

**Notice of Foreclosure Sale**January 8, 2024**Deed of Trust ("Deed of Trust"):**

**Dated:** February 11, 2021

**Grantor:** David Wayne Frankens a/k/a David W. Frankens a/k/a David Frankens; Mammoth Mountain, LLC; and Frankens Val Verde, LLC

**Trustee:** Robyn Gillespie

**Lender:** Gillespie Partners, LTD.

**Recorded in:** Vol. 404, Page 542 of the of the Official Public Records of Edwards County, Texas

**Legal Description:** 1243.64 acres of land lying and being situated in Edwards County, Texas, being more particularly described on Exhibit A attached hereto.

**Secures:** Acknowledgment of Indebtedness and Additional Security ("Obligation") dated February 11, 2021 executed by David Wayne Frankens a/k/a David W. Frankens a/k/a David Frankens ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

**Trustee:** Robyn Gillespie

**Trustee's Address:** PO Box 633210  
Nacogdoches, Texas 75963

**Foreclosure Sale:**

**Date:** February 6, 2024

**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 1:00 p.m. and not later than three hours thereafter.**

**Place:** South door of the courthouse located at 101 East Main Street, Rocksprings, Texas 78880, facing Main Street

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 Obligation and in the performance of the obligations of the Deed of Trust. Because of that default, Lender, the owner and holder of the Obligation, has requested 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, 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 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 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, 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 Trustee.

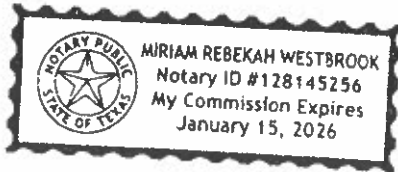
**Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.**

*Robyn J. Gillespie*  
Robyn Gillespie, Trustee

THE STATE OF TEXAS

COUNTY OF NACOGDOCHES

This instrument was acknowledged before me on the 8 day of January, 2024.  
by Robyn Gillespie, Trustee.



*Miriam R. Westbrook*  
Notary Public, State of Texas

Cc: VIA REGULAR US MAIL  
AND VIA CERTIFIED MAIL NO.  
9414 7266 9904 2170 1690 56  
RETURN RECEIPT REQUESTED

David Wayne Frankens  
a/k/a David W. Frankens  
a/k/a David Frankens  
215 Colonial Hill Drive  
Lufkin, Texas 75901

VIA REGULAR US MAIL  
AND VIA CERTIFIED MAIL NO.  
9414 7266 9904 2170 1690 63  
RETURN RECEIPT REQUESTED

Mammoth Mountain, LLC  
215 Colonial Hill Drive  
Lufkin, Texas 75901

VIA REGULAR US MAIL  
AND VIA CERTIFIED MAIL NO.  
9414 7266 9904 2170 1690 70  
RETURN RECEIPT REQUESTED

Frankens Val Verde, LLC  
215 Colonial Hill Drive  
Lufkin, Texas 75901



FILED FOR RECORD  
At 1:00 O'clock PM

JAN 10 2024

OLGA LYDIA REYES  
COUNTY CLERK  
EDWARDS COUNTY, TEXAS  
By *smantaga* Deputy

# EXHIBIT A

*Exhibit "A"*  
Inst. 811  
634 OR

**Bushong Land Surveying**  
Land Surveying Across The Lone Star State  
106 Glen Lakes Court • Ingram, Texas 78025  
Phone: 830/367-7302 • Fax: 830/367-7301  
www.bushonglandsurveying.com

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**DESCRIPTION OF 1243.64 ACRES OF LAND OUT OF VARIOUS ORIGINAL SURVEYS IN EDWARDS COUNTY, TEXAS.**

Being all that certain tract or parcel of land, lying and being situated in the County of Edwards, comprising a total of 1243.64 acres of land out of the following Original Surveys:

<u>EDWARDS COUNTY</u>					
<u>Survey</u>	<u>Grantee</u>	<u>Block</u>	<u>Abs. No.</u>	<u>Acres±</u>	
10	C.C.S.D.&R.G.N.G. RY. CO.	V-7	2387	83.46	
11	C.C.S.D.&R.G.N.G. RY. CO.	V-7	805	359.73	
12	C.C.S.D.&R.G.N.G. RY. CO.	V-7	2385	269.10	
16	C.C.S.D.&R.G.N.G. RY. CO.	V-7	3396	357.80	
21	C.C.S.D.&R.G.N.G. RY. CO.	V-7	841	<u>173.55</u>	
				Total	1243.64

The said 1243.64 acre tract also being a part of the lands described as 2026.7 acres in Exhibit "A" of a deed from Shannon Grubb and Iveylea Grubb to GNT Ranch, LLC, a Texas limited liability company dated April 5, 2004 and recorded in Volume 223, Page 786 of the Official Public Records of Edwards County, Texas. The said 1243.64 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 3-way fence corner post marking the southwest corner of Tract 29, Mailtrail Valley Ranch Subdivision (Vol. 3, Pg. 98 Plat Records of Edwards County) and southwest corner of the E. Pt. Survey No. 54, C.C.S.D.&R.G.N.G. Ry. Co., Block V-8, Abstract No. 3494, from which an "X" found chiseled in solid rock bears S 0° 15' W, 9.17 feet;

THENCE S 89° 50' E (basis of bearings - GPS True North) along or near fence with the north line of said Survey No. 16, south line of said E. Pt. Survey No. 54, and south line of Tract Nos. 29 and 28, Mailtrail Valley Ranch a distance of 2612.41 feet to a found rock mound with capstone marked "NE 16 DOD" marking the northeast corner of said Survey No. 16 and northwest corner of said Survey No. 21;

THENCE S 89° 49' E along or near fence with the north line of said Survey No. 21, south line of said E. Pt. Survey No. 54, and south line of Tract No. 28, Mailtrail Valley Ranch a distance of 1344.07 feet to a point marking the northeast corner of subject tract and northeast corner of said 2026.7 acre tract, from which a found rock mound with capstone marked "SE 54" bears S 89° 49' E, 394.84 feet;

THENCE S 0° 40' E with the east line of said 2026.7 acre tract, at 2.44 feet pass a found ½" iron stake marking the northwest corner of Tract 23, Box Canyon Ranch Subdivision (Vol. 2, Pg. 45A-45B Plat Records of Edwards County) and north terminus of a Boundary Line Agreement (Vol. 151, Pg. 763 Edwards County OPR), continuing now with the west line of Tract 23 and with said Boundary Line Agreement (unfenced) in all a distance of 1911.70 feet to a found ½" cotton spindle;

THENCE with the east line of said 2026.7 acre tract, west line of said Tract 23, and with said Boundary Line Agreement (unfenced) as follows:

S 26° 46' E, 577.54 feet; found ½" iron stake

S 17° 37' W, 634.63 feet; found ½" iron stake and

S 0° 24' E, at 647.11 feet pass a point in a cross fence marking the south terminus of said Boundary Line Agreement, southwest corner of said Tract 23, and northwest corner of Tract 9, said Box Canyon Ranch, and continue in all a distance of 987.74 feet to a 12" Piñon Pine for fence angle post;

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THENCE along or near fence with the east line of said 2026.7 acre tract and west line of said Tract 9, S 0° 22' E a distance of 276.64 feet to a cedar fence angle post and S 0° 05' E a distance of 1172.36 feet to a cedar fence angle post (referenced with a found 1/2" cotton spindle) marking the southwest corner of said Tract 9, northwest corner of Tract 8, and north corner of Tract 7, said Box Canyon Ranch;

THENCE along or near fence with the east line of said 2026.7 acre tract and west line of said Tract 7 as follows:

S 20° 14' W, 870.72 feet; cedar fence post marking the west terminus of a Thirty (30') Ft. wide Private Road Easement as shown on the plat of said Box Canyon Ranch  
S 20° 21' W, 584.79 feet; cedar fence post and  
S 20° 10' W, 318.04 feet; point in fence marking the southwest corner of said Tract 7 and northwest corner of Tract 6, said Box Canyon Ranch;

THENCE along or near fence with the east line of said 2026.7 acre tract and west line of said Tract 6, S 20° 12' W a distance of 704.43 feet to a cedar fence angle post (referenced with a found 1/2" cotton spindle) and S 5° 06' W a distance of 1121.69 feet to a cedar fence angle post (referenced with a found 1/2" cotton spindle) marking the southwest corner of said Tract 6 and northwest corner of Tract 5, said Box Canyon Ranch;

THENCE along or near fence with the east line of said 2026.7 acre tract and west line of said Tract 5 as follows:

S 10° 21' W, 41.63 feet; cedar fence angle post  
S 31° 00' W, 571.93 feet; cedar fence angle post  
S 14° 01' W, 590.80 feet to a found 1/2" iron stake marking the southwest corner of said Tract 5 and northwest corner of Tract 2, said Box Canyon Ranch;

THENCE along or near fence with the east line of said 2026.7 acre tract and west line of said Tract 2, S 14° 05' W a distance of 875.04 feet to a found 100d nail and S 5° 38' W a distance of 300.00 feet to a found 1/2" iron stake marking the southwest corner of said Tract 2 and north corner of Tract 1, said Box Canyon Ranch;

THENCE along or near fence with the east line of said 2026.7 acre tract and west line of said Tract 1 as follows:

S 5° 41' W, 881.39 feet; point in fence  
S 5° 39' W, 1511.28 feet; point in fence  
S 5° 41' W, 667.40 feet; cedar 3-way fence corner post  
S 5° 55' W, 540.09 feet; cedar fence post and  
S 6° 31' W, 709.22 feet to a cedar fence angle post;

THENCE S 66° 45' W along or near fence with the west line of said Tract 1 a distance of 39.37 feet to a cedar 3-way fence corner post;

THENCE S 9° 01' W along or near fence with the west line of said Tract 1, at 13.44 feet pass the northeast terminus of a Ranch Roadway Easement described in Volume 151, Page 797 of the Official Public Records of Edwards County, Texas, crossing a caliche road, a distance of 53.59 feet to the center of a water well marking the southwest corner of said Tract 1, southeast corner of said 2026.7 acre tract, and a reentrant corner of a certain 127.5 acre Fourth Tract (Vol. 912, Pg. 657 Val Verde County OPR);

THENCE N 83° 41' W with the common line between said 2026.7 acre tract and said 127.5 acre tract, (unfenced) re-crossing said caliche road and Ranch Roadway Easement a distance of 286.87 feet to a cedar gate post;

THENCE with fence and common line between said 2026.7 acre tract and said 127.5 acre tract, S 85° 53' W a distance of 169.55 feet to a cedar gate post and S 78° 11' W a distance of 88.31 feet to a cedar 2-way fence corner post;

THENCE N 15° 10' W with fence and common line between said 2026.7 acre tract and said 127.5 acre tract, at 611.63 feet pass a cedar fence angle post and continue in all a distance of 625.40 feet

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to a point marking a reentrant corner of said 2026.7 acre tract and a reentrant corner of said 127.5 acre tract;


THENCE N 81° 37' W with the common line between said 2026.7 acre tract and said 127.5 acre tract, at 7.76 feet pass a cedar fence angle post and continue along or near fence in all a distance of 1637.73 feet to a point in the ostensible east line of Val Verde County and ostensible west line of Edwards County marking the southwest corner of subject tract and southeast corner of a certain 767.75 acre tract (this day surveyed);

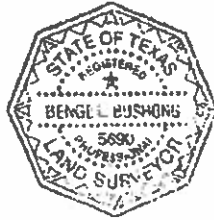
THENCE N 0° 12' E with the ostensible east line of Val Verde County, ostensible west line of Edwards County, and common line between subject tract and said 767.75 acre tract, not with fence, a distance of 14692.04 feet to a point in the north line of said 2026.7 acre tract, north line of said Survey No. 16, south line of the W. Pt. Survey No. 54, C.C.S.D.&R.G.N.G. Ry. Co., Block V-8 marking the northwest corner of subject tract and northeast corner of said 767.75 acre tract, from which a 1/2" iron stake found at the base of a cedar 3-way fence corner post marking the northwest corner of said Survey No. 16 bears N 89° 02' W, 2299.91 feet, and from said 1/2" iron stake an "X" found chiseled in a small bluff bears N 65° 34' W, 153.93 feet;

THENCE S 89° 02' E along or near fence with the south line of said W. Pt. Survey No. 54 and north line of said Survey No. 16 a distance of 344.12 feet to the place of BEGINNING.

THE STATE OF TEXAS  
COUNTY OF KERR

I, Benge L. Bushong, a registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional lands surveyors in Texas, this is an accurate representation of the property shown hereon.

  
Benge L. Bushong  
R.P.L.S. No. 5690  
June 22, 2012  
Job #2680



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