

NOTICE OF FORECLOSURE SALE
(Young County)

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:

That certain real property commonly known as 2149 State Hwy 114 E, Olney, Young County, Texas, as more particularly described as follows, to-wit:

See the Exhibit "A" attached hereto and hereby referred to and incorporated herein for all purposes.

2. Instruments to be Foreclosed. The instruments to be foreclosed are the Deed of Trust ("Deed Of Trust") recorded in Volume 1147, Page 443, Official Public Records, Young County, Texas, as modified and extended by that certain Modification And Extension Agreement recorded in Volume 1174, Page 667, Official Public Records, Young County, Texas; that certain Modification And Extension Agreement duly recorded in Volume 1188, Page 5265, Official Public Records, Young County, Texas; that certain Modification And Extension Agreement duly recorded in Volume 1189, Page 13, Official Public Records, Young County, Texas; that certain Modification And Extension Agreement duly recorded in Volume 1190, Page 5236, Official Public Records, Young County, Texas; and any and all other instruments filed of record with respect to said Deed Of Trust, as modified and extended, respectively (all of which are hereinafter referred to as the "Security Instruments").

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

Date: January 3, 2017
Time: The sale shall begin no earlier than 11:00 A.M. or no later than three hours thereafter. The sale shall be completed by no later than 4:00 P.M.
Place: Young County Courthouse, 516 4th Street, Graham, Young County, Texas, at the following location:
Under portico at North entrance of Courthouse.

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 Security Instruments, permitting the Beneficiary thereunder to have the bid credited to the Note, as modified and extended, respectively, up to the amount of the unpaid debt secured by the Security Instruments 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 Security Instruments, 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 Security Instruments. The sale shall not cover any part of the property that has been released of public record from the lien of the Security Instruments. 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 Security Instruments, the Beneficiary has the right to direct the Trustee and/or Substitute 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 Security Instruments. 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 and/or Substitute 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 foreclosure sale being conducted pursuant to the power of sale granted by the Security Instruments executed by THE WIESEN LIVING TRUST.

6. Obligations Secured. The Security Instruments provide that they secure the payment of the indebtedness and obligations therein described (collectively, the “Obligations”) including but not limited to the Note (“Note”) dated May 31, 2013, in the original principal amount of \$150,000.00, executed by THE WIESEN LIVING TRUST and payable to the order of FIDELITY BANK, as modified and extended, respectively. FIDELITY BANK is the current owner and holder of the Obligations and is the Beneficiary under the Security Instruments.

As of December 6, 2016, there was owed \$148,438.69 on the Note, as modified and extended, respectively, being principal, interest, late fees, and attorney’s fees in the following amounts: \$144,457.19 in principal; \$2,955.74 in interest; \$225.76 in late fees; plus at least \$800.00 in attorney’s fees; with interest accruing at the rate of \$28.09 per day thereafter until paid in full. Applicable Trustee’s fees, and other expenses, may be added to the amount owed.

Questions concerning the sale may be directed to the undersigned at (940) 569-2201.

7. Default and Request to Act. Default has occurred under the Security Instruments, and the Beneficiary has requested me, as Substitute 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 December 7, 2016.



STEVEN J. BICKINGS, Substitute Trustee
320 E. Third Street
Burkburnett, Texas 76354
(940) 569-2201
(940) 569-5032 (Fax)

THE STATE OF TEXAS :
:
COUNTY OF WICHITA :

This instrument was acknowledged before me on the 7 day of December, 2016, by STEVEN J. BICKINGS, Substitute Trustee.



Notary Public, State of Texas

EXHIBIT "A"

57 acres, being all of the part of parcel of land out of T.E. & L. Co. Survey 226, Abstract 473, Young County, Texas, lying North of the old Gulf, Texas & Western Railroad right of way; SAVE AND EXCEPT 3 acres out of the N.W. corner fo the survey, previously conveyed to V.M. Newman, as shown by deed dated May 4, 1931, of record in Volume 145, Page 463, Deed Records of Young County, Texas; and further SAVE AND EXCEPT that certain 80 foot strip of land covered by the Olney-to-Jean highway, as shown and described in field notes of record Volume 8, Page 285, Commissioners' Court Minutes of Young County, Texas; AND that additional strip of land conveyed to the State of Texas by deed from J. P. Atchley, dated February 7, 1935 and recorded in Volume 159, Page 499, Deed Records of Young County, Texas. ALSO SAVE AND EXCEPT and NOT INCLUDED HEREIN, is the oil and gas royalty as reserved in that certain deed from Paul Atchley, et al., to Lee Atchley, dated February 27, 1946, recorded Volume 214, Page 431, Deed Records of Young County, Texas. And an additional royalty reservation as made in that certain deed from Lee Atchley and wife, to A.P. Willard, dated March 11, 1946, recorded Volume 214, Page 430, Deed Records of Young County, Texas. It being understood taht there has been previously reserved in, on and under said land as same may be produced, saved and sold from same, and being reserved as a royalty only; the reservors not to participate in any bonus or rental as shown in the two deeds last above mentioned and referred to, and there is conveyed herewith, and in connection with this sale to the grantee herein; his heirs and assigns, the express right and privilege and authority, to make, execute and deliver own, gas and mineral leases on said land, or a part thereof, and the grantee, his heirs and assigns, shall receive and own all bonuses, and delay rentals and payments and money paid for and under any oil, gas and mineral leases on said land, and the grantors in said former deeds, and the grantor herein, shall never be entitled, required or authorized to join in the execution of any oil, gas or mineral lease on said land or any part thereof.... it being specifically understood that only 8/16ths of 1/8 royalty field notes or other instruments are made a part hereof and the record of each is referred to deeds, field notes, or other instruments are made a part hereof and the record of each is referred to for all purposes and better description of the land and interest herein conveyed; and SAVE AND EXCEPT that certain 40 acres of land conveyed by A.P. Willard to J.C. Short, by deed dated August 3, 1950, recorded Volume 252, Page 56, Deed Records of Young County, Texas, to which deed and record thereof, reference is made for all purposes, and better description of the 40 acres herein excepted. It being intended hereby to cover and include in this conveyance, ~~the East 57 acres~~ of that certain 100 acre tract lying North of the old Gulf, Texas & Western Railroad right of way, and being the same land set out and described in that certain deed from Lee Atchley, et ux., to A. P. Willard, dated March 11, 1946 of record in Volume 214, Page 430, Deed Records of Young County, Texas.

It is intended hereby to convey all my right, title and interest in and to the surface, surface rights and estate as well as oil, gas and other minerals, royalties, etc.