

COPY

NOTICE OF 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.

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

Tract I:

Being a 1.00 acre tract of land, more or less, out of the Fisher & Miller Survey No. 366, Abstract No. 378, in San Saba County, Texas, and being more fully described by metes and bounds in EXHIBIT "A" attached hereto and made a part hereof.

Tract II:

Being a thirty foot (30') wide access easement out of the Fisher & Miller Survey No. 366, Abstract No. 378, and being more fully described by metes and bounds in EXHIBIT "B" attached hereto and made a part hereof.

The address is: 244 Valley Springs Road, Cherokee, Texas 76832

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust recorded in Volume 379 Page 959, of the Official Public Records of Llano County, Texas.
3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: September 5, 2023

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 1:00 p.m.

Place: San Saba County Courthouse in San Saba, Texas, at the following location: the North door of the Courthouse.

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.

Original Filed For Record
July 31, 2023 at 2:30 o'clock P.M.
K. Wells

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 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 and security interest foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust and security agreement executed by Justin L. Fry and Jaimee Fry.


The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

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 the promissory note executed by Justin L. Fry and Jaimee Fry, and payable to the order of Llano National Bank 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 the undersigned or to the beneficiary, Llano National Bank at P. O. Box 190, Llano, Texas 78643.

7. *Default and Request to Act.* Default has occurred under the deed of trust, and the beneficiary has requested me, as 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: July 25, 2023.



DAVID R. WILLMANN, Trustee
P.O. Box 190
Llano, TX 78643
Telephone (325) 247-5701

FRED L. THOMPSON & ASSOCIATES, P. C.

P. O. BOX 74 LLANO, TEXAS 78643-0074
Registered Professional Land Surveyor No 6102
325-677-4310 (O) 325-647-1943 (F)
FIRM Registration #: 186302-00

EXHIBIT A

FIELD NOTES OF 1.00 ACRE OF LAND IN SAN SABA COUNTY, TEXAS.

The tract of land described hereon contains 1.00 acres more or less out of the Fisher & Miller Survey No. 366. Abst. No. 378 in San Saba County, Texas, part of that certain tract of land described as 3.501 acres in a deed to Phillip J. Fry and Nicki J. Fry recorded in Volume 297, Page 728, San Saba County Official Public Records (S.S.C.O.P.R.), described by metes and bounds as follows:

Beginning at a 1/2" iron rod set in the fence in the west line of that certain tract of land described as 3.5 acres in a deed to John M. Clark and Margie L. Clark recorded in Volume 227, Page 228, S.S.C.O.P.R., in the east line of the above said Fry tract for the northeast corner hereof from which a fence post found for the northwest corner of the said Clark tract and the northeast corner of the said Fry tract lies N 00° 00' 00" W 111.98 feet;

Thence with the west line of the Clark tract, the east line of the Fry tract and generally with the fence, S 00° 00' 00" E 290.55 feet to a 1/2" iron rod set in the fence for the northeast corner of a 30 foot wide access easement surveyed this date and the southeast corner hereof;

Thence over and across the above said Fry tract, S 89° 59' 36" W, at 30.00 feet pass a point for the northwest corner of said access easement, in all 150.03 feet to a 1/2" iron rod set for the southwest corner hereof;

Thence N 00° 00' 45" E, at 255.15 feet pass a point for the centerline of a water well easement, in all 290.50 feet to a 1/2" iron rod set for the northwest corner hereof;

Thence N 89° 58' 26" E 149.97 feet to the Point of Beginning and containing 1.00 acre more or less as surveyed by Fred L. Thompson & Associates, P.C. under the supervision of John A. Ables, R.P.L.S. No. 6102.

Basis of Bearing for this tract is the East line of the 3.501 acre Fry tract, 297/728 S.S.C.O.P.R. All 1/2" iron rods set have a red plastic cap marked "FLTASSOC".

I, John A. Ables, a Registered Professional Land Surveyor, do hereby certify that the field notes hereon with accompanying plat are a true and correct representation and delineation of an on the ground survey made under my direction and supervision on the 4th day of September, 2014. Witness my hand and seal this the 22nd day of September, 2014.



[Signature]
John A. Ables, Reg. Prof. Land Surv. No. 6102
P. O. Box 74, Llano, TX 78643

14080502
Copyright 2014
Fred L. Thompson & Associates, P.C.

FRED L. THOMPSON & ASSOCIATES, P. C.

P. O. BOX 74 LLANO, TEXAS 78643-0074
Registered Professional Land Surveyor No 6102
325-247-4310 (O) 325-247-1143 (F)
TDDM Registration #: 100202-00

EXHIBIT B

FIELD NOTES OF A PROPOSED 30 FOOT WIDE ACCESS EASEMENT IN SAN SABA COUNTY, TEXAS.

The following describes a 30 foot wide access easement out of the Fisher & Miller Survey No. 366, Abst. No. 378 in San Saba County, Texas, part of that certain tract of land described as 3.501 acres in a deed to Phillip J. Fry and Nicki J. Fry recorded in Volume 297, Page 728, San Saba County Official Public Records (S.S.C.O.P.R.), described by metes and bounds as follows:

Beginning at a 1/2" iron rod set in the fence in the west line of that certain tract of land described as 3.5 acres in a deed to John M. Clark and Margio L. Clark recorded in Volume 227, Page 228, S.S.C.O.P.R., in the east line of the said Fry tract for the southeast corner of 1.00 acre tract of land surveyed this date and the northeast corner hereof;

Thence S 00° 00' 00" E 111.76 feet to a fence post found in the north line of Valley Spring Road for the southwest corner of that certain tract of land described in a deed to Grady Sanderson recorded in Volume 253, Page 260, S.S.C.O.P.R., the southwest corner of the above said Clark 3.5 acre tract, the southeast corner of the Fry tract and the southeast corner hereof;

Thence with the north line of Valley Spring Road, N 89° 59' 59" W 30.00 feet to a point in the fence in the south line of the Fry tract for the southwest corner hereof;

Thence N 00° 00' 00" W 111.76 feet to a point in the south line of the said 1.00 acre tract surveyed this date for the northwest corner hereof;

Thence with the south line of the said 1.00 acre tract surveyed this date, N 89° 59' 36" E 30.00 feet to the Point of Beginning hereof, as surveyed by Fred L. Thompson & Associates, P.C. under the supervision of John A. Ables, R.P.L.S. No: 6102.

Basis of Bearing for this tract is the East line of the 3.501 acre Fry tract, 297/728 S.S.C.O.P.R. All 1/2" iron rods set have a red plastic cap marked "PLTASSOC".

I, John A. Ables, a Registered Professional Land Surveyor, do hereby certify that the field notes hereon with accompanying plat are a true and correct representation and delineation of an on the ground survey made under my direction and supervision on the 4th day of September, 2014. Witness my hand and seal this the 22nd day of September, 2014.



John A. Ables, Reg. Prof. Land Surv. No. 6102
P. O. Box 74, Llano, TX 78643

14080502 Access Easement
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