

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: 2816.66 acres of land lying and being situated in Edwards and Val Verde County, Texas, being more particularly described as a 2801.50 acre tract of land and a 15.16 acre tract of land described on the plat and field notes attached hereto as Exhibit A.

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.

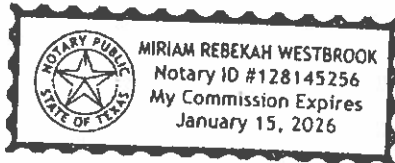
Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the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

Robyn Gillespie
Robyn Gillespie, Trustee

THE STATE OF TEXAS

COUNTY OF NACOGDOCHES

This instrument was acknowledged before me on the 8th 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 1691 31
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 1691 48
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 1691 55
RETURN RECEIPT REQUESTED

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

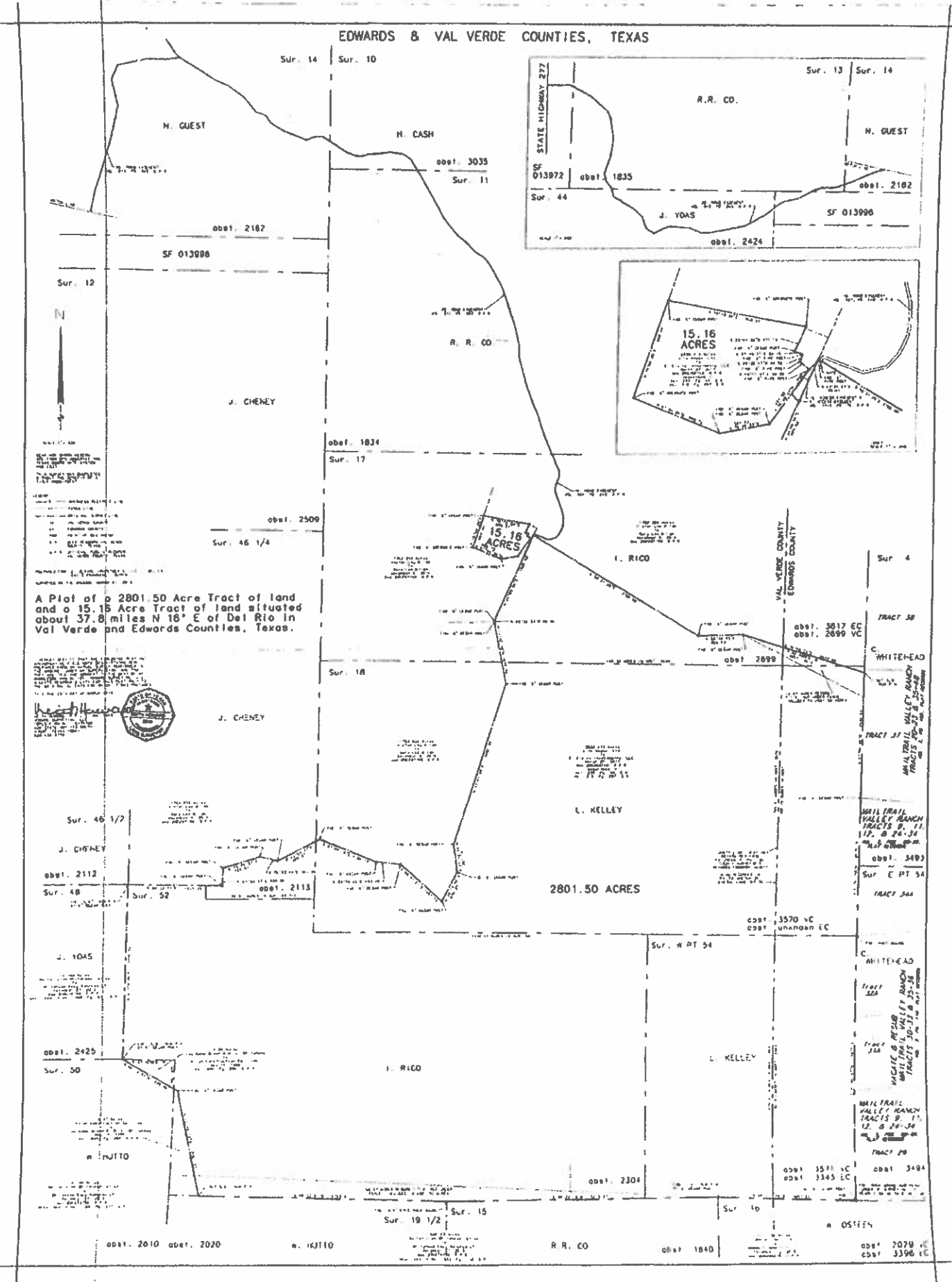
 FILED FOR RECORD
At 1:00 O'clock PM

JAN 10 2024

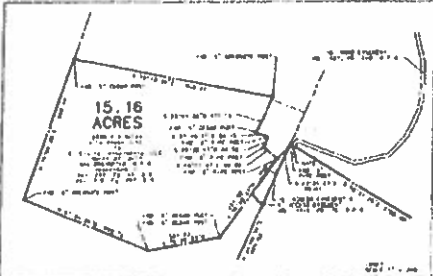
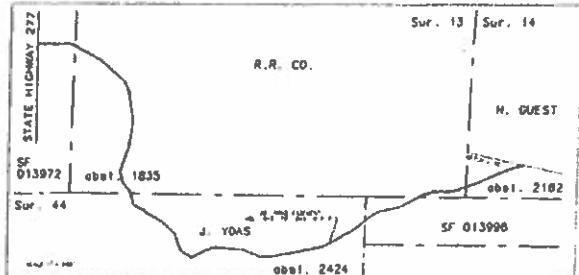
OLGA LYDIA REYES
COUNTY CLERK
EDWARDS COUNTY, TEXAS
By: *[Signature]* Deputy

EXHIBIT A

EDWARDS & VAL VERDE COUNTIES, TEXAS



A Plot of a 2801.50 Acre Tract of land and a 15.16 Acre Tract of land situated about 37.8 miles N 16° E of Del Rio in Val Verde and Edwards Counties, Texas.



TRACT 30
WHITEHEAD
MAIL TRAIL VALLEY BRANCH TRACTS 30-36
TRACT 31
MAIL TRAIL VALLEY BRANCH TRACTS 31-36
TRACT 32
WHITE & KELLEY
MAIL TRAIL VALLEY BRANCH TRACTS 32-36
TRACT 33
TRACT 34
TRACT 35
TRACT 36

Exhibit "A"

STATE OF TEXAS
 COUNTY OF VAL VERDE
 COUNTY OF EDWARDS

PREPARED FOR: E. Claire Investments, LLC. - Seller
 David Frankens - Buyer

FIELD NOTES TO DESCRIBE

A 2801.50 Acre Tract of land being situated about 37.8 miles N 16° E of Del Rio in Val Verde and Edwards Counties, Texas, being approximately 375.53 Acres in Edwards County, Texas and approximately 2425.97 Acres in Val Verde County, Texas according to the County Line location determined in Volume/Book H, Page 180 of the County Surveyor's Records of Edwards County, Texas and in Rolled Sketch 85 of the General Land Office of Texas, being approximate acres out of original surveys as follows:

Survey No.	Abstract No.	County	Original Grantee	Acres
46 1/4	2113	Val Verde	J. Cheney	35.01
52	2304	Val Verde	I. Rico	1150.01
50	2610	Val Verde	W. Hutto	6.23
West 54	3571	Val Verde	L. Kelley	279.61
West 54	3343	Edwards	L. Kelley	180.61
18	3570	Val Verde	L. Kelley	795.81
18		Edwards	L. Kelley	190.10
17	2699	Val Verde	I. Rico	159.30
17	3617	Edwards	I. Rico	4.82

and being part of a 2838.413 Acre Tract conveyed from Vino Vasso, Ltd. to E. Claire Investments, LLC by deed dated March 27, 2017 and recorded in Document No. 00300749 of the Official Public Records of Val Verde County, Texas conveyed as various tracts totaling 2828.583 Acres described in Volume 233, Page 45 and Volume 319, Page 297 of the Deed Records of Val Verde County, Texas, and being more particularly described as follows:

BEGINNING: At a 6" cedar post found in the North line of Survey No. 16 and a 767.75 Acre Tract (Document #00299238, Official Public Records) for the Southwest corner of the East part of Survey No. 54 and Tract 29 of Mailtrail Valley Ranch Tracts 9, 11, 12, and 24-34 (Volume 3, Pages 98-99, Plat Records) and the Southeast corner of the West part of Survey No. 54 and of this tract from which a rock mound found for the Northeast corner of Survey No. 16 bears S 89° 02' 59" E 2611.56 feet;

THENCE: With the South line of the West part of Survey No. 54, Survey No. 52, and of this tract as follows:

N 88° 07' 49" W 2643.65 feet with fence to a 1/2" iron pin found by a 4" cedar post for the Northwest corner of Survey No. 16 and said 767.75 Acre Tract, the Northeast corner of Survey No. 15 and a 1526.23 Acre Tract (Document #00274799, Official Public Records), and an angle point of this tract;

S 89° 24' 18" W 5215.27 feet to a scattered rock mound found for the Northwest corner of Survey No. 15, the Northeast corner of Survey No. 19 1/2, and an angle point of said 1526.23 Acre Tract and of this tract;

N 88° 32' 31" W 4763.01 feet with the North line of Survey No. 19 1/2 and said 1526.23 Acre Tract to a 5/8" Iron pin set for the lower Southwest corner of this tract;

THENCE: N 12° 46' 19" W 2001.23 feet in part with fence to a 6" cedar post found for an interior corner of this tract;

THENCE: N 60° 12' 47" W 1226.90 feet with fence to a 5/8" iron pin found by a 6" cedar post for an interior corner of a 19,160 Acre Tract (Document

2801.50 Acres – E. Claire Investments to David Frankens

#00274798, Official Public Records), the Southeast corner of Survey No. 48, and the upper Southwest corner of Survey No. 52 and of this tract;

THENCE: N 01° 18' 20" E 3359.72 feet with fence to a 5/8" iron pin found by a 6" cedar post for the Northeast corner of Survey No. 48 and said 19.160 Acre Tract, the Southeast corner of Survey No. 46 1/2, the upper Southwest corner of Survey No. 46 1/4, the Northwest corner of Survey No. 52, and the lower Northwest corner of this tract;

THENCE: With fence and the South line of said 1702.854 Acre Tract and the lower North line of this tract as follows:

S 88° 33' 57" E 1807.75 feet to a 6" cedar post found for an angle point;

N 01° 52' 23" E 338.66 feet to an 8" cedar post found for an angle point;

N 73° 20' 37" E 720.65 feet to a 6" cedar post found for an angle point;

S 75° 53' 44" E 361.39 feet to a 6" cedar post found for an angle point;

N 62° 54' 47" E 909.27 feet to a 6" cedar post found for an angle point;

S 67° 04' 18" E 1185.73 feet to an 8" cedar post found for an angle point;

S 83° 35' 25" E 483.08 feet to a 6" cedar post found for an angle point;

S 48° 47' 21" E 1087.71 feet to a 6" cedar post found for the Southeast corner of said 1702.854 Acre Tract and an interior corner of this tract;

THENCE: With fence and the East line of said 1702.854 Acre Tract and the upper West line of this tract as follows:

N 28° 12' 42" E 634.05 feet to an 8" cedar post found for an angle point;

N 07° 12' 29" W 551.74 feet to a 6" cedar post found for an angle point;

N 17° 41' 48" E 3282.30 feet to a 6" cedar post found for an angle point;

N 11° 02' 10" W 1233.02 feet to an 8" cedar post found for an angle point;

N 02° 35' 52" W 20.56 feet to an 8" cedar post found for an angle point;

N 24° 05' 54" E 1825.63 feet to a 2" pipe post found for an interior corner of said 1702.854 Acre Tract and the North corner of this tract from which a 2" pipe post found for the East corner of a 15.16 Acre Tract (this day surveyed) bears S 41° 15' 47" W 88.01 feet;

THENCE: With fence and a South line of said 1702.854 Acre Tract and the North line of this tract as follows:

S 58° 31' 28" E 3780.08 feet to a 6" cedar post found for an angle point;

N 88° 19' 45" E 855.53 feet to an 8" cedar post found for an angle point;

S 72° 08' 24" E 2477.50 feet without fence to a 5/8" iron pin set for the upper Southeast corner of said 1702.854 Acre Tract and the Northeast corner of this tract;

THENCE: With fence and the West line of Survey No. 4 and the East part of Survey No. 54 and the East line of Survey No. 18 and the West part of Survey No. 54 and of this tract as follows:

S 01° 06' 48" W 2434.62 feet with the West line of Tract 37 of Mailrail Valley Ranch Tracts 20-23 & 35-48 (Volume 3, Page 105, Plat Records) to a 6"

2801.50 Acres – E. Claire Investments to David Frankens

cedar post found for the Southwest corner of Tract 37, the Northwest corner of Tract 34, and an angle point of this tract;

S 01° 01' 58" W 2678.16 feet to a rock mound found for the Southwest corner of Tract 34A and the Northwest corner of Tract 32A of the Vacate and Resub of Maltrali Valley Ranch Tracts 30-33 and 35-36 (Volume 3, Page 119, Plat Records), the Southeast corner of Survey No. 18, the Northeast corner of the West part of Survey No. 54, and an angle point of this tract;

S 01° 00' 47" W 4977.31 feet to the POINT OF BEGINNING.

Bearings shown herein are from GPS observations Texas Coordinate System NAD (83).

I hereby certify that the foregoing field note description and accompanying plat were prepared from an actual survey performed on the ground, under my supervision and that to the best of my belief and knowledge they are true and correct.

This the 29th day of March 2018.

Keith Howard

Keith Howard, R.P.L.S. No. 5949
Howard Surveying, LLC
TBPLS Firm No. 10125700
402 State Hwy 173 South
Hondo, Texas 78861
(830) 426-4776



Exhibit "B"

STATE OF TEXAS
COUNTY OF VAL VERDE

PREPARED FOR: E. Claire Investments, LLC. - Seller
David Frankens - Buyer

FIELD NOTES TO DESCRIBE

A 15.16 Acre Tract of land being situated about 37.8 miles N 16° E of Del Rio in Val Verde County, Texas, being out of Survey No. 17, Abstract No. 2699, I. Rico, original grantee and being out of a 2838.413 Acre Tract conveyed from VINO VASSO, LTD to E. Claire Investments, LLC by deed dated March 27, 2017 and recorded in Document No. 00300749 of the Official Public Records and described in Volume 233, Page 45 of the Deed Records of Val Verde County, Texas, and being more particularly described as follows:

- BEGINNING: At a 2" pipe post found for the East corner of this tract from which a 2" pipe post found for the North corner of a 2801.50 Acre Tract (this day surveyed) bears N 41° 15' 47" E 88.01 feet;
- THENCE: S 35° 48' 07" W 421.90 feet to a 6" cedar post found for the Southeast corner of this tract;
- THENCE: S 79° 55' 29" W 321.42 feet with fence to a 5" cedar post found for the South corner of this tract;
- THENCE: N 67° 54' 26" W 608.72 feet with fence to a 5" creosote post found for the Southwest corner of this tract;
- THENCE: N 19° 04' 29" E 649.44 feet to a 5" cedar post found for the Northwest corner of this tract;
- THENCE: S 79° 10' 04" E 905.27 feet with fence to a 5" creosote post found for an angle point;
- THENCE: S 23° 41' 06" W 171.19 feet with fence to a 6" cedar post found for an interior corner of this tract;
- THENCE: S 67° 49' 47" E 54.15 feet to a 2" pipe post found for an exterior corner of this tract;
- THENCE: S 20° 22' 47" W 46.50 feet with fence to a 3" pipe post found for an interior corner of this tract;
- THENCE: S 48° 41' 07" E 80.86 feet with fence to the POINT OF BEGINNING.

Bearings shown herein are from GPS observations Texas Coordinate System NAD (83).

I hereby certify that the foregoing field note description and accompanying plat were prepared from an actual survey performed on the ground, under my supervision and that to the best of my belief and knowledge they are true and correct.

This the 29th day of March 2018.

Keith Howard
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