

AUG 04 2016

Notice of Foreclosure Sale

*Antonia Jimenez*  
COUNTY CLERK, CORYELL CO., TEXAS

PURSUANT TO TEXAS TAX CODE SECTION 32.06, THE FORECLOSURE SALE REFERRED TO IN THIS DOCUMENT IS A SUPERIOR TRANSFER TAX LIEN SUBJECT TO THE RIGHT OF REDEMPTION UNDER CERTAIN CONDITIONS. THE FORECLOSURE IS SCHEDULED TO OCCUR ON OCTOBER 4, 2016.

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

1332 J W OGLETREE ANNEX 1997; and being more particularly described as Being 0.426 acre of land, more or less, out of the J. W. Ogletree Survey, Abstract No. 1332, and being out of and a part of that certain 16.766 acre tract of land described in a Deed from Bernice Walker Ray, et al, to George H. Fritz, et al, and recorded in Volume 295, Page 712-713 of the Deed Records of Coryell County, Texas, and being described as follows:

BEGINNING at an iron pin in the north margin of Highway 190 and being N 58° 13' E 100 ft. from the southeast corner of said 16.67 acre tract and being the most southerly corner of this;

THENCE N 31° 47' W 200 feet to an iron pin for the most westerly corner of this;

THENCE N 58° 13' E 100 ft. to an iron pin for the most northerly corner of this;

THENCE S 31° 47' E 200 ft. to an iron pin in the north margin of Highway 190 for the most easterly corner of this;

THENCE S 58° 47' E 200 ft. to an iron pin in the north margin of Highway 190 for the most easterly corner of this;

THENCE S 58° 13' W 100 ft. along the said margin of Highway 190 to the place of BEGINNING, and containing 0.46 acre of land, more or less;

SAVE AND EXCEPT, HOWEVER, 0.034 acre of land, more or less, described as follows:

BEGINNING at the point of intersection of the west line of said 0.46 acre tract of land with the proposed northwest right-of-way line of U.S. Highway 190, said point of intersection being S 31° 26' E, a distance of 180.65 ft. from the northwest corner of said 0.46 acre tract of land;

THENCE N 58° 49' E a distance of 100 ft. along said proposed right-of-way line to a point of intersection with the east line of said 0.46 acre tract of land;

THENCE S 31° 26' E a distance of 15 ft. along the east line of said 0.46 acre tract of land to a point of

intersection with the existing northwest right of way line of U.S. Highway 190;

THENCE S 58° 49' W a distance of 100 ft. along said existing right-of-way line to a point of intersection with the west line of said 0.46 acre tract of land;

THENCE N 31° 26' W a distance of 15 ft. to the place of BEGINNING, and containing 0.034 acre of land, more or less, and being the identical real property conveyed by Jerry W. Fritz and wife, Sherry Fritz to the State of Texas for right-of-way purposes by deed dated December 10, 1979, recorded in Volume 362, Page 685 of the Deed Records of Coryell County, Texas. Subject to a possible utility and construction easement granted in Document No. 172627 recorded in the Official Public Records of Coryell County.; more commonly known as 956 West Highway 190, Copperas Cove, Texas 76522.

2. *Instrument to be Foreclosed.* The instruments to be foreclosed are the Property Tax Lien Deed of Trust (Deed of Trust) recorded in Document No. 262954 of the real property records of Coryell County, Texas and the Transferred Tax Lien recorded in Document No. 263687 of the real property records of Coryell County, Texas.

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

Date: October 4, 2016.

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: North door of Coryell County courthouse or as otherwise designated by County Commissioner.

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 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 or any Substitute 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 an expedited foreclosure sale of a Transferred Tax Lien created pursuant to Sections 32.06 and 32.065, Texas Tax Code, Section 51.002, Texas Property Code and the power of sale granted by the Deed of Trust executed by John Timothy Dacken and David Maxim Prall, Individually and dba Cen-Tex

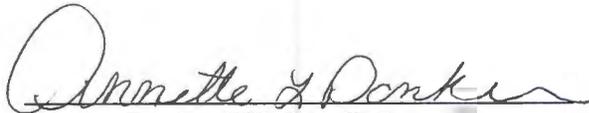
Sanitation.

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 Note in the original principal amount of \$15,327.83, executed by John Timothy Dacken and David Maxim Prall, Individually and dba Cen-Tex Sanitation, and payable to the order of Hunter-Kelsey II, LLC; (b) all renewals and extensions of the Note; and (c) any and all present and future indebtednesses of John Timothy Dacken and David Maxim Prall, Individually and dba Cen-Tex Sanitation to Hunter-Kelsey II, LLC. Hunter-Kelsey II, LLC is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

Questions concerning the sale may be directed to Nikolaos P. Stavros, Lindsey Kelly, or Wendy Storey at 3624 N. Hills Drive, Suite B-100, Austin, Texas 78731.

7. *Default and Request to Act.* Default has occurred under the Deed of Trust, and the beneficiary has requested me, as substitute trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

Dated: August 7, 2016



Annette Donker, Nikolaos P. Stavros,  
Lindsey Kelly, Wendy Storey, or Calli Rawls  
3624 North Hills Dr., Suite B-100  
Austin, TX 78731  
Telephone: (512) 346-6011  
Fax: (512) 346-6005

AFTER POSTING RETURN TO:  
Stavros & Kelly, PLLC  
3624 North Hills Dr., Suite B-100  
Austin, TX 78731  
Tel: (512) 346-6011  
Fax: (512) 346-6005