

# 11

**NOTICE OF TRUSTEE'S SALE**  
**(NON-JUDICIAL FORECLOSURE)**

March 9, 2023

**Notice is hereby given of a public, non-judicial foreclosure sale.**

**Notice to Member(s) of Armed Forces: 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 the 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. The address of the sender of this notice is set forth below.**

**Deed of Trust**

Dated: February 4, 2021

Grantor: Colby C. Grady and Kelly L. Grady

Trustee: David K. Waggoner

Beneficiary: Hard Investments, LLC

Recorded in: Volume 2093, Page 837, Clerk's Instrument Number 00119761,  
Official Public Records of Hill County, Texas

Secures: Real Estate Lien Note (the "Note") in the original principal amount of \$565,730.00, executed by Colby C. Grady and Kelly L. Grady, and payable to the order of Hard Investments, LLC

**Description of the Real Property:** All of the real property (including all improvements, if any) described on **Exhibit "A"** attached hereto and incorporated herein for all purposes (the "Property").

**Trustee:** David K. Waggoner

**Trustee's Address:** 103 West Elm Street  
P.O. Box 875  
Hillsboro, Texas 76645

**FILED** 1:52 P.M

MAR - 9 2023

**NICOLE TANNER**  
COUNTY CLERK, HILL COUNTY, TEXAS  
By: *m. Brey* Deputy

## **Foreclosure Sale (the "Sale"):**

**Date:** Tuesday, April 4, 2023

**Time:** The Sale shall begin no earlier than 9:00 A.M., or no later than three hours thereafter. The Sale shall be completed by no later than 12:00 P.M.

**Place:** The east exterior steps of the Hill County Courthouse located at 1 North Waco Street, Hillsboro, Hill County, Texas, as designated for foreclosure sales by the Commissioners Court of Hill County, Texas, pursuant to Section 51.002 of the Texas Property Code.

**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 the Sale. 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.

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 re-posted and re-filed in accordance with the posting and filing requirements of the Texas Property Code. Such re-posting or re-filing may be after the date originally scheduled for this Sale.

Those desiring to purchase the Property will need to demonstrate their ability to pay cash on the day the property is sold. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

The Sale is a non-judicial Deed of Trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust. 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. 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.

Pursuant to section 51.009 of the Texas Property Code, the Property shall be sold on an "AS IS, WHERE IS" basis, without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust.

Default has occurred under the Deed of Trust and the Beneficiary has requested me, as the duly appointed Trustee, to conduct the Sale. Notice is given that before the Sale the Beneficiary may appoint another person as Substitute Trustee to conduct the Sale.

**THIS INSTRUMENT APPOINTS THE TRUSTEE IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT (DEED OF TRUST) IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY AUTHORIZED TO CONDUCT THE FORECLOSURE SALE ON BEHALF OF THE MORTGAGEE (BENEFICIARY) .**

Executed this 9th day of March, 2023.

  
\_\_\_\_\_  
David K. Waggoner, Trustee  
State Bar No. 50511604  
103 West Elm Street  
P.O. Box 875  
Hillsboro, Texas 76645  
Telephone: 254-580-0265  
Info@WaggonerLawFirm.net

**CERTIFICATE OF POSTING**

I am David K. Waggoner, whose address is 103 West Elm Street, Hillsboro, Texas, 76645. I hereby declare under penalty of perjury that on March 9, 2023, my agent filed this Notice of Trustee's Sale at the office of the Hill County Clerk and caused it to be posted at the location directed by the Hill County Commissioners Court.

  
\_\_\_\_\_  
David K. Waggoner

**EXHIBIT "A"**

Page 1 of 4

**Tract I:**

A 43.00-acre tract of land in the J. Chambers Survey, Abstract No. 165, and the W. Nelson Survey, Abstract No. 678, Hill County, Texas, as surveyed on the ground in December of 2020 by W.L. Vaughn, Registered Professional Land Surveyor No. 1807, being part of Tract 1, as described in a deed from C & G Realty E, LLC, et al, to Hard Investments, LLC, dated November 3rd, 2020, recorded in Volume 2076, Page 390 of the Hill County Official Public Records and, being more particularly described, referenced to Texas Coordinate System, North Central Zone, 1993 Datum, as follows:

Beginning at a 4" Pipe Corner Post found in the southeasterly lines of Farm Road 1304, at the westerly most corner of a tract described in a deed to Michael V. and Susan M. McKibben, recorded in Volume 2045, Page 601 of the Hill County Official Public Records;

Thence, South  $31^{\circ} 04' 08''$  East, along the common lines of said Hard Investments and McKibben tracts, in the general line of fence, for a distance of 1030.92 feet to a 4" Pipe Corner Post found at the southerly most corner of said McKibben tract;

Thence, North  $60^{\circ} 39' 11''$  East, along the common lines of said Hard Investments and McKibben tracts, in the general line of fence, for a distance of 412.90 feet to a 4" Pipe Corner Post found at the easterly most corner of said McKibben tract;

Thence, North  $60^{\circ} 39' 42''$  East, for a distance of 357.15 feet to an A/C set for corner;

Thence, South  $30^{\circ} 21' 28''$  East, for a distance of 876.48 feet to an A/C set for corner, on the southeasterly side of fence, in the common line of said Hard Investments tract and a tract described in a deed to Andrea Holt, recorded in a deed to Andrea Holt, recorded in Volume 1128, Page 772 of the Hill County Deed Records;

Thence, South  $59^{\circ} 38' 32''$  West, along the common lines of said Hard Investments and Holt tracts, beginning southeasterly of a fence and converging, for a distance of 1382.59 feet to an "A/C," 5/8" iron with an Aluminum Cap marked "Vaughn Surveyor No. 1807," set for corner on the northwesterly side of said fence;

Thence, North  $31^{\circ} 04' 09''$  West, for a distance of 1920.52 feet to an A/C set for corner in the southeasterly lines of Farm Road 1304;

Thence, North  $59^{\circ} 35' 13''$  East, along the southeasterly lines of Farm Road 1304, for a distance of 623.70 feet to the Place of Beginning and, containing 43.00 acres of land.


  
W.L. "Will" Vaughn  
Registered Professional  
Land Surveyor No. 1807



EXHIBIT "A"

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Tract II:

An 8.43-acre tract of land in the J. Chambers Survey, Abstract No. 165, Hill County, Texas, as surveyed on the ground in December of 2020 by W.L. Vaughn, Registered Professional Land Surveyor No. 1807, being part of Tract 1, as described in a deed from C & G Realty E, LLC, et al, to Hard Investments, LLC, dated November 3rd, 2020, recorded in Volume 2076, Page 390 of the Hill County Official Public Records and, being more particularly described, referenced to Texas Coordinate System, North Central Zone, 1993 Datum, as follows:

Beginning at a 5/8" iron found in the southerly line of Farm Road 1304, at the northerly most corner of a 2.00-acre tract described in a deed to Louis L. and Judy Thiele, recorded in Volume 1624, Page 808 of the Hill County Official Public Records;

Thence, North 59° 33' 52" East, along the southerly line of Farm Road 1304, for a distance of 194.77 feet to an "A/C," 5/8" iron with an Aluminum Cap marked "Vaughn Surveyor No. 1807," set for corner;

Thence, South 22° 31' 39" East, in the general line of and extending beyond a fence, for a distance of 1055.72 feet to an A/C set for corner;

Thence, South 60° 39' 42" West, for a distance of 357.15 feet to a 4" Pipe Corner Post found at the southeasterly corner of a 10.00-acre tract described in a deed to Michael V. and Susan M. McKibben, recorded in Volume 2045, Page 601 of the Hill County Official Public Records;

Thence, North 31° 04' 20" West, along the common lines of said Hard Investments and McKibben tracts, in the general line of fence, for a distance of 766.21 feet to a 5/8" iron, marked "Ince," found at the southerly most corner of said Thiele tract;

Thence, North 59° 40' 40" East, along the common lines of said Hard Investments and Thiele tracts, in the general line of fence, for a distance of 319.16 feet to an A/C set at the easterly most corner of said Thiele tract;

Thence, North 31° 04' 52" West, along the common lines of said Hard Investments and Thiele tracts, in the general line of fence, for a distance of 273.33 feet to the Place of Beginning and, containing 8.43 acres of land.

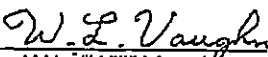
  
W.L. "Will" Vaughn  
Registered Professional  
Land Surveyor No. 1807

EXHIBIT "A"

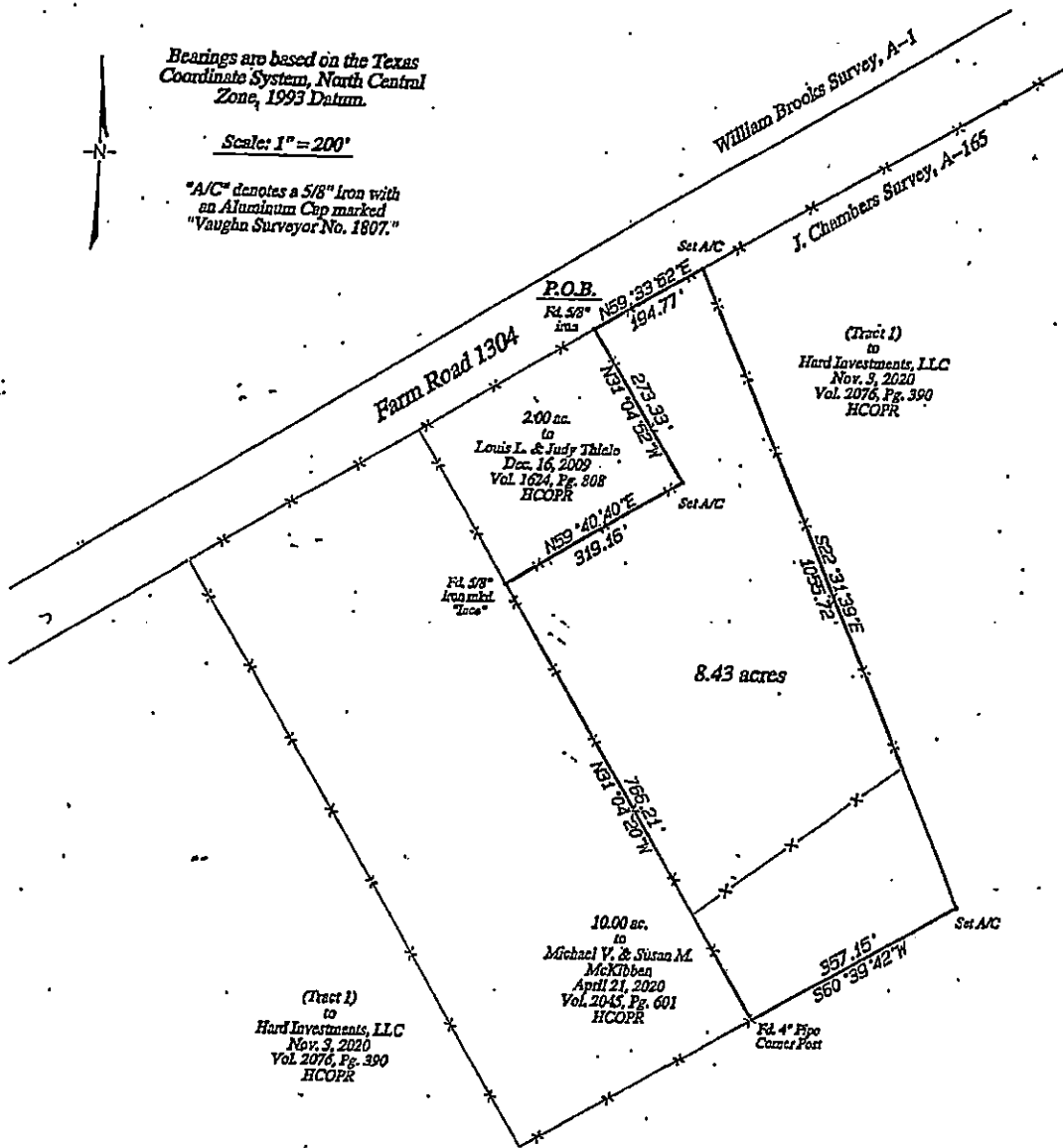
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Tract II (continued):

Bearings are based on the Texas  
Coordinate System, North Central  
Zone, 1993 Datum.

Scale: 1" = 200'

"A/C" denotes a 5/8" Iron with  
an Aluminum Cap marked  
"Vaughn Surveyor No. 1807."



Survey Sketch Of:

An 8.43-acre tract of land in the J. Chambers Survey, Abstract No. 165, Hill County, Texas, being part of Tract 1, as described in a deed from C & G Realty E, LLC, et al, to Hard Investments, LLC, dated November 3rd, 2020, recorded in Volume 2076, Page 390 of the Hill County Official Public Records.

**Vaughn Surveying, LLC**  
P.O. Box 1244  
Glen Rose, Texas  
76043  
(254) 897-4868  
cell (254) 396-9568  
vaughnsurveying@gmail.com

HardinMcP20d

Surveyed on the ground in Dec. of 2020.

*W.L. Vaughn*  
**W.L. "Will" Vaughn**  
Registered Professional Land  
Surveyor No. 1807

Valid only if crimp-sealed  
and signed in blue ink.