

**NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF SUBSTITUTE 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. Sender is: Codilis & Moody, P.C., 20405 State Highway 249, Suite 170, Houston, TX 77070**

**INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION**

Deed of Trust dated June 30, 2006 and recorded under Clerk's File No. 064071, in the real property records of AUSTIN County Texas, with Aaron K. Kelley , a single man as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Aegis Wholesale Corporation, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Aaron K. Kelley , a single man securing payment of the indebtedness in the original principal amount of \$210,000.00 and obligation therein described including but not limited to the promissory note and all modifications, renewal and extensions of the promissory note (the "Note") executed by Aaron K. Kelley. J.P. Morgan Mortgage Acquisition Corp. is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

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 property securing the above referenced loan. Shellpoint Mortgage Servicing is acting as the Mortgage Servicer for the Mortgagee. Shellpoint Mortgage Servicing, is representing the Mortgagee, whose address is: 75 Beattie Place, Suite 300, Greenville, SC 29601.

**Legal Description:**

**LOT THREE (3), BLOCK ONE (1), OUT OF SETTLER'S ESTATES, SURVIVED OUT OF 158.14 ACRES OF LAND, MORE OR LESS, H.&T.C.R.R. CO. SURVEY, ABSTRACT 206, AUSTIN COUNTY, TEXAS, AND AS DESCRIBED IN PLAT RECORDS, DATED MARCH 9, 2004, FILED APRIL 22, 2004, FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF AUSTIN COUNTY, TEXAS, IN VOLUME 1, PAGES 355-362 OF THE PLAT RECORDS AND FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF AUSTIN COUNTY, TEXAS, UNDER COUNTY CLERK'S FILE NO. 04-2443. OFFICIAL RECORDS.**

**SALE INFORMATION**

**Date of Sale: 09/05/2023**

**Earliest Time Sale Will Begin: 1:00 PM**

**Location of Sale:** The place of the sale shall be: AUSTIN County Courthouse, Texas at the following location: In the foyer of the Austin County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

**TERMS OF SALE**

A default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

The Sale will be conducted as a public auction to the highest bidder for cash, except that Mortgagee's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust. Pursuant to the Deed of Trust, the

44-23-1755  
AUSTIN



4790555

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2023 JUL 11 AM 9:00

Andrea Cardenas  
COUNTY CLERK  
AUSTIN COUNTY, CLERK

2023-0021

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.

The sale will begin at the earliest time stated above, or within three (3) hours after that time. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

**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.**

WHEREAS, in my capacity as attorney for the Mortgagee and/or Its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I HEREBY APPOINT AND DESIGNATE Megan L. Randle, Ebbie Murphy, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or Covius Servicing and Capital Markets Solutions, as Substitute Trustee.

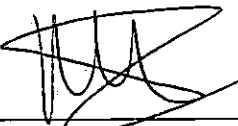
The address for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:  
Codilis & Moody, P.C.  
20405 State Highway 249, Suite 170  
Houston, TX 77070  
(281) 925-5200

Executed on 07/10/2023.

/s/ Olufunmilola Oyekan SBOT No. 24084552, Attorney at  
Law  
Codilis & Moody, P.C.  
20405 State Highway 249, Suite 170  
Houston, TX 77070  
(281) 925-5200

Posted and filed by: \_\_\_\_\_

Printed Name: \_\_\_\_\_

  
Megan L. Randle

C&M No. 44-23-1755

FILED

2023 JUL 11 AM 9:00

Andrea Cardenas  
COUNTY CLERK  
AUSTIN COUNTY, CLERK

2023-0021

# NOTICE OF FORECLOSURE SALE

August 14, 2023

## Deed of Trust ("Deed of Trust"):

**Dated:** September 13, 2021

**Grantor:** Jhonnatan De Jesus Ferrebus Villasmil

**Trustee:** Liang Gao

**Lender:** Hawthorne Ventures LP

**Recorded in:** Instrument No. 215351 of the real property records of Austin County, Texas

**Legal Description:** Being a 30.439 acre tract of land situated in the San Felipe De Austin Survey Abstract Number 5, Austin County, Texas, being comprised of a portion of that certain called 144.623 acre tract described as "Tract Two" in instrument to Hawthorne Ventures, LP., recorded under Instrument Number 203045 of the Official Records of Austin County, Texas (O.R.A.C.T.), said 30.439 acre tract being called Tract 9 and being more particularly described by metes and bounds in the attached Exhibit.

**Secures:** Promissory Note ("Note") in the original principal amount of \$310,000.00, executed by Jhonnatan De Jesus Ferrebus Villasmil ("Borrower") and payable to the order of Lender

**Assignment:** The Note and the liens and security interests of the Deed of Trust were transferred and assigned to **Hawthorne Interests, LLC** ("Beneficiary") by an instrument dated June 30, 2022, recorded in Instrument No. 224021 of the real property records of Austin County, Texas

**Substitute Trustee:** Megan Randle, Debby Jurasek, Ebbie Murphy, and David Garvin

**Substitute Trustee's Address:** c/o Foreclosure Services LLC  
8101 Boat Club Road, Suite 320  
Fort Worth, Texas, 76179

FILED

2023 AUG 15 PM 2: 14

*Andrea Cardenas*  
COUNTY CLERK  
AUSTIN COUNTY, CLERK

2023-0025

**Foreclosure Sale:**

- Date:** Tuesday, September 5, 2023
- 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:** The Foyer of the Austin County Courthouse located at 1 E. Main St., Bellville, Texas 77418, Austin County, Texas, or in the area designated by the Commissioner's Court, pursuant to Section 51.002 of the Texas Property Code.
- 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 Hawthorne Interests, LLC'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, Hawthorne Interests, LLC, 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 Hawthorne Interests, LLC's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Hawthorne Interests, LLC'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 Hawthorne Interests, LLC 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 Hawthorne Interests, LLC. 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.

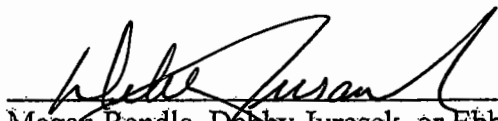
**Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the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



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Meg Banahan  
Veronica A. Martinez  
R. Alex Weatherford  
Banahan Martinez Weatherford, PLLC  
1400 Broadfield Blvd., Suite 105  
Houston, Texas 77084  
Telephone (281) 394-3122  
Telecopier (281) 940-2743  
Attorney for Lender



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Megan Randle, Debby Jurasek, or Ebbie Murphy  
Substitute Trustee  
c/o Foreclosure Services LLC  
8101 Boat Club Road, Suite 320  
Fort Worth, Texas 76179

Exhibit A



**TEXAS PROFESSIONAL SURVEYING, LLC.**

3032 N. FRAZIER STREET, CONROE, TEXAS 77303  
(936)756-7447 FAX (936)756-7448  
FIRM REGISTRATION No. 100834-00

JA 21/665

**FIELD NOTE DESCRIPTION**

**TRACT 9**

**30.439 ACRES**

**IN THE SAN FELIPE DE AUSTIN SURVEY, ABSTRACT NUMBER 5  
AUSTIN COUNTY, TEXAS**

BEING a 30.439 acre tract of land situated in the San Felipe De Austin Survey Abstract Number 5, Austin County, Texas, being comprised of a portion of that certain called 144.623 acre tract described as "Tract Two" in instrument to Hawthorne Ventures, LP., recorded under Instrument Number 203045 of the Official Records of Austin County, Texas (O.R.A.C.T.), said 30.439 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at an axle found for the common corner of said 144.623, that certain called 29.836 acre tract described in instrument to Michael Hundl, recorded under Clerk's File Number 99001290, O.R.A.C.T., that certain tract conveyed in instrument to Beverly Ann Brill, recorded in Volume 770, Page 639, O.R.A.C.T., and that certain tract identified by Austin County Appraisal District (A.C.A.D), ID Number 18860 (no deed record found), being the northerly corner of the herein described 30.439 acre tract;

THENCE South 46°50'17" East, 725.74 feet, with the common line between said 80 acre tract and said 29.836 acre tract, to a ½ inch iron rod found for the common corner of said 144.623 acre tract, said 29.836 acre tract, that certain called 9.309 acre tract described in instrument to Michael Hundl, recorded under Clerk's File Number 001289, O.R.A.C.T., and the northwesterly right-of-way of the remainder of the K.T.C. Railroad (100 feet wide), recorded in Volume 621, Page 647, O.R.A.C.T., being the easterly corner of the herein described 30.439 acre tract;

THENCE South 32°37'33" West, 461.14 feet, with said northwesterly right-of-way, the southeasterly line of said 144.623 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set for the southeasterly corner of the herein described 30.439 acre tract, from which a ½ inch iron pipe found for reference bears, South 32°37'33" West, 2,217.61 feet;

THENCE South 61°05'33" West, 2,551.76 feet, severing, over and across said 144.623 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set in the approximate centerline of said Meith Road, the common line between said 144.623 acre tract, and that certain tract shown to be owned by Johnnie W. Schneider, per A.C.A.D. ID Number 20347, being the westerly corner of the herein described 30.439 acre tract;

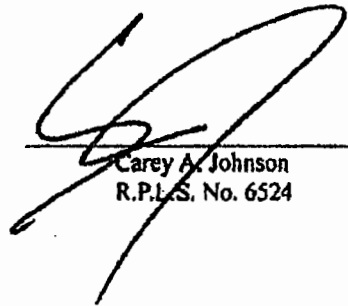
THENCE North 42°40'31" East, with the approximate centerline of said existing dirt road, the southeasterly line of said Johnnie W. Schneider tract and that certain tract conveyed in instrument to Lonny Schneider, recorded under Clerk's File Number 160897, O.R.A.C.T., common to the northwesterly line of said 144.623 acre tract, at a distance of 1,543.79 feet, pass a calculated point at the end of said existing dirt road, from which a ½ inch iron rod found for the apparent southerly corner of that certain tract conveyed in instrument to Eric Dean Stuessel, recorded under Clerk's File Number 045234, O.R.A.C.T., bears North 47°19'29" West, 17.54 feet, thence continuing with the northwesterly line of said 144.623 acre tract, at a distance of 1,964.65 feet, pass a calculated point from which the apparent easterly corner of said Stuessel tract, bears North 47°19'29" West, 18.11 feet, thence with the common line between said 80 acre tract and said Lonny Schneider tract, in all, a total distance of 2,881.28 feet, to the POINT OF BEGINNING.

CONTAINING a computed area of 30.439 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on March 26, 2021 by Texas Professional Surveying, LLC., Registered Professional Land Surveyors and is referenced to Survey Drawing Project Number B543-02.

Bearings recited hereon are based on GPS observations and are referenced to the North American Datum (NAD) 1983, Texas State Plane Coordinate System, South Central Zone (4204).

April 5, 2020  
Date



Carey A. Johnson  
R.P.L.S. No. 6524





# NOTICE OF FORECLOSURE SALE

August 14, 2023

## Deed of Trust ("Deed of Trust"):

**Dated:** September 20, 2021

**Grantor:** Arturo Martinez, Jr. and Cynthia Guerrero Cecena Martinez

**Trustee:** Ethan Gao

**Lender:** Hawthorne Ventures LP

**Recorded in:** Instrument No. 215465 of the real property records of Austin County, Texas

**Legal Description:** Called Tract 3A, a 10.100 acre tract of land situated in the H. & T.C. RR. Survey, Abstract Number 237, and the H. & T.C. RR. Survey, Abstract 231, Austin County, Texas, being a portion of that certain called 309.259 acre tract described in instrument to Hawthorne Ventures, LP., recorded under Clerk's File Number 194401 of the Official Public Records of Austin County, Texas (O.P.R.A.C.T.), said 10.100 acre tract being called Tract 3A and being more particularly described by metes and bounds in the attached Exhibit.

**Secures:** Promissory Note ("Note") in the original principal amount of \$107,495.00, executed by Arturo Martinez, Jr. and Cynthia Guerrero Cecena Martinez ("Borrower") and payable to the order of Lender

**Assignment:** The Note and the liens and security interests of the Deed of Trust were transferred and assigned to Hawthorne Interests, LLC ("Beneficiary") by an instrument dated June 30, 2022, recorded in Instrument No. 224023 of the real property records of Austin County, Texas

**Substitute Trustee:** Megan Randle, Debby Jurasek, Ebbie Murphy, and David Garvin

**Substitute Trustee's Address:** c/o Foreclosure Services LLC  
8101 Boat Club Road, Suite 320  
Fort Worth, Texas, 76179

FILED

2023 AUG 15 PM 2: 14

*Andrea Cardenas*  
COUNTY CLERK  
AUSTIN COUNTY, CLERK

2023-0026

**Foreclosure Sale:**

- Date:** Tuesday, September 5, 2023
- 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:** The Foyer of the Austin County Courthouse located at 1 E. Main St., Bellville, Texas 77418, Austin County, Texas, or in the area designated by the Commissioner's Court, pursuant to Section 51.002 of the Texas Property Code.
- 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 Hawthorne Interests, LLC'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, Hawthorne Interests, LLC, 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 Hawthorne Interests, LLC's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Hawthorne Interests, LLC'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 Hawthorne Interests, LLC 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.

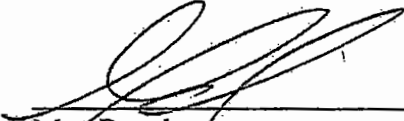
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain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

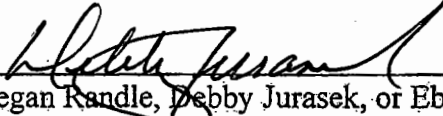
**Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the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

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Meg Banahan  
Veronica A. Martinez  
R. Alex Weatherford  
Banahan Martinez Weatherford, PLLC  
1400 Broadfield Blvd., Suite 105  
Houston, Texas 77084  
Telephone (281) 394-3122  
Telecopier (281) 940-2743  
Attorney for Lender



---

Megan Randle, Debby Jurasek, or Ebbie Murphy  
Substitute Trustee  
c/o Foreclosure Services LLC  
8101 Boat Club Road, Suite 320  
Fort Worth, Texas 76179

Exhibit A



**TEXAS PROFESSIONAL SURVEYING, LLC.**

3032 N. FRAZIER STREET, CONROE, TEXAS 77303  
(936)756-7447 FAX (936)756-7448  
FIRM REGISTRATION No. 100834-00

**FIELD NOTE DESCRIPTION**

**TRACT 3A**

**10.100 ACRES**

**THE H. & T.C. RR. SURVEY, ABSTRACT NUMBER 237,  
AND THE H. & T.C. RR. SURVEY, ABSTRACT NUMBER 231  
AUSTIN COUNTY, TEXAS**

BEING a 10.100 acre tract of land situated in the H. & T.C. RR. Survey, Abstract Number 237, and the H. & T.C. RR. Survey, Abstract Number 231, Austin County, Texas, being a portion of that certain called 309.259 acre tract described in instrument to Hawthorne Ventures, LP., recorded under Clerk's File Number 194401 of the Official Public Records of Austin County, Texas (O.P.R.A.C.T.), said 10.100 acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a ½ inch iron rod with cap stamped "TPS 100834-00" set in northwesterly right-of-way of the A.T. & S.F. Railroad, (100 feet wide), the southeasterly line of said 309.259 acre tract, for the easterly corner of the herein described 10.100 acre tract, from which a ½ inch iron rod found for the easterly corner of said 309.259 acre tract bears North 31°52'05" East, 1715.71 feet;

**THENCE** South 31°52'05" West, 460.18 feet, with the northwesterly right-of-way of said Railroad, the southeasterly line of said 309.259 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set for the southerly corner of the herein described 10.100 acre tract;

**THENCE** North 39°57'51" West, 1249.03 feet, severing said 309.259 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set for the westerly corner of the herein described 10.100 acre tract;

**THENCE** North 31°52'05" East, 281.26 feet, over and across said 309.259 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set for the northerly corner of the herein described 10.100 acre tract;

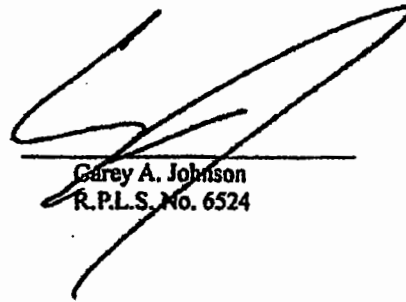
THENCE South 48°04'19" East, 1205.29 feet, continuing across said 309.259 acre tract, to the PLACE OF BEGINNING;

CONTAINING a computed area of 10.100 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground in June 9, 2020 by Texas Professional Surveying, LLC., Registered Professional Land Surveyors and is referenced to Survey Drawing Project Number H489-02\_Tract100.

Bearings recited hereon are based on GPS observations and are referenced to the North American Datum (NAD) 1983, Texas State Plane Coordinate System, South Central Zone (4204).

October 18, 2020  
Date



Garey A. Johnson  
R.P.L.S. No. 6524



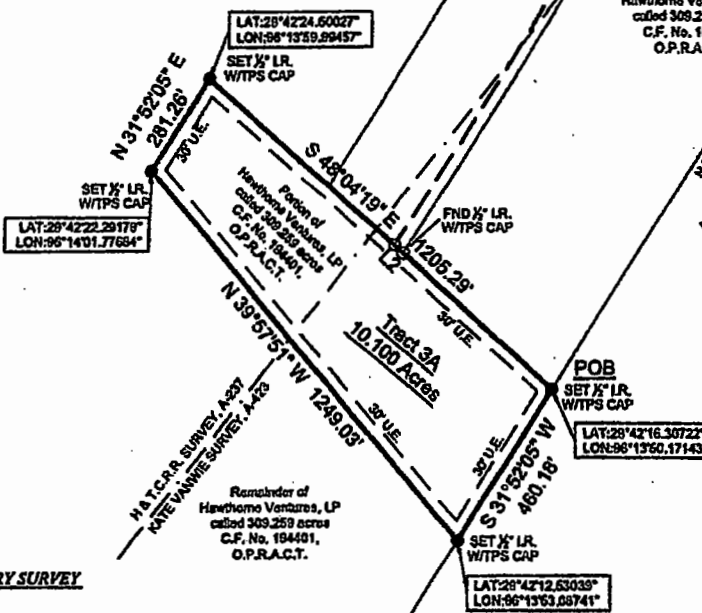
- SYMBOL LEGEND**
- Overhead Power Line
  - Guy Wire
  - Wood Fence
  - Wrought Iron Fence
  - Chainlink Fence
  - Wire Fence
  - Fire Hydrant
  - Power Pole
  - Telephone Pedestal
  - Water Valve
  - Water Meter
  - Set Iron Rod w/TPS Cap
  - Find Iron Rod

**H & T.C.R.R. SURVEY  
ABSTRACT NO. 237**

**BECKENDORFF ROAD**  
POB  
FND X' LR  
W/TPS CAP

Remainder of Hawthorne Ventures, LP called 309.259 acres C.F. No. 194401, O.P.R.A.C.T.

Remainder of Hawthorne Ventures, LP called 309.259 acres C.F. No. 194401, O.P.R.A.C.T.



**A.T. & S.F. RAILROAD 100' ROW**  
**KATE VANWIE SURVEY  
ABSTRACT NO. 423**

**BOUNDARY SURVEY**

BEING a 10.100 acre tract of land situated in the Kate Vanwie Survey, Abstract Number 423, and the H. & T.C. RR. Survey, Abstract Number 237, Austin County, Texas, being a portion of that certain called 309.259 acre tract described in Instrument to Hawthorne Ventures, LP, recorded under Clerk's File Number 194401 of the Official Public Records of Austin County, Texas (O.P.R.A.C.T.), said 10.100 acre tract being more particularly described by attached metes and bounds description.

BEING a 30 foot access easement (Easement) situated in the H. & T.C. RR. Survey, Abstract Number 237, and the Kate Vanwie Survey, Abstract Number 423, Austin County, Texas, being a over and across that certain called 10.200 acre tract described as "Tract 3" in instrument to Arturo Martinez, Jr., and Cynthia Patricia Guerrero Cecena Martinez, recorded under Clerk's File Number 202372 of the Official Public Records of Austin County, Texas (O.P.R.A.C.T.), said Easement being more particularly described by attached metes and bounds description.

LINE	BEARING	DISTANCE
L1	S 31°57'05" W	1715.71'
L2	N 43°24'12" W	30.47'
L3	N 31°52'05" E	1715.71'
L4	S 48°04'19" E	30.47'

This Property Lies in Zone X outside the 100 Year Flood Plain Per Graphic Scaling according to Community Panel No. 48015C0379E having an effective date of 6-3-2010.

Job No.: H489-02 Tract 100  
 Scale: 1"=300'  
 Date: 11/8/2020  
 Drawn By: CPP/ALW  
 Field Crew: TC  
 Revised: 11/11/2020

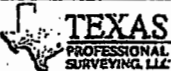
Purchaser: Hawthorne Ventures, LP  
 Address: Beckendorff Road, Sealy TX, 77474  
 Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Section: \_\_\_\_\_  
 Survey: Kate Vanwie A 423  
 Survey: H & T.C.R.R. A 237  
 Area: 10.100 Acres & Access Easement  
 Austin County, Texas

**General Notes:**

1) This survey was performed without benefit of a current title report. Surveyor did not abstract title and does not certify to easements or restrictions not shown. Check with your local governing agencies for any additional easements, building lines or other restrictions not reflected on survey.

I hereby certify that this survey was this day made under my supervision on the ground of the above described property, and that the above plat or drawing reflects the findings on the ground of the property at this time and that this survey meets the minimum standards of precision as approved by the Texas Board of Professional Land Surveying.

Readings shown hereon are based on GPS observations and are referenced to Basis of Bearings the NAD83, Texas State Plane Coordinate System, South Central Zone (4204).



3032 N. FRAZIER STREET - CONROE, TX 77303  
 PH (936) 756-7447 - FAX (936) 756-7448  
 WWW.SURVEYINGINTEXAS.COM  
 FIRM REGISTRATION No. 100934-00



*Carey A. Johnson*  
 Carey A. Johnson  
 Registered Professional Land Surveyor No. 6524

# NOTICE OF FORECLOSURE SALE

August 14, 2023

## Deed of Trust ("Deed of Trust"):

**Dated:** June 5, 2020

**Grantor:** Arturo Martinez, Jr. and Cynthia Guerrero Cecena Martinez

**Trustee:** Caroline Ortego

**Lender:** Hawthorne Ventures LP

**Recorded in:** Instrument No. 202373 of the real property records of Austin County, Texas

**Legal Description:** Called Tract 3, a 10.200 acre tract of land situated in the Kate Vanwie Survey, Abstract Number 423, and the H. & T.C. RR. Survey, Abstract Number 237, Austin County, Texas, being a portion of that certain called 309.259 acre tract described in instrument to Hawthorne Ventures, LP., recorded under Clerk's File Number 194401 of the Official Public Records of Austin County, Texas (O.P.R.A.C.T.), said 10.200 acre tract being called Tract 3 and being more particularly described by metes and bounds in the attached Exhibit.

**Secures:** Promissory Note ("Note") in the original principal amount of \$168,500.00, executed by Arturo Martinez, Jr. and Cynthia Guerrero Cecena Martinez ("Borrower") and payable to the order of Lender

**Assignment:** The Note and the liens and security interests of the Deed of Trust were transferred and assigned to Hawthorne Interests, LLC ("Beneficiary") by an instrument dated June 30, 2022, recorded in Instrument No. 224024 of the real property records of Austin County, Texas

**Substitute Trustee:** Megan Randle, Debby Jurasek, Ebbie Murphy, and David Garvin

**Substitute Trustee's Address:** c/o Foreclosure Services LLC  
8101 Boat Club Road, Suite 320  
Fort Worth, Texas, 76179

FILED

2023 AUG 15 PM 2: 14

*Andrea Cardenas*  
COUNTY CLERK  
AUSTIN COUNTY, CLERK

2023-0027

**Foreclosure Sale:**

- Date:** Tuesday, September 5, 2023
- 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:** The Foyer of the Austin County Courthouse located at 1 E. Main St., Bellville, Texas 77418, Austin County, Texas, or in the area designated by the Commissioner's Court, pursuant to Section 51.002 of the Texas Property Code.
- 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 Hawthorne Interests, LLC'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, Hawthorne Interests, LLC, 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 Hawthorne Interests, LLC's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Hawthorne Interests, LLC'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 Hawthorne Interests, LLC 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 Hawthorne Interests, LLC. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

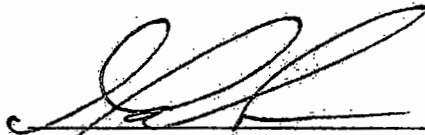


Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical 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.

**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.**



Meg Banahan  
Veronica A. Martinez  
R. Alex Weatherford  
Banahan Martinez Weatherford, PLLC  
1400 Broadfield Blvd., Suite 105  
Houston, Texas 77084  
Telephone (281) 394-3122  
Telecopier (281) 940-2743  
Attorney for Lender



Megan Randle, Debby Jurasek, or Ebbie Murphy  
Substitute Trustee  
c/o Foreclosure Services LLC  
8101 Boat Club Road, Suite 320  
Fort Worth, Texas 76179

  
**TEXAS PROFESSIONAL SURVEYING, LLC.**

3032 N. FRAZIER STREET, CONROE, TEXAS 77303  
(936)756-7447 FAX (936)756-7448  
FIRM REGISTRATION No. 100834-00

**FIELD NOTE DESCRIPTION**  
**TRACT 3**  
**10.200 ACRES**  
**IN THE KATE VANWIE SURVEY, ABSTRACT NUMBER 423,**  
**AND THE H. & T.C. RR. SURVEY, ABSTRACT NUMBER 237**  
**AUSTIN COUNTY, TEXAS**

BEING a 10.200 acre tract of land situated in the Kate Vanwie Survey, Abstract Number 423, and the H. & T.C. RR. Survey, Abstract Number 237, Austin County, Texas, being a portion of that certain called 309.259 acre tract described in instrument to Hawthorne Ventures, L.P., recorded under Clerk's File Number 194401 of the Official Public Records of Austin County, Texas (O.P.R.A.C.T.), said 10.200 acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a ½ inch iron rod with cap stamped "TPS 100834-00" set in the apparent common line between said H. & T.C. RR. Survey, and the San Felipe De Austin Survey, Abstract Number 5, the southwesterly margin of Beckendorff Road, the northeasterly line of said 309.259 acre tract, being the northerly corner of the herein described 10.200 acre tract, from which a ½ inch iron rod found in the apparent common line between said Austin H. & T.C. RR. Surveys, at the intersection of the southwesterly margin of said Beckendorff Road, with the approximate centerline of Milton Road, for the northerly corner of said 309.259 acre tract, bears North 48°04'19" West, 1832.91 feet;

THENCE South 48°04'19" East, 263.01 feet, with an apparent northeasterly line of said H. & T.C. RR. and Vanwie Surveys, common to a southwesterly line of said Austin Survey, the southwesterly margin of said Beckendorff Road, the northeasterly line of said 309.259 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set for the easterly corner of the herein described 10.200 acre tract, from which a ½ inch iron rod found at the intersection of the southwesterly margin of said Beckendorff Road with the northwesterly right-of-way of the A.T. & S.F. Railroad (100 feet wide), for the easterly corner of said 309.259 acre tract, bears South 48°04'19" East, 523.44 feet;

THENCE South 31°52'05" West, 1715.71 feet, severing said 309.259 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set for the southerly corner of the herein described 10.200 acre tract;

THENCE North 48°04'19" West, 263.01 feet, continuing across said 309.259 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set for the westerly corner of the herein described 10.200 acre tract;

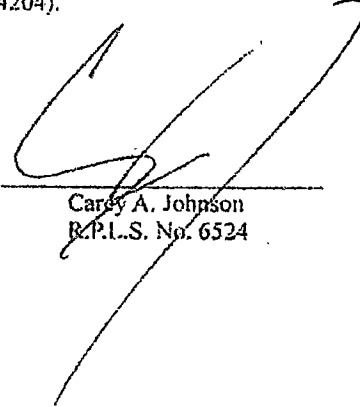
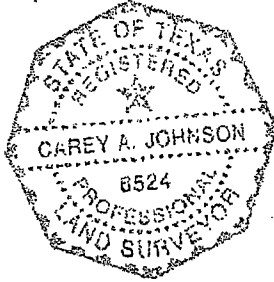
THENCE North 31°52'05" East, 1715.71 feet, continuing across said 10.200 acre tract, to the PLACE OF BEGINNING:

CONTAINING a computed area of 10.200 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground in February 12, 2020 by Texas Professional Surveying, LLC., Registered Professional Land Surveyors and is referenced to Survey Drawing Project Number H489-02\_Tract3.

Bearings recited hereon are based on GPS observations and are referenced to the North American Datum (NAD) 1983, Texas State Plane Coordinate System, South Central Zone (4204).

February 18, 2020  
Date



---

Carey A. Johnson  
R.P.L.S. No. 6524

NOTICE OF FORECLOSURE SALE

THE STATE OF TEXAS

KNOW ALL PEOPLE BY THESE PRESENTS:

COUNTY OF AUSTIN

The undersigned has been appointed as one of the substitute trustees to foreclose the following described Deed of Trust lien. The original deed of trust was executed by Marlene Janet Sarres, aka Marlene J. Sarres to Herman Torres, Trustee. It was dated November 6, 2019, and executed for the benefit of the Beneficiary, GL&L Holdings LLC, a Texas limited liability company. The deed of trust was duly recorded under Clerk's File No. 195064, of the Official Public Records of Real Property of Austin County, Texas, it was executed to secure the payment of that one certain promissory note in the original principal amount of \$700,000.00. Default has occurred under the note and deed of trust.

Either I, or Meagan L. Randle or Ebbie Murphy will, as Substitute Trustee under said Deed of Trust, in order to satisfy the indebtedness secured thereby, foreclose the deed of trust lien and sell the property (together or in separate parcels) on Tuesday, September 5, 2023 (that being the first Tuesday of said month). The sale will be at public auction to the highest bidder for cash, (however, the beneficiary will be allowed to make credit bids). The sale will be held in the area designated by the County Commissioners Court for deed of trust foreclosures, at the hour of 1:00 p.m. or within three hours thereafter of that day. The property is described as follows:

0.611 acre of land, more or less, being all of Lot One (1) and Two (2), and a portion of Lot Three (3) of Block Forty-three (43) of the "Town (City) of Sealy," recorded in Volume "X", Page 6 of the Deed Records of Austin County, Texas, San Felipe De Austin Town Tract, A5, "City of Sealy", Austin County, Texas; subject tract being the residue of that tract described in Deed to Jerry Mazac and wife, Mary Geraldine Mazac, recorded in Volume 381, Page 876, Deed Records, Austin County, Texas. Said tract of land being more particularly described by metes and bounds on Exxhibit "A".

Executed August 14, 2023.

*Richard Melamed*  
Richard Melamed, Substitute Trustee  
P.O. Box 3130  
Bellaire, Texas 77401  
(713) 884-0104  
[rm@rmatty.com](mailto:rm@rmatty.com)

*Megan L. Randle*

FILED

2023 AUG 15 AM 11:42

*Andrea Cardenas*  
COUNTY CLERK  
AUSTIN COUNTY, CLERK



4793673

2023-0024

# EXHIBIT "A"

0.611 acres and being all of Lot 1 and 2, and a portion of Lot 3 of Block 43 of the "Town (City) of Sealy", recorded in Volume "X", Page 6 of the Deed Records of Austin County, Texas, San Felipe De Austin Town Tract, A-5, "City of Sealy", Austin County, Texas. Subject tract being the residue of that tract described in Deed to Jerry Mazac and wife, Mary Geraldine Mazac, recorded in Volume 381, Page 876, Deed Records, Austin County, Texas.

ALL THAT TRACT OR PARCEL OF LAND consisting of 0.611 Acres and being all of Lot 1 & 2 and a portion of Lot 3 of Block 43 of the "Town (City) of Sealy" recorded in Volume "X", Page 6 of the Deed Records of Austin County, Texas, San Felipe de Austin Town Tract, A-5, "Town (City) of Sealy", Austin County, Texas. Subject tract being the residue of that tract described in Deed to Jerry Mazac, and wife, Mary Geraldine Mazac recorded in Volume 381, Page 876 D.R.A.C.T. Said Tract consisting of 0.611 Acres and being more particularly described as follows:

BEGINNING at a nail found at the intersection of the South Right-of-way of 2nd Street (80 ft. R.O.W.) and the West Right-of-way of Meyers Street (State Highway 36, 80 ft. R.O.W.) and being the Northeast corner of Lot 1 of Block 43 and the Northeast corner of the herein described tract;

THENCE S 12° 27' 55" E, with the West Right-of-way of Meyers Street, a distance of 190.00 ft. to a 1/2 inch iron rod set for the Northeast corner of that tract described as 65' X 110' in Volume 362, Page 87 D.R.A.C.T. and being the Southeast corner of the herein described tract;

THENCE S 77° 32' 05"W, with the North line of various tracts recorded in Volume 362, Page 87 D.R.A.C.T.; Volume 784, Page 865 of the Official Records of Austin County, Texas; Volume 409, Page 983 D.R.A.C.T. and File# 055632 O.R.A.C.T., a distance of 140.00 ft. to a 1/2" iron found in the East Right-of-way of a 20 ft. Alley and being the Northwest corner of the called 2980 Sq. Ft. tract recorded in File# 055632 O.R.A.C.T. and being the Southwest corner of the herein described tract;

THENCE N 12° 27' 55"W, with the East line of said Alley, a distance of 190.00 ft. to a 1/2" iron rod found at the intersection of the East Right-of-way of said Alley and the South Right-of-way of 2nd Street, for the Northwest corner of Lot 1 and the Northwest corner of the herein described tract;

THENCE N 77° 32' 05" E, with the South Right-of-way of 2nd Street, a distance of 140.00 ft. to the PLACE OF BEGINNING and containing 0.611 Acres.

# Meade Neese & Barr LLP

## Trial Lawyers

Andrew K. Meade.  
Partner

### NOTICE OF FORECLOSURE

ameade@mnbllp.com  
713-658-9006

July 26, 2023

**Via CMRRR and email**

Marlene J. Sarres  
7520 Lawndale St.  
Houston, Texas 77012  
msarres@gorhamgroup.com

**Re: Second Notice of Foreclosure Sale under Second Collateral Assignment of Note, Liens, Rents and Leases**

Dear Ms. Sarres,

This letter is formal notice of the Foreclosure Sale for the property located at 203 Meyer Street, Sealy, Texas which is subject to the Second Collateral Assignment of Note, Liens, Rents and Leases executed by you on March 15, 2021 for the benefit of FT 1463, LLC ("FT1463"). You were formally notified of your default under the Release and Settlement Agreement on October 17, 2022 and made no attempts to cure that default until FT1463 provided its Notice of Foreclosure on April 19, 2023. Just prior to the foreclosure sale, initially noticed for June 6, 2023, you reached an agreement with FT1463 under which you (1) would pay the outstanding balance of \$175,000 in two payments and (2) waived any defenses to a foreclosure proceeding. Although we received the initial payment of \$100,000, you have failed to make the final payment of \$75,000, which was due on or before July 15, 2023. As a result, FT1463 provides this Second Notice of Foreclosure Sale to recover the outstanding debt.

**Active Military Notice:**

ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU 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 UNDERSIGNED IMMEDIATELY.


**Property to be Sold:**

203 Meyer Street, Sealy, Texas, described as 0.611 acre of land, more or less, being all of Lot One(1) and Two (2), and a portion

Andrew K. Meade  
COUNTY CLERK  
AUSTIN COUNTY, CLERK

2023 JUL 27 PM 1:12

FILED

2118 Smith Street | Houston, Texas 77002  
713-355-1: 

4792032

2023-0023

of Lot Three (3) of Block Forty-Three (43) of the "Town (City) of Sealy," recorded in Volume "X," page 6 of the Deed of Records of Austin County, Texas; San Felipe De Austin Town Tract, A-5, "City of Sealy," Austin County, Texas; subject tract being residue of that tract described in Deed to Jerry Mazac and wife, Mary Geraldine Mazac, recorded in Volume 381, Page 876, Deed Records, Austin County, Texas.

**Instruments to be Foreclosed:** Second Collateral Assignment of Note, Liens, Rents and Leases

**Date of Sale:** September 5, 2023

**Earliest Time sale will Begin:** 1:00 p.m.

**Location of Sale:** In the foyer of the Austin County Courthouse, One East Main, Bellville, Austin, Texas 77418, or if the preceding area is no longer the designated area, in the area most recently designated by the Commissioner's Court, pursuant to §51.002 of the Texas Property Code.

**Terms of Sale:** The sale will be conducted as a public or private auction to the highest bidder for cash. Pursuant to the Texas Property Code, §51.009, the property will be sold as is, where is, without any express or implied warranties, except as to warranties of title, if any, provided for under the Collateral Assignment of Note and Liens, referenced in the Second Collateral Assignment of Note, Liens, Rents and Leases. The sale will begin at the earliest time stated above or within three hours of that time.

**Obligations Secured:** Payment under the March 15, 2021 Release and Settlement Agreement in the remaining amount of \$75,000.

**Substitute Trustee:** The undersigned as attorney for the creditor appoints AVT Title Services, LLC as substitute trustee in accordance with Texas Property Code § 51.0076 to act under and by virtue of the Collateral Assignment of Note and Liens. 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.

**Substitute Trustee Address:** 5177 Richmond Avenue, Suite 1230, Houston, Texas 77056

Please contact my office immediately to arrange for payment of the outstanding amount to avoid foreclosure.

Sincerely,



Andrew K. Meade

cc: **E.F. Mano DeAyala** (via email)

**GL&L Holdings, LLC** (via CMRRR)  
14780 Memorial Drive, Suite 220  
Houston, Texas 77079

**Independent Bank** (via CMRRR)  
1051 FM 1960 West  
Houston, Texas 77090



C&M No. 44-23-1755/ FILE NOS

## NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF SUBSTITUTE 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. Sender is: Codilis & Moody, P.C., 20405 State Highway 249, Suite 170, Houston, TX 77070**

### INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated June 30, 2006 and recorded under Clerk's File No. 064071, in the real property records of AUSTIN County Texas, with Aaron K. Kelley , a single man as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Aegis Wholesale Corporation, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Aaron K. Kelley , a single man securing payment of the indebtedness in the original principal amount of \$210,000.00 and obligation therein described including but not limited to the promissory note and all modifications, renewal and extensions of the promissory note (the "Note") executed by Aaron K. Kelley. J.P. Morgan Mortgage Acquisition Corp. is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

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 property securing the above referenced loan. Shellpoint Mortgage Servicing is acting as the Mortgage Servicer for the Mortgagee. Shellpoint Mortgage Servicing, is representing the Mortgagee, whose address is: 75 Beattie Place, Suite 300, Greenville, SC 29601.

#### Legal Description:

**LOT THREE (3), BLOCK ONE (1), OUT OF SETTLER'S ESTATES, SURVIVED OUT OF 158.14 ACRES OF LAND, MORE OR LESS, H.&T.C.R.R. CO. SURVEY, ABSTRACT 206, AUSTIN COUNTY, TEXAS, AND AS DESCRIBED IN PLAT RECORDS, DATED MARCH 9, 2004, FILED APRIL 22, 2004, FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF AUSTIN COUNTY, TEXAS, IN VOLUME 1, PAGES 355-362 OF THE PLAT RECORDS AND FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF AUSTIN COUNTY, TEXAS, UNDER COUNTY CLERK'S FILE NO. 04-2443. OFFICIAL RECORDS.**

### SALE INFORMATION

**Date of Sale: 09/05/2023**

**Earliest Time Sale Will Begin: 1:00 PM**

**Location of Sale:** The place of the sale shall be: AUSTIN County Courthouse, Texas at the following location: In the foyer of the Austin County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

### TERMS OF SALE

A default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with 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.

The sale will begin at the earliest time stated above, or within three (3) hours after that time. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

**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.**

**WHEREAS**, in my capacity as attorney for the Mortgagee and/or Its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, **I HEREBY APPOINT AND DESIGNATE Megan L. Randle, Ebbie Murphy, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or Covius Servicing and Capital Markets Solutions, as Substitute Trustee.**


The address for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:  
Codilis & Moody, P.C.  
20405 State Highway 249, Suite 170  
Houston, TX 77070  
(281) 925-5200

Executed on 07/10/2023.

/s/ Olufunmilola Oyekan SBOT No. 24084552, Attorney at  
Law  
Codilis & Moody, P.C.  
20405 State Highway 249, Suite 170  
Houston, TX 77070  
(281) 925-5200

Posted and filed by: \_\_\_\_\_

Printed Name: \_\_\_\_\_

  
Megan L. Randle

C&M No. 44-23-1755