## **NOTICE OF TRUSTEE'S SALE**

STATE OF TEXAS §	
\$	KNOW ALL MEN BY THESE PRESENTS
COUNTY OF GILLESPIE §	

WHEREAS, by Judgment dated October 11, 2016 in the Cause No. 14374 in the 216<sup>th</sup> Judicial District Court the City of Fredericksburg, Plaintiff, obtained a judgment of foreclosure on that certain property situated in the County of Gillespie, Texas, owned by Diana S. Powell, Defendant, to-wit:

BEING a 0.848 acre tract of land, more or less, being all of Lot 79, and a portion of Lots 78 and 80, Block 4, Schultz Garden Addition, an addition situated in the City of Fredericksburg, Gillespie County, Texas as said lot is shown, designated and delineated on the map of said addition recorded in Volume 28, Pages 24-25, Deed Records, Gillespie County, Texas; said .848 acre tract of land is described by metes and bounds in Exhibit "A" attached hereto and made a part hereof.

(hereinafter the "Property") in satisfaction of the judgment rendered in said cause in the amount of nine thousand, three hundred twenty dollars and forty one cents (\$9,320.41), rendered in favor of the City of Fredericksburg and

WHEREAS, the City of Fredericksburg, being the Plaintiff, the owner and holder of said indebtedness and judgment has requested the undersigned to sell the Property to satisfy same.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday the 4<sup>th</sup> day of April, 2017 (the Date of Sale), the undersigned will sell the Subject Property at the main front door facing Main Street of the Courthouse of Gillespie County, Texas at 101 West Main Street, Fredericksburg, Texas (Place of Sale), being the first Tuesday of said month, at 10 A.M. (or within three (3) hours thereafter) to the highest bidder or bidders for cash at a public auction, and will make due conveyance of the Subject Property to the purchaser or purchasers, without warranty.

Notice is given that on the Date of the Sale the undersigned will offer the Property for sale at public auction at the Place of Sale to the highest bidder for cash "AS IS." Purchaser will receive whatever interest the judgment debtor has in the Property, subject to any liens or interest of any kind that may survive the sale. THERE WILL BE NO WARRANTY RELATING TO TITLE, POSSESSION, QUIET ENJOYMENT, OR THE LIKE.

FILED MAR 13 2017 POS Cool

MARY LYNN RUSCHE
COUNTY CLERK
Gilespie Co., Texas

By Clerk

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ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER FO 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 STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THE NOTICE IMMEDIATELY.

WITNESS MY HAND this \( \sum\_{\infty} \) day of March, 2017.

Genevieve Klein Gold

Attorney for the City of Fredericksburg

The Nevins Law Firm 206 W. Main Street

Fredericksburg, Gillespie County, Texas 78624

Tel: (830) 990-0557 Fax: (830) 990-0559

STATE OF TEXAS

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COUNTY OF GILLESPIE

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This instrument was acknowledged before me on this the 13th day of 1017 by Genevieve Klein Gold, Attorney for the City of Fredericksburg.

DEBORAH N. PHILLIPS
Notary Public, State of Texas
My Commission Expires
December 21, 2017

Notary Public in and for the State of Texas

## EXHIBIT "A"

## Hill Country Land Surveying, LLC

Boundary \* Topographic \* Construction 110 North Milam \* Fredericksburg, Texas 78624 Phone 830-990-2665 \* Fax 830-990-5095

## Field Notes for a 0.848 Acre Tract of Land

Being a 0.848 acre tract of land, being all of Lot 79, and a portion of Lots 78 and 80, Block 4, Schultz Garden Addition as recorded in Volume 28, Pages 24-25, Deed Records, Gillespie County, Texas, said 0.848 acre tract of land also being that certain tract of land conveyed to Thomas W. Miller by deed recorded in Volume 524, Pages 371-373, Official Public Records, Gillespie County, Texas, said 0.848 acre tract being more particularly described by metes and bounds as follows:

Beginning at a ½" steel rod set in the southeast line of South Orange Street for the north corner of the herein described tract, the west corner of the Alberto R. and Maria C. Perez 0.163 acre tract of land recorded in Volume 339, Pages 529-532, Real Property Records, Gillespie County, Texas, from which a ¾" steel pipe found bears S. 50°00'00" E., 1.09 feet;

Thence, with the northeast line of the herein described tract, the southwest line of said Perez 0.163 acre tract, S. 50°00'00" E., (S 50°00'00" E called) (Basis of Bearing) at 115.67 feet a steel pipe found on line, the south corner of the Perez tract, a west corner of the City of Fredericksburg tract recorded in Volume 74, Pages 416-417, Deed Records, Gillespie County, Texas, continuing a total distance of 336.62 feet to a ½" steel rod set on the bank of Barons Creek for corner of the herein described tract;

Thence, with the easterly line of the herein described tract, along the bank of said creek, S. 25°13'54" E., 41.55 feet to a point for angle, S. 50°01'21" E., 42.16 feet to a point for angle, and S. 43°34'15" W., 74.34 feet to a %" steel pipe found for the south corner of the herein described tract, the east corner of a 1.08 acre tract of land recorded in Volume 370, Pages 281-283, Real Property Records, Gillespie County, Texas;

Thence, with the southwest line of the herein described tract, the northeast line of said 1.08 acre tract, N. 50°04'51" W., 410.48 feet (N 50°00'00" W called) to a ¼" steel pipe found in the southeast line of South Orange Street for the west corner of the herein described tract;

Thence, with the southeast line of South Orange Street, the northwest line of the herein described tract, N. 39°07'49" E., 92.17 feet (N 40°00'00" E called) to the Point-of-Beginning and containing 0.848 acres of land.

Note: This description is based on an on the ground survey performed on April 14, 2005.

A Survey Plat of the above described tract was prepared

Brad Bryan Spenrath

Registered Professional Land Surveyor

No. 5357 Job # 05-5119