



**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**NOTICE: THE FORECLOSURE IS SCHEDULED TO OCCUR ON DECEMBER 7, 2021.**

**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.**

1. Property To Be Sold. The property to be sold is described as follows:

Being 14.98 Acres and being a part of the Samuel Flenner Survey, Abstract No. 212, and a part of what is known as Tract No. 26, and all of Tract No. 27, of the Timbercreek Ranch, an unrecorded subdivision in Lampasas County, Texas, and being the same tract of land as described as 15.0 Acres, in Contract for Sale and Purchase, as recorded in Volume 163, Page 516, of the Deed Records of Lampasas County, Texas;

BEGINNING, at a 1/2 inch iron pin, found, at the Northeast corner of said Tract No. 27, and said 15.0 Acre tract, and Northeast corner hereof, from whence the record Northwest corner of the Louis Ulrich Survey, Abst. No. 1636, Brs. N69-59E, 4791.6 feet, and N20-01W, 1000 Feet;

THENCE, S69-58-01W, with the North line of said Tract No. 27, 435.59 Feet, to a 1/2 inch iron pin, found, at the Northwest corner of said Tract No. 27, and the Northeast corner of said Tract No. 26;

THENCE, S20-01-28E, with line between said tracts, 499.91 Feet, to a 1 inch pipe, found, at an inner ell corner of said 15.0 Acre tract;

THENCE, S69-59-00W, 435.6 Feet, to a 1/2 inch iron pin, set, at a corner of said 15.0 Acre tract, on the West line of said Tract No. 26;

THENCE, S20-02-58E, with the West line of said Tract No. 26, at 474.13 Feet, a 1/2 inch iron pin, found, on the North R-O-W of a 50.0 Foot wide easement road, at 499.13 Feet, the center-line of a 50.0 Foot wide easement road, at the Southwest corner of said Tract No. 26,

THENCE, N69-59-00E, with said center-line, 870.98 Feet, to the Southeast corner of said Tract No. 27, and Southeast corner hereof;

THENCE, N20-01-30W, with East line of said Tract No. 27, and said 15.0 Acre tract, at 25.00 Feet, pass a 1/2 inch iron pin, found, on the North R-O-W line of said easement road, at 999.16 Feet, the

place of beginning; more commonly known as 317 County Road 3062, Lampasas, TX 76550; Tax Account Number 11160-000-027-00.

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

Date: December 7, 2021

Time: The sale shall begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale shall be completed by no later than 1:00 p.m.

Place: west entrance of courthouse, or as otherwise designated by the County Commissioners.

The deed of trust/contract for foreclosure permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the deed of trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and re-filed in accordance with the posting and filing requirements of the Texas Property Code. Such reposting or re-filing may be after the date originally scheduled for this sale.

3. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust 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 deed of trust, 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 deed of 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 the deed of trust, the beneficiary has the right to direct the 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 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 of the Texas Property, Code, the Trustee or any 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.

4. Type of Sale. The sale is a foreclosure sale pursuant to Section 51.002, Texas Property Code and the power of sale granted by the deed of trust/contract for foreclosure executed by Ernst Otis Kiehl aka Ernst Kiehl II. The deed of trust is dated August 29, 2012 and is recorded in the office of the County Clerk of Lampasas County, Texas, under Clerk's Document No. 149361 in the Official Public Records of Lampasas County, Texas.

5. Obligations Secured. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to (1) the promissory note in the original principal amount of \$6,373.29 executed by Ernst Otis Kiehl aka Ernst Kiehl II and payable to the order of Mack Brooks, LLC; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of Ernst Otis Kiehl aka Ernst Kiehl II to Mack Brooks, LLC. **Hunter-Kelsey II, LLC; 7200 N. MoPac Expy., Ste. 120, Austin, TX 78731, is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.**

Questions concerning the sale may be directed to the counsel for the beneficiary: J. Lindsey Rusler: 7200 N MoPac Expy., Suite 310, Austin, Texas, 78731: 512-346-6011; [Lindsey@SRBSLaw.com](mailto:Lindsey@SRBSLaw.com).

6. Default and Request To Act. Default has occurred under the deed of trust, and the beneficiary has requested Brian S. Bellamy, J. Lindsey Rusler, Dylan Schultz, Jim Mills, Susan Mills, Emily Northern, George Hawthorne, Ed Henderson, Ted Williamson, Haley Bates and Brittany Parette (7200 N MoPac Expy., Suite 310, Austin, Texas, 78731), any to act 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: October 22, 2021

  
\_\_\_\_\_  
J. Lindsey Rusler, Substitute Trustee  
Texas Bar No. 24069080  
Stavros, Rusler, Bellamy & Schultz, PLLC  
7200 N MoPac Expy., Suite 310  
Austin, Texas 78731  
(512) 346-6011  
(512) 346-6005 (Facsimile)  
[Lindsey@SRBSLaw.com](mailto:Lindsey@SRBSLaw.com)

FILED  
2nd day of Nov. 20 21  
  
\_\_\_\_\_  
COUNTY CLERK, LAMPASAS COUNTY, TEXAS  
BY  DEPUTY

Ernst Otis Kiehl aka Ernst Kiehl II  
Acct.: 120050HM2

**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 OR 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.**

**1. Property to Be Sold.** The property to be sold is described as follows: BEING LOT THIRTY-THREE (33), BLOCK D OF WESTERN HILLS ADDITION, A SUBDIVISION IN THE CITY OF LAMPASAS, LAMPASAS COUNTY, TEXAS, ACCORDING TO THE PLAT IN CABINET 1, SLIDE 83, PLAT RECORDS, LAMPASAS COUNTY, TEXAS.

**2. Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 08/26/2010 and recorded in Document 142154 real property records of Lampasas County, Texas.

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

Date: 12/07/2021

Time: 01:00 PM

Place: Lampasas County, Texas at the following location: THE WEST ENTRANCE TO THE COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.

**4. Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the 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 deed of trust.

**5. Obligations Secured.** The Deed of Trust executed by DANNA JEAN SEALE, provides that it secures the payment of the indebtedness in the original principal amount of \$195,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY is the current mortgagee of the note and deed of trust and REVERSE MORTGAGE SOLUTIONS, INC. is mortgage servicer. A servicing agreement between the mortgagee, whose address is NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY c/o REVERSE MORTGAGE SOLUTIONS, INC., 14405 Walters Road, Suite 200, Houston, TX 77014 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

**6. Order to Foreclose.** NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY obtained a Order from the 27th District Court of Lampasas County on 12/13/2019 under Cause No. 21500. The mortgagee has requested a Substitute Trustee conduct this sale pursuant to the Court's Order.

**7. Substitute Trustee(s) Appointed to Conduct Sale.** In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.

**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.**



Mackie Wolf Zientz & Mann, P.C.

Brandon Wolf, Attorney at Law

✓ L. Keller Mackie, Attorney at Law

Michael Zientz, Attorney at Law

Lori Liane Long, Attorney at Law

Chelsea Schneider, Attorney at Law

Ester Gonzales, Attorney at Law

Parkway Office Center, Suite 900

14160 Dallas Parkway

Dallas, TX 75254

Certificate of Posting

I am \_\_\_\_\_ whose address is c/o AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230, Houston, TX 77056. I declare under penalty of perjury that on \_\_\_\_\_ I filed this Notice of Foreclosure Sale at the office of the Lampasas County Clerk and caused it to be posted at the location directed by the Lampasas County Commissioners Court.

FILED