

NOTICE OF FORECLOSURE SALE

January 13, 2025

FILED

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AUSTIN COUNTY CLERK
AUSTIN COUNTY, TEXAS

Deed of Trust ("Deed of Trust"):

Dated: January 12, 2024
Grantor: URBAN ACQUISITIONS AND DEVELOPMENT, LLC
Trustee: Peterka & Associates, PLLC
Lender: SCHUMER-YARBROUGH DEVELOPMENT, LLC

Property: Being a 0.4304 acre tract of land being part of Lots 10, 11, & 12, Block E, of the Henry Addition to the town of Wallis, Austin County, Texas, according to the map or plat thereof recorded in Volume 10, Page 126 of the Austin County Deed Records (A.C.D.R.) being the same tract of land conveyed to Fred L Durham Revocable Trust recorded under Clerk File No. 133590 of the A.C.D.R. and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 Inch iron rod found at the intersection of the southeast right-of-way line of Birch Street and the southwest right-of-way line of Church Street being the north corner of this tract;

THENCE, SOUTH 48°13'11" EAST (CALLED SOUTH 46° 00' 00" EAST), with the southwest right-of-way line of Church Street, a distance of 150.00 Feet to a 1/2 Inch iron rod found at the east corner of this tract;

THENCE, SOUTH 41°46'49" WEST (CALLED SOUTH 44° 00' 00" WEST), across and through Lots 10, 11, & 12 with the northwest line of a tract recorded in name of Bernice Carolyn Brast under Document No. 114107 of the A.C.D.R., a distance of 150.00 Feet to a 1/2 inch iron rod found on the common line between Lots 9 & 10, being the south corner of this tract;

THENCE, NORTH 48°13'11" WEST (CALLED NORTH 46° 00' 00" WEST), with the common line between Lots 9 & 10, being the northeast line of a tract recorded in the name of Kerri Elizabeth Gore under Document Nos. 202463 of the A.C.D.R., a distance of 75.00 Feet to a 1/2 Inch iron rod found at the most southerly west corner of this tract;

THENCE, NORTH 41°46'49" EAST (CALLED NORTH 44° 00' 00" EAST), across and through Lot 10, a distance of 50.00 Feet to 1 inch iron pipe found on the common line between Los 10 & 11 being an interior corner of this tract;

THENCE, NORTH 48°13'11" WEST (CALLED NORTH 46° 00' 00" WEST), with the common line between Lots 10 & 11, a distance of 75.00 Feet to a 1/2 Inch iron rod found on the aforementioned southeast right-of-way line of Birch Street being the most northerly west corner of this tract;

THENCE, NORTH 41°46'49" EAST (CALLED NORTH 44° 00' 00" EAST), with the southeast right-of-way line of Birch Street, a distance of 100.00 Feet to the POINT OF BEGINNING and containing 0.4304 acres of land, more or less.

Address: 226 Birch, Wallis, TX

2025-0001



Recorded: January 12, 2024, file number 240194 in the Official Public Records of AUSTIN County, Texas.

Secures: Promissory Note ("Note") in the original principal amount of TWO HUNDRED SIXTY NINE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (U.S. \$269,500.00), executed by URBAN ACQUISITIONS AND DEVELOPMENT, LLC and payable to the order of Lender.

Guaranty: The Note and all other indebtedness of Borrower to Lender is guaranteed by a Guaranty Agreement dated January 12, 2024 and executed by Molly Ladner.

Substitute Trustee: Megan L. Randle, Ebbie Murphy, Pete Florez, Debby Jurasek, Jennyfer Sakiewicz

Substitute Trustee's Address: 10406 Rockley, Houston, Texas 77099

Foreclosure Sale:

Date: Tuesday, February 4, 2025

Time: The sale of the Property will be held between the hours of 1:00 P.M. and 4:00 P.M. local time, but no later than three hours after the stated time

Place: 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

Term 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 SCHUMER-YARBROUGH DEVELOPMENT'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, SCHUMER-YARBROUGH DEVELOPMENT, 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 SCHUMER-YARBROUGH DEVELOPMENT's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with SCHUMER-YARBROUGH DEVELOPMENT'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 SCHUMER-YARBROUGH DEVELOPMENT 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 SCHUMER-YARBROUGH DEVELOPMENT. 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 NOTES 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.

PETERKA & ASSOCIATES, PLLC.

Joseph J Peterka III

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