

NOTICE OF FORECLOSURE SALE

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

Being 35.30 acres of land, more or less, situated in Gillespie County, Texas, part of the Heirs of Henry Spencer Survey No. 163, Abstract No. 611; said 35.30 acre tract of land being more particularly described by metes and bounds on **Exhibit "A"** attached hereto and made a part hereof for all purposes.

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is:

Deed of Trust, Security Agreement, Financing Statement dated November 22, 2019, recorded under Clerk's File No. 20196207 of the Official Public Records of Gillespie County, Texas ("Deed of Trust"), as modified by Change in Terms Agreement dated October 14, 2020 executed by Jan I. Zenner and Dean R. Tonder, as Borrower and Guadalupe Bank, as Lender.

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

Date: **June 1, 2021**

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: The main front door of the Courthouse (facing Main Street) and located at 101 W. Main Street, Fredericksburg, Texas 78624, Gillespie County, Texas, or, if the preceding area is no longer the area designated by the Gillespie County Commissioner's Court, at the area most recently designated by the Gillespie County Commissioner's Court.

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.

MAY 06 2021
FILED
MARY LYNN RUSCHE
COUNTY CLERK - Gillespie Co., Texas
BY Chalerm
Deputy

Posted
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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. 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 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 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 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 Deed of Trust executed by **Jan I. Zenner aka Jan Irene Zenner**.

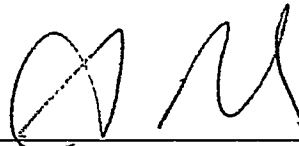
6. *Obligations Secured.* The Deed of Trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to that one certain Promissory Note in the amount of \$484,000.00, dated November 22, 2019, executed by **Jan I. Zenner and Dean K. Tonder** and payable to the order of **Guadalupe Bank**. Guadalupe Bank 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 undersigned.

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 as substitute trustee to conduct the 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.

Dated: May 5, 2021.



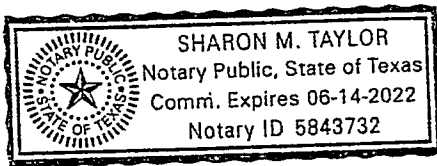
GREGORY A. RICHARDS, Substitute Trustee
280 Thompson Drive
Kerrville, Texas 78028
Phone: (830) 257-8080
Fax: (830) 896-8489

STATE OF TEXAS

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COUNTY OF KERR

This instrument was acknowledged before me on the 5th day of May, 2021, by Gregory A. Richards.



Sharon M. Taylor
Notary Public, State of Texas

EXHIBIT " A "

35.30 ACRE TRACT
GILLESPIE COUNTY, TEXAS

JOB NAME: 14-29C
AUGUST 26, 2014

A DESCRIPTION OF A 35.30 ACRE TRACT OF LAND OUT OF THE HEIRS OF HENRY SPENCER SURVEY NO. 163, ABSTRACT NO. 611 IN GILLESPIE COUNTY, TEXAS; BEING A PORTION OF THAT 403.6 ACRE (DEED/CALLED ACREAGE) TRACT AS CONVEYED TO JAMES D. GIBSON BY WARRANTY DEED RECORDED IN DOCUMENT #20122265, OFFICIAL PUBLIC RECORDS, GILLESPIE COUNTY, TEXAS; SAID 35.30 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½" Iron rod set in the north line of the said 403.6 acre Gibson tract, being in the south Right of Way line of Old Harper Road, for the northwest corner hereof, from which an 11" cedar fence post found bears N 83°55'39" W, a distance of 755.84 feet and N 86°07'38" W, a distance of 197.50 feet;

THENCE with north line of the said 403.6 acre Gibson tract and the south R.O.W. line of the said Old Harper Road the following three (3) courses:

1. S 83°55'43" E, a distance of 100.84 feet to a ½" Iron rod set;
2. N 84°21'22" E, a distance of 797.78 feet to a ½" Iron rod set;
3. S 88°20'42" E, a distance of 184.31 feet to a ½" Iron rod set, for the northeast corner hereof;

THENCE over and across the said 403.6 acre Gibson tract the following three (3) courses:

1. S 00°00'00" E (GPS BEARING BASIS), a distance of 1442.49 feet to a ½" Iron rod set, for the southeast corner hereof;
2. S 88°28'24" W, a distance of 1078.80 feet to a ½" Iron rod set, for the southwest corner hereof;
3. N 00°00'00" E, a distance of 1408.76 feet to the POINT OF BEGINNING, containing 35.30 acres of land, more or less.