

Notice of Foreclosure Sale

November 7, 2017

4 Posted @ 11:30 AM

FILED SEP 20 2017

MARY LYNN RUSCHE
COUNTY CLERK
Gillespie Co., Texas

By 
Deputy

Deed of Trust ("Deed of Trust"):

Dated: September 19, 2012

Grantor: William K. Lester, Jr. and River Run RV Park, LLC

Trustee: David L. Jackson

Lender: John W. Carlson, Trustee of the K2 Trust

Recorded in: Clerk's File No. 20100067, Official Public Records of Gillespie County, Texas, as modified by the Correction Instrument dated May 3, 2017, recorded in Clerk's File No. 20172162, Official Public Records of Gillespie County, Texas.

Legal Description: See Exhibit "A" attached hereto and incorporated herein by reference.

Secures: Promissory Note ("Note") in the original principal amount of \$237,000.00, executed by William K. Lester, Jr. and River Run RV Park, LLC ("Borrower") and payable to the order of Lender.

Substitute Trustee: John W. Carlson

Substitute Trustee's Address: 717 Sidney Baker Street, Kerrville, Texas, 78028

Foreclosure Sale:

Date: Tuesday, November 7, 2017

Time: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 11:00 a.m. and not later than three hours thereafter.

Place: 101 West Main Street, Fredericksburg, Texas 78624, on the front steps.

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that the

bid of John W. Carlson, Trustee of the K2 Trust, may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, John W. Carlson, Trustee of the K2 Trust, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of the election of John W. Carlson, Trustee of the K2 Trust, to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with the Lender's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If John W. Carlson, Trustee of the K2 Trust, passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

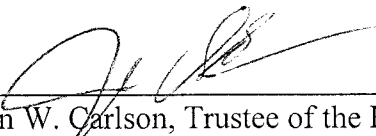
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by John W. Carlson, Trustee of the K2 Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

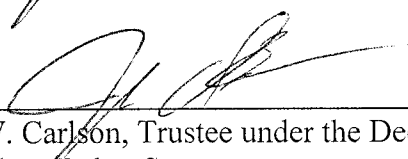
Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

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.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.



John W. Carlson, Trustee of the K2 Trust



John W. Carlson, Trustee under the Deed of Trust
717 Sidney Baker Street
Kerrville, Texas 78028
Telephone (830) 896-4488
Telecopier (830) 896-4474

EX A

FIELD NOTES DESCRIPTION FOR 17.61 ACRES OF
THE WILLIAM K. LESTER, JR. LAND ON FIEDLER
ROAD IN GILLESPIE COUNTY, TEXAS

Being all of a certain tract or parcel of land out of Lewis Gomez Survey No. 174, Abstract No. 247, in Gillespie County, Texas; part of 1088.26 acres conveyed to William K. Lester, Jr. from Clyde B. Smith, et ux, by a Warranty Deed with Vendor's Lien executed the 10th day of July, 2002 and recorded in Volume 466 at Page 986 of the Official Public Records of Gillespie County, Texas; and being more particularly described by metes and bounds as follows (record calls shown in parentheses):

BEGINNING at a three-way fence cornerpost for the south corner of the herein described tract, which point bears 7107.29 ft. N.29°57'49"E. from a three-way fence cornerpost at the southwest corner of said 1088.26 acres, at or near the southwest corner of said Survey No. 174;

THENCE, upon, over and across said 1088.26 acres: along a fence, N.15°09'06"W. 473.88 ft. to a three-way cornerpost and N.73°05'29"E. 167.90 ft. to a cornerpost; N.73°05'40"E. 214.56 ft. to a ½" iron stake set in a fence for a reentrant corner of the herein described tract; along a fence, N.14°21'57"W. 84.67 ft. to an anglepost and N.11°34'20"W. 36.15 ft. to an endpost; N.12°14'03"E. 12.43 ft. to an endpost; along a fence, N.13°52'21"W. 104.76 ft. to a cornerpost for a reentrant corner of the herein described tract, S.74°04'50"W. 26.71 ft. to a cornerpost and N.13°59'21"W. 89.94 ft. to a ½" iron stake set for a reentrant corner of the herein described tract; S.69°35'35"W. 220.32 ft. to a set ½" iron stake; and N.18°16'01"W., at approximately 244.2 ft. passing the southeast right-of-way line of Fiedler Road, a sixty (60) ft. wide public road, then continuing for a total distance of 274.18 ft. to a "P-K" nail found in the approximate center of said Fiedler Road, the south line of 11.00 acres conveyed to Walker Hendrix Stewart, et ux, from William K. Lester, Jr., et ux, by a Warranty Deed with Vendor's Lien executed the 30th day of January, 2006 and recorded as Document No. 20060718 in the Official Public Records of Gillespie County, Texas;

THENCE, continuing upon, over and across said 1088.26 acres with the south line of said 11.00 acres along the approximate center of said Fiedler Road, N.74°26'59"E. 136.16 ft. (N.74°25'49"E. 136.14 ft.) to a "P-K" nail found at the southeast corner of said 11.00 acres, the southwest corner of 3.63 acres conveyed to Walker H. Stewart, et al, from William K. Lester, Jr., et al, by a Warranty Deed executed the 20th day of March, 2009 and recorded as Document No. 20091333 in the Official Public Records of Gillespie County, Texas;

THENCE, continuing upon, over and across said 1088.26 acres with the south line of said 3.63 acres along the approximate center of said Fiedler Road, each point marked with a found 60 "d" nail: N.58°10'50"E. 79.28 ft. (N.58°11'21"E. 79.07 ft.); N.41°58'48"E. 45.74 ft. (N.42°01'11"E. 45.72 ft.); N.28°59'37"E. 62.00 ft. (N.29°07'01"E. 61.90 ft.); N.18°20'39"E. 267.47 ft. (N.18°20'44"E. 267.73 ft.); N.33°15'39"E. 69.55 ft. (N.33°19'15"E. 69.54 ft.); and N.60°58'38"E. 26.71 ft. (N.61°12'17"E. 26.70 ft.) to an unmarked point at the southeast corner of said 3.63 acres, from which a ½" iron stake found for reference in the northwest right-of-way line of said Fiedler Road bears 30.90 ft. N.41°38'56"W.;

THENCE, continuing upon, over and across said 1088.26 acres along the approximate center of said Fiedler Road, each point marked with a found 60 "d" nail: N.60°58'38"E. 36.10 ft.; S.84°14'38"E. 99.58 ft.; and S.79°11'15"E. 34.69 ft. to a "P-K" nail found near the middle of a concrete bridge over Klein Branch creek;

THENCE, continuing upon, over and across said 1088.26 acres down the approximate center of said Klein Branch, each point unmarked but referenced by a ½" iron stake set on the southwest bank, reference calls shown in brackets: S.26°30'41"E. 127.31 ft. [S.55°48'02"W. 15.00 ft.]; S.40°06'16"E. 189.98 ft. [S.55°24'28"W. 25.00 ft.]; S.30°46'53"E. 218.24 ft. [S.54°42'34"W. 20.00 ft.]; S.36°38'15"E. 163.87 ft. [S.63°16'55"W. 15.00 ft.]; and S.15°42'44"E. 125.95 ft. [S.39°55'36"W. 20.00 ft.] to the most easterly corner of the herein described tract;

VOELKEL

LAND SURVEYING, PLLC ♦ PHONE: 830-257-3313 ♦ 212 CLAY STREET, KERRVILLE, TEXAS 78028

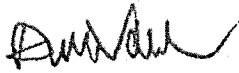
Page 2 – 17.61 Acres of the William K. Lester, Jr. land on
Fiedler Road in Gillespie County, Texas

THENCE, continuing upon, over and across said 1088.26 acres, each point marked with a set ½" iron stake: S.39°06'55"W. 599.52 ft.; S.74°50'54"W., at approximately 191 ft. crossing a fence, then continuing for a total distance of 306.90 ft. to a reentrant corner of the herein described tract; S.15°09'06"E. 212.82 ft.; and S.64°50'13"W. 248.62 ft. to the PLACE OF BEGINNING containing 17.61 acres of land, more or less, within these metes and bounds.

I hereby certify that these field notes and accompanying plat are accurate descriptions of the property contained therein as determined by a survey made on the ground under my direction and supervision, and that all property corners are marked as stated. (Bearing basis = True north based on GPS observations)

Date surveyed: November 24 – December 10, 2009

Dated this 14th day of December, 2009



Don W. Voelkel
Registered Professional Land Surveyor No. 3990



VOELKEL

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