

#42

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.

Notice is hereby given of a public nonjudicial foreclosure sale.

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

THE NORTH 132 FEET OF THE SOUTH 264 FEET OF TRACT 13, AIRPORT SUBDIVISION, GAINES COUNTY, TEXAS, AS PER PLAT RECORDED IN VOLUME 2, PAGE 59, PLAT RECORDS OF GAINES COUNTY, TEXAS, SAVE & EXCEPT ALL OIL, GAS AND OTHER MINERALS.

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

Date: NOVEMBER 1, 2016

Time: The sale shall begin no earlier than 10:00 A.M. or no later than three hours thereafter. The sale shall be completed by no later than 4:00 P.M.

Place: GAINES County Courthouse in SEMINOLE, Texas, at the following location:  
The West door of the Gaines County Courthouse.

The deed of trust permits the beneficiaries 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. Such reposting or refiling may be after the date originally scheduled for this sale.

3. 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 beneficiaries 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 cash on the day the property is sold.

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

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Vicki Phillips, County Clerk  
Gaines County, Texas  
*J. Smith*

effect and have not been subordinated to 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.

4. 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 executed by PETER W. FEHR AND WIFE, KATHARINA FEHR. The deed of trust is dated NOVEMBER 30, 2005, and is recorded in the office of the County Clerk of Gaines County, Texas, in Instrument # 2005-4302, of the OFFICIAL PUBLIC RECORDS of GAINES County, Texas.

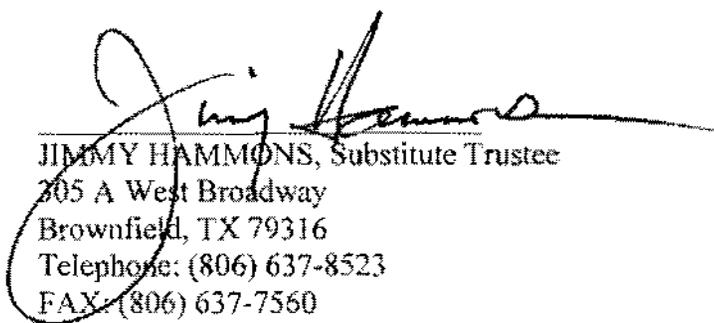
5. Obligations Secured. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to (1) the promissory note in the original principal amount of \$45,000.00, executed by PETER W. FEHR AND WIFE, KATHARINA FEHR, and payable to the order of JACOB ELIAS AND WIFE, GETRUDA ELIAS; and (2) all renewals and extensions of the note. JACOB ELIAS AND WIFE, GETRUDA ELIAS are the current owners and holders of the Obligations and are the beneficiaries under the deed of trust.

As of OCTOBER 11, 2016, there is owed \$34,660.51 on the note, being principal and interest in the following amounts: \$33,686.56 of principal and \$973.95 of interest. The note is bearing interest at the rate of \$7.27 per day thereafter.

Questions concerning the sale may be directed to the undersigned.

6. Default and Request To Act. Default has occurred under the deed of trust, and the beneficiaries have requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the beneficiaries may appoint another person substitute trustee to conduct the sale.

DATED October 12, 2016.

  
JIMMY HAMMONS, Substitute Trustee  
305 A West Broadway  
Brownfield, TX 79316  
Telephone: (806) 637-8523  
FAX: (806) 637-7560