

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**DATE:** October 31, 2016

**NOTE:** Real Estate Lien Note described as follows:

Date: December 22, 2015  
Maker: BOBBY SHAW AND MARNI WITTMAN  
Payee: NEENA WAGNON  
Original Principal Amount: \$224,800.00

**DEED OF TRUST:** Deed of Trust and Security Agreement described as follows:

Date: December 21, 2015  
Grantor: BOBBY SHAW AND MARNI WITTMAN  
Trustee: JEANNIE N. MARROW  
Beneficiary: NEENA WAGNON  
Recorded: Clerk's File Number 2015-6725 in the real property records of Gaines County, Texas

**LENDER:** NEENA WAGNON

**BORROWER:** BOBBY SHAW AND NEENA WAGNON

**PROPERTY:** The real property described as follows:

An 8.24-acre tract of land located in the North part of Section 16, Block A-8, Public School Land, Gaines County, Texas, being more particularly described as follows:

BEGINNING at a 1/2" iron rod with aluminum cap marked "RPS 1690" set in paved County Road vertically above a 3/4" iron pipe set by C.A. Tubbs, Surveyor, for the Northeast corner of the West 80.00 acres of said Section 16, and for the Northwest corner of this tract, from which the Northwest corner of said Section 16 bears S.89°54'50"W. 658.9 feet;

THENCE South, at 40.0 feet pas a 1/2" iron rod, in all 1089.2 feet to a 1/2" iron rod for the South corer of this tract;

THENCE in a Northeasterly direction, along the arc of a circular curve to the right (Radius = 1350.0 feet, Long Chord = N.43°49'10"E. 1456.3 feet), a distance of 1538.14 feet to a 1/2" iron rod at end of said curve for the Southeast corner of this tract;

THENCE North 40.0 feet to a 1/2" iron rod with aluminum cap marked "RPS 1690" in said paved County Road and in the North line of said Section 16 for the Northeast corner of this tract;

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10-31-16 — 10:20 AM  
Vicki Phillips, County Clerk  
Gaines County, Texas  
*Jackie Smith*

THENCE S.89°54'50"W., along said North line of Section 16, a distance of 1008.3 feet to the place of beginning.

Together with all improvements, easements, personal property, intangibles, rents, revenues, contracts, and rights appurtenant to the real property, as described in the Deed of Trust.

**SUBSTITUTE TRUSTEE: DOUGLAS H. FREITAG**

Substitute Trustee's Mailing Address: 1001 Main Street, Suite 703, Lubbock, Lubbock County, Texas 79401

**DATE AND TIME OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:**

December 6, 2016, the first Tuesday of the month, to commence at 10:00 a.m., or within three (3) hours after that time.

**PLACE OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:**

Gaines County Courthouse, Seminole, Texas.

**NOTICE**

**Assert and protect your rights as a member of the armed forces of the United States. If you 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. {See Tex. Prop. Code §51.002(i).}**

**RECITALS**

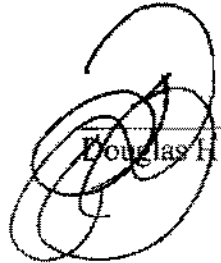
Default has occurred in the payment of the Note and in the performance of the obligations under the Deed of Trust that secures the Note. Because of this default, Lender, the owner and holder of the Note and the Deed of Trust lien under Texas Property Code section 51.002, has requested that Substitute Trustee sell the Property according to the terms of the Deed of Trust and applicable law.

The Deed of Trust may encumber both real and personal property. Formal notice is now given of Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust, consistent with Lender's rights and remedies under the Deed of Trust and Texas Business and Commerce Code section 9.604(a).

Therefore, notice is given that on the Date and Time of Substitute Trustee's Sale of Property and at the Place of Substitute Trustee's Sale of Property, Substitute Trustee, or any other substitute trustee Lender may appoint, will sell the Property by public sale to the highest bidder for cash or acceptable certified funds, according to the Deed of Trust and applicable law. The sale and conveyance of the Property will be subject to all matters of record applicable to the

Property that are superior to the Deed of Trust and to any permitted exceptions to title described in the Deed of Trust. Substitute Trustee has not made and will not make any covenants, representations, or warranties about the Property other than providing the successful bidder at the sale with a deed to the Property containing any warranties of title required by the Deed of Trust. The Property will be sold AS IS, WHERE IS, AND WITH ALL FAULTS.

EXECUTED as of OCTOBER 31<sup>ST</sup>, 2016.

  
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Douglas H. Freitag, Substitute Trustee