

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

Notice is hereby given that a public sale at auction of the Property (as that term is defined and described below) will be held at the date, time and place specified herein.

Information regarding the indebtedness and lien that is the subject of this sale:

Note:

Date: May 15, 2009
Maker: Jacob F. Hiebert and Nela P. Hiebert
Payee: Capital Farm Credit, FLCA
Original Principal Amount: \$75,000.00
Capital Farm Credit, FLCA Loan No. 885533

Deed of Trust:

Date: May 15, 2009
Grantor: Nela P. Hiebert and spouse, Jacob F. Hiebert
Trustee: Ben R. Novosad
Recorded in: Document No. 2009-2291, Official Public Records of Gaines County, Texas.

Property:

The following described real property, together with all mineral interests, improvements, fixtures, personal property and intangible property, if any, described in and presently covered by the Deed of Trust and all other rights, privileges and appurtenances pertaining thereto:

The SW/4 of Section 7 and the NW/4 of Section 14, Block A-7, PSL, Gaines County, Texas.

Together with all rights, easements, appurtenances, royalties, surface, subsurface and/or mineral rights, now owned or hereafter acquired, oil and gas rights, crops, timber, all diversion payments or third party payments made to crop producers, all water and riparian rights, wells, ditches, reservoirs, and water stock and all existing and future improvements, structures, fixtures and replacements that may now, or at any time in the future, be part of the real estate described above (all referred to as "Property").

— FILED — #34
9-12-16 - 2:30 p.m.
Vicki Phillips, County Clerk
Gaines County, Texas
Jackie Smith

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Notwithstanding any other provision, reservation or exception contained in said Deed of Trust or on any exhibit thereto, the lien shall cover all of Grantor's water rights, including, but not limited to, rights to surface water, groundwater, underground water, percolating waters, rights to any water from lakes, streams or other bodies of water, adjudicated or permitted water rights, riparian and other water rights which are owned or which are hereafter acquired by Grantor whether or not expressly excepted from the description of the Property.

Prior Modification of Note and/or Deed of Trust:

Present Owner of Note and Beneficiary under Deed of Trust:

Capital Farm Credit, FLCA

Information regarding the public sale to be held:

Substitute Trustee: **Shelley Nail, Lanelle Lynch, Johnie Eads and Donna Trout**

Appointed by written instrument dated September 7, 2016, executed by Capital Farm Credit, FLCA and recorded or to be recorded in the appropriate Real Property Records of Gaines County, Texas.

Date of Sale: October 4, 2016, being the first Tuesday in said month.

Time of Sale: The earliest time at which the sale will occur is 12:00 p.m., Seminole, Texas local time, and shall begin not later than 3 hours thereafter.

Place of Sale: The designated area of the County Courthouse as designated by the Commissioners Court of Gaines County, Texas

Default has occurred in the payment of the indebtedness evidenced by the Note. Because of such default, Capital Farm Credit, FLCA appointed Substitute Trustee and has requested Substitute Trustee to enforce the Deed of Trust.

Therefore, notice is given that on the date and time and at the place set forth hereinabove, any one of the above-named Substitute Trustees will sell the above-referenced Property by public sale to the highest bidder for cash in accordance with the Deed of Trust and the laws of the State of Texas.

Prospective bidders are advised to make their own examination of title to the Property to determine the existence of any easements, restrictions, liens or other matters affecting title to the Property. Neither Substitute Trustee nor the Capital Farm Credit, FLCA make any representation or warranty (express or implied) regarding title to or the condition of the Property. The Property to

be sold at the public sale will be sold in its present "AS IS" condition and subject to all ad valorem taxes then owing with respect to the Property.


Donna Trout, Substitute Trustee

Please return File-Stamped Copy to:

Tommy J. Swann
McCleskey, Harriger, Brazill & Graf, L.L.P.
5010 University Ave, Floor 5
Lubbock, TX 79413-4422