHAN OR  
STEPHAN RAWLINGS  
Substitute Trustee

c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP  
4004 Belt Line Road, Suite 100  
Addison, Texas 75001

20170385 B: RP V: 519 P: 349 NOTTS  
03/13/2017 12:07 PM Total Pages: 4 Fee: 2.00  
Kiesha Bagwell, County Clerk - Hamilton County, Texas



302 ELIZABETH STREET  
HICO, TX 76457

00000006124408  
Date of Sale: 04/04/2017

Certificate of Posting

My name is Stephen Rawlings and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas. I declare under penalty of perjury that on 3-13-2017 I filed at the office of the HAMILTON County Clerk and caused to be posted at the HAMILTON County courthouse this notice of sale.

Stephen Rawlings  
Declarants Name: Stephen Rawlings  
Date: 3-13-2017

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HAMILTON



ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN HAMILTON COUNTY, TEXAS AND BEING ALL OF LOT NO. 1 AND THE SOUTH 70 FEET OF LOT NO. 2 OF BLOCK 4, CLARK ADDITION TO THE TOWN OF HICO PER PLAT RECORD IN VOL. 28, PAGE 345 HAMILTON COUNTY DEED RECORDS, AND BEING ALL OF THAT TRACT DESCRIBED IN DEED TO MILDRED ECCLES PER VOL. 301, PAGE 400 SAID DEED RECORDS, AND DESCRIBED BY MEETS AND BOUNDS AS FOLLOWS:

BEGINNING AT A STEEL PIN SET AT THE NORTH LINE INTERSECTION OF ELIZABETH STREET AND THE WEST LINE OF BOYD STREET, THE SEC OF LOT NO 1 AND THE SEC OF THIS;

THENCE S60-00W ALONG THE NORTH LINE OF ELIZABETH STREET AT THE 148.25 FEET TO A STEEL PIN SET IN THE EAST LINE OF AN ALLEY, THE SWC, OF THIS;

THENCE N30-00W ALONG A WIRE FENCE, AT 150.00 FEET PASSING THE NWC OF LOT NO 1, AT 220.0 FEET A STEEL PIN FOUND, THE NWC OF THIS;

THENCE N60-00E ALONG A WIRE FENCE, AT 148.25 FEET A RR SPIKE IN THE WEST LINE OF BOYD STREET, THE NEC OF THIS;

THENCE S30-00E ALONG BOYD STREET, AT 70.0 FEET PASSING THE SEC OF LOT 2, AT 220.0 FEET THE POINT OF BEGINNING.

## FILED and RECORDED

Instrument Number: 20170385 B: RP V: 519 P: 349

Filing and Recording Date: 03/13/2017 12:07:14 PM Recording Fee: 2.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the REAL PROPERTY RECORDS of Hamilton County, Texas.



*Kiesha Bagwell*

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Kiesha Bagwell, County Clerk  
Hamilton County, Texas

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