

NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE

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.

1. Date, Time, and Place of Sale.

Date: August 05, 2014

Time: The sale will begin at 1:00PM or not later than three hours after that time.

Place: THE MOST NORTH-EASTERLY DOOR OF THE WILSON COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

2. Terms of Sale. Cash.

3. Instrument to be Foreclosed. The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated June 24, 2010 and recorded in Document VOLUME 1560, PAGE 416 real property records of WILSON County, Texas, with SHAN H BURKETT, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS"), AS NOMINEE, mortgagee.

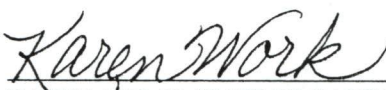
4. Obligations Secured. Deed of Trust or Contract Lien executed by SHAN H BURKETT, securing the payment of the indebtednesses in the original principal amount of \$73,016.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. WELLS FARGO BANK, N.A. is the current mortgagee of the note and Deed of Trust or Contract Lien.

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

ALL THAT CERTAIN TRACT OR PARCEL OF LAND KNOWN AS LOT 3 OF BLOCK 1 OF THE LONGRIDGE HEIGHTS SUBDIVISION, UNIT 2, OF THE CITY OF FLORESVILLE, WILSON COUNTY, TEXAS, AS SHOWN BY A MAP OR PLAT OF RECORD AT VOLUME 3, PAGE 28 OF THE PLAT RECORDS OF WILSON COUNTY, TEXAS; SAID PROPERTY BEING THE SAME PROPERTY DESCRIBED IN A "DEED WITHOUT WARRANTY" FROM THE UNITED STATES OF AMERICA TO EDWARD L. MCCLURE AND SHIRLEY D. MCCLURE DATED JANUARY 16, 1997, RECORDED AT VOLUME 927, PAGE 834 OF THE DEED RECORDS OF WILSON COUNTY, TEXAS.

6. Mortgage Servicer Information. The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code § 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the Property referenced above. WELLS FARGO BANK, N.A., as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o WELLS FARGO BANK, N.A.
3476 STATEVIEW BLVD
FORT MILL, SC 29715



B. NEYLAND, W. HIATT OR KAREN WORK
Substitute Trustee

c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP
15000 Surveyor Boulevard, Suite 100
Addicks, Texas 75001

Filed for Record in:
Wilson County
by Honorable Eva Martinez
County Clerk

On: Jun 23, 2014 at 09:13A

As a Recording

Total Fees : 2.00

Receipt Number - 167441
By:

Notice of Foreclosure Sale

June 9, 2014

Filed for Record in:
Wilson County
by Honorable Eva Martinez
County Clerk
On: Jun 12, 2014 at 10:24A
As a Recording

Total Fees : 2.00

Receipt Number - 167056
By
Judy Fleming

Deed of Trust:

Dated: January 10, 2008

Grantor: Kristi Ximenez Montez, formerly known as Kristi Ximenez, joined by her husband, Henry Joseph Montez

Trustee: Gerald V. Sekula

Lender: Falls City National Bank

Recorded: Volume 1440, Page 471 of the Official Public Records of Wilson County, Texas.

Secures: Adjustable Rate Promissory Note ("Note") in the original principal amount of \$106,847.62 executed by Kristi Ximenez Montez and Henry Joseph Montez ("Borrower") and payable to the order of the Falls City National Bank, Lender, and all other indebtedness of Borrower to Lender.

Property: The real property, improvements, and personal property described in and mortgaged in the Deed of Trust, including the real property described as Tract 16, Block 3, of the Richland Heritage Subdivision of the City of Poth, Wilson County, Texas, as shown by a Plat of record at Volume 3, Page 70 of the Plat Records of Wilson County, Texas; and being the same property described in a deed dated January 19, 2001, from David F. Richter and Ethelyn A. Richter to Kristi Ximenez recorded at Volume 1060, Page 618 of the Official Public Records of Wilson County, Texas.

Substitute Trustee: Howard C. Berger

Substitute Trustee's

Address: 433A West Oaklawn, Pleasanton, Texas 78064

Foreclosure Sale:

Date: Tuesday, August 5, 2014

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 10:00 a.m.

Place: At the Northwest door of the Wilson County Courthouse, being the door facing Library Lane, 1420 Third Street, Floresville, Texas 78114, in Floresville, Wilson County, Texas and being the officially designated location for foreclosure sales.

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 Lender's bid 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, Lender, 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 Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with 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 Lender passes the Foreclosure Sale, 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 Deed of Trust and the Texas Property Code.

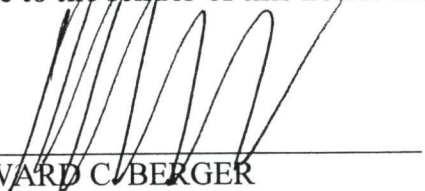
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain 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 Lender. 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.

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HOWARD C. BERGER

State Bar I. D. # 02191250

433A West Oaklawn, Pleasanton, Texas 78064

Telephone (830) 569-3771 / Facsimile (830) 569-5171

Email: Howardcberger1@aol.com

Website: www.howardcberger.com

Attorney for the Falls City National Bank

tdt/Berger/FCNB foreclosure on Montez

Notice of Foreclosure Sale

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

Lot 19, Hillside Estates Subdivision, a recorded subdivision in Wilson County, Texas, according to plat recorded in Volume 10, Pages 81-82, Plat Records of Wilson County, Texas.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust recorded in recorded in Volume 1600, Page 184, Official Records of Wilson County, Texas of the real property records of Wilson County, Texas AND Transferred to Scenic Water Ranches, Ltd, a Texas Limited Partnership, recorded in Volume 1630, Page 295, Official Records of Wilson County, Texas.

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

Date: July 1, 2014

Time: The sale will begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale will be completed by no later than 4:00 p.m.

Place: Wilson County Courthouse in Floresville, Texas, at the following location: Being the most northeasterly door of the Wilson County Courthouse being the Courthouse door facing the office of the Wilson County Tax Assessor Collector in Floresville, Wilson County, Texas which office bears the address of 2 Library Lane, Floresville, Texas

The deed of trust 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 refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiled may be after the date originally scheduled for this sale.

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 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 their bid immediately in cash if their bid is accepted.

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. The sale shall not cover any part of the property that has been released of public record from the lien of 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 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 non-judicial deed-of-trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust and security agreement executed by Tammy Balderas n/k/a Tammy Balderas-Coronado.

The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

6. *Obligations Secured.* The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to the promissory note executed by Tammy Balderas n/k/a Tammy Balderas-Coronado, and payable to the order of Creekside Equity Partners, Ltd.. Creekside Equity Partners, Ltd. is the current owner and holder of the Obligations and is the beneficiary under the deed of trust. As of June 5, 2014, there is owed \$56952.77 principal, \$603.72 unpaid interest accrued through June 5, 2014 and \$436.20 late fees, for a total balance due and owing as of June 5, 2014 of \$57,992.69.

The note is bearing interest at the rate of \$16.77 per day thereafter.

Questions concerning the sale may be directed to the undersigned or Scenic Water Ranches, Ltd., a Texas Limited Partnership at 500 Log Cabin Road, Mertzon, TX 76941.

7. *Default and Request to Act.* Default has occurred under the deed of trust, 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: June 5, 2014.

Grace G. Kunde

Grace G. Kunde
112 N. Travis Street
Seguin, Texas 78155
Telephone (830) 379-1487
Telecopier (830) 379-9319

Filed for Record in:
Wilson County
by Honorable Eva Martinez
County Clerk

On: Jun 06, 2014 at 09:32A

As a Recording

Total Fees : 2.00

Receipt Number - 166829
By:
Judy Fleming