

NOTICE OF FORECLOSURE SALE

July 31, 2024

Deed of Trust ("Deed of Trust"):

Dated: March 24, 2023

Grantor: Delio Diaz Ortega

Trustee: Liang Gao

Lender: 7070 Properties, LLC

Recorded in: Instrument No. 00013138 of the real property records of Falls County, Texas

Legal Description: Being a 7.671 acre tract situated in the James O. Rice Survey, Abstract Number 304, being a portion of that certain called 70.062 acre tract described in instrument to Fluffy Unicorn Properties, LLC, recorded in Volume 379, Page 681 of the Official Public Records of Falls County, Texas (O.P.R.F.C.T), said 7.671 being called Tract 3 and more particularly described by metes and bounds in the attached Exhibit.

Secures: Promissory Note ("Note") in the original principal amount of \$165,000.00, executed by Delio Diaz Ortega ("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 **Eric Nelson** ("Beneficiary") by an instrument dated March 24, 2024, recorded in Instrument No. 00013340 of the real property records of Falls County, Texas

Substitute Trustee: Richard H. Hester, Kelly Goddard, Pete Florez, Florence Rosas, or David Garvin

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

BY _____
DEPUTY
FALLS COUNTY, TEXAS
ELIZABETH PEREZ, COUNTY CLERK

AUG 12 2024

At _____ o'clock M
FILED

Mortgage Servicer: TexStar Escrow

Mortgage Servicer's

Address: 5809 Acacia Circle
El Paso, TX, 79912

Foreclosure Sale:

Date: Tuesday, September 3, 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 10:00 A.M. and not later than three hours thereafter.

Place: Falls County, Texas, at the South entrance steps leading through the South Courthouse door to second floor of the Falls County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by County Commissioner's Court or at any other place designated for real property foreclosures under Texas Property Code Section 51.002.

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 Eric Nelson'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, Eric Nelson, 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 Eric Nelson's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Eric Nelson'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 Eric Nelson 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.

FILED
At _____ o'clock _____ M
AUG 12 2024
ELIZABETH PEREZ, COUNTY CLERK
FALLS COUNTY, TEXAS
BY _____ DEPUTY

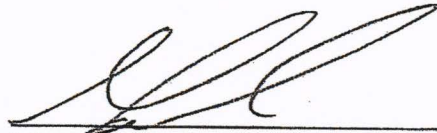
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain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

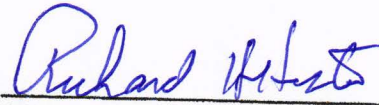


Margaret H. Banahan
Texas Bar No. 24078188
Veronica A. Martinez
Texas Bar No. 24102149
R. Alex Weatherford
Texas Bar No. 24079553
Banahan Martinez Weatherford, PLLC
1400 Broadfield Blvd., Suite 105
Houston, Texas 77084
Tel. (281) 394-3122
Fax (281) 940-2743
Attorney for Lender

FILED
At _____ o'clock _____ M

AUG 12 2024

ELIZABETH PEREZ, COUNTY CLERK
FALLS COUNTY, TEXAS
BY _____ DEPUTY



Richard H. Hester, Kelly Goddard, Pete Florez,
Florence Rosas or David Garvin
c/o Foreclosure Services LLC
8101 Boat Club Road, Suite 320
Fort Worth, Texas 76179

FILED
At _____ o'clock _____ M
AUG 12 2024
ELIZABETH PEREZ, COUNTY CLERK
FALLS COUNTY, TEXAS
BY _____ DEPUTY

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

TA 23 33812

FIELD NOTE DESCRIPTION

TRACT 3

7.671 ACRES

IN THE JAMES O. RICE SURVEY, ABSTRACT NUMBER 304
FALLS COUNTY, TEXAS

BEING a 7.671 acre tract situated in the James O. Rice Survey, Abstract Number 304, being a portion of that certain called 70.062 acre tract described in instrument to Fluffy Unicorn Properties, LLC., recorded in Volume 379, Page 681 of the Official Public Records of Falls County, Texas (O.P.R.F.C.T.), said 7.671 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with cap stamped "TPS 100834-00" set in the southeasterly margin of Farm to Market Road 935 (F.M. 935), the northwesterly line of said 70.062 acre tract, for the northwesterly corner of the herein described 7.671 acre tract, from which a 2 inch iron pipe found for the common northerly corner of said 70.062 acre tract and that certain called 49.82 acre tract described in instrument to Ralph Boyd Scott, recorded in Volume 57, Page 727 of the Deed Records of Falls County, Texas (D.R.F.C.T.), bears South 59°35'16" West, 947.23 feet, said POINT OF BEGINNING having a Texas State Plane Coordinate value of N:10,430,960.889, E: 3,314,273.382, Texas Central Zone (4203), grid measurements;

THENCE North 59°21'22" East, 391.53 feet, with the southeasterly margin of said F.M. 935, the northwesterly line of said 70.062 acre tract, to a 5/8 inch iron rod with cap found for the westerly corner of a cut-back at the intersection of the southeasterly margin of said F.M. 935 with the southwesterly margin of County Road 473 (C.R. 473), for the northerly corner of said 70.062 acre tract and the herein described 7.671 acre tract;

THENCE South 75°37'49" East, 70.70 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for the easterly corner of said cut-back in the northerly line of said 70.062 acre tract and the herein described 7.671 acre tract;

THENCE North 57°25'19" East, 19.50 feet, with a northwesterly line of said 70.062 acre tract, to a calculated point in the approximate centerline of said C.R. 473 for the northeasterly corner of said 70.062 acre tract and the herein described 7.671 acre tract;

THENCE South 32°34'41" East, 521.81 feet, with the approximate centerline of said C.R. 473, a northeasterly line of said 70.062 acre tract, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for the southeasterly corner of the herein described 7.671 acre tract;

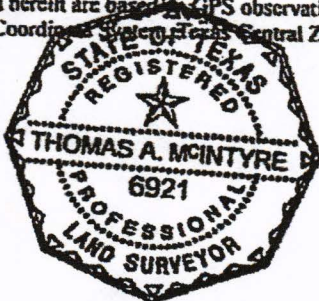
THENCE severing, over and across said 70.062 acre tract the following two (2) courses and distances:

1. South 47°45'23" West, at a distance of 33.98 feet pass a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for reference, in all, a total distance of 626.17 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for the southerly corner of the herein described 7.671 acre tract;
2. North 19°41'46" West, 709.69 feet, to the POINT OF BEGINNING and containing a computed area of 7.671 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on May 13, 2022, by Texas Professional Surveying, L.L.C., Registered Professional Land Surveyors and is referenced to Survey Drawing Project Number 25009.

Bearings and distances recited herein are based on GPS observations and reference the North American Datum of 1983 (NAD83), Texas State Plane Coordinate System, Texas Central Zone (4203), grid measurements.

July 12, 2022
Date



Page 1 of 1

FILED
At _____ o'clock _____ M
Thomas A. McIntyre
R.P.L.S. No. 6921
AUG 12 2024

ELIZABETH PEREZ, COUNTY CLERK
FALLS COUNTY, TEXAS
BY _____ DEPUTY

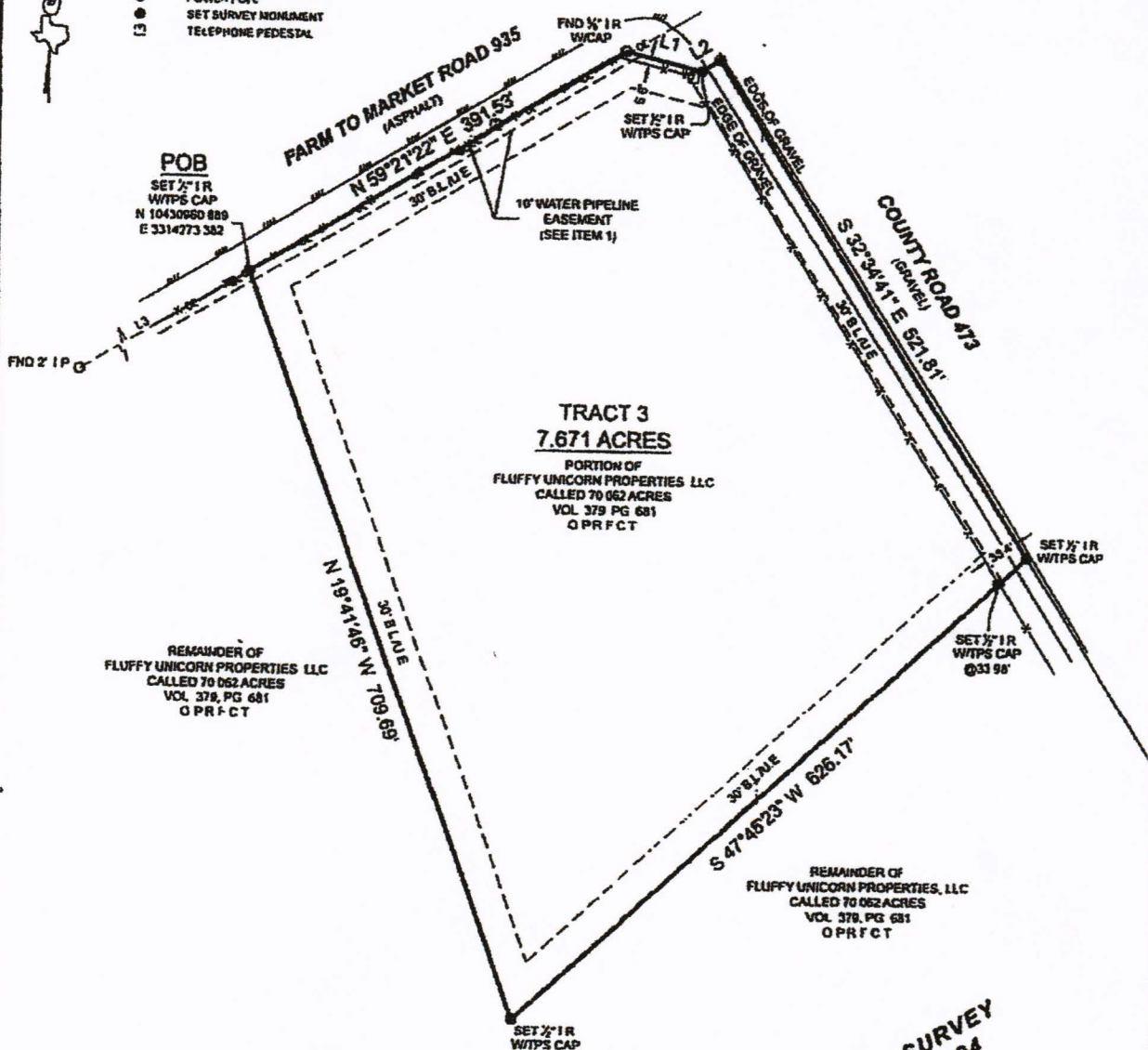
0' 100' 200' 300'
Scale 1" = 100'

SYMBOL LEGEND

- EDGE OF ASPHALT
- OVERHEAD ELECTRIC
- WIRE FENCE
- CALCULATED CORNER
- FOUND SURVEY MONUMENT
- METER BOX
- POWER POLE
- SET SURVEY MONUMENT
- TELEPHONE PEDESTAL

LINE	BEARING	DISTANCE
L1	S 75° 37' 48" E	70.20
L2	N 57° 25' 18" E	119.20
L3	S 65° 35' 18" W	194.70

TA2333819



THE SUBJECT TRACT(S) AS SHOWN HEREON MAY BE SUBJECT TO THE FOLLOWING ITEMS:

- EASEMENT GRANTED TO CECO-DURANGO WATER SUPPLY CORPORATION PER VOL. 273 PG. 281 O.R.F.C.T. (DOES AFFECT, SHOWN HEREON)
- EASEMENT GRANTED TO LONE STAR GAS COMPANY PER VOL. 282 PG. 187 O.R.F.C.T. (DOES NOT AFFECT)
- EASEMENT GRANTED TO LONE STAR GAS COMPANY PER VOL. 282 PG. 180 O.R.F.C.T. (DOES NOT AFFECT)
- R.O.W. GRANTED TO KOCH REFINING COMPANY PER VOL. 18 PG. 178 O.R.F.C.T. (DOES NOT AFFECT)
- R.O.W. GRANTED TO KOCH REFINING COMPANY PER VOL. 18 PG. 177 O.R.F.C.T. (BLANKET)
- GAS VALVE EASEMENT GRANTED TO KOCH REFINING COMPANY PER VOL. 18 PG. 432 O.R.F.C.T. (BLANKET)
- GAS VALVE EASEMENT GRANTED TO KOCH REFINING COMPANY PER VOL. 18 PG. 433 O.R.F.C.T. (DOES AFFECT, DEED IS MISSING INFORMATION)

**JAMES O. RICE SURVEY
ABSTRACT NO. 304**

BOUNDARY SURVEY

BEING a 7.671 acre tract situated in the James O. Rice Survey, Abstract Number 304, being a portion of that certain called 70.062 acre tract described in instrument to Fluffy Unicorn Properties, LLC, recorded in Volume 379, Page 681 of the Official Public Records of Falls County, Texas (O.P.R.C.T.), said 7.671 acre tract being more particularly described by attached metes and bounds description.

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 PRACTICE AS APPROVED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

At _____ o'clock _____ M
AUG 22 2024
ELIZABETH PACE, Surveyor
FALLS COUNTY, TEXAS
BY _____
THOMAS A. MCINTYRE
REGISTERED PROFESSIONAL LAND SURVEYOR

PROJECT NUMBER	25805_TR 2
DATE	05-3-2022
DRAWN BY	TK
CHECKED BY	AJD
FIELD CREW	TC
REVISION 1	
REVISION 2	
REVISION 3	
REVISION 4	

TEXAS PROFESSIONAL SURVEYING
10224 Forest Canyon Trail, Suite 7700
P.O. Box 756745 Fort Worth, Texas 76175-6745
www.texasprofessional.com
Phone: 817.350.5100

BASIS OF BEARINGS BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON GPS OBSERVATIONS MADE BY GEDIO 15, AND ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (TXC-4203), GRID MEASUREMENTS.

PURCHASER: WINDSOR CHASE LLC
ADDRESS: FM 535, CR 473, LOT 17, TR 70656
SURVEY: JAMES O. RICE A. 304
SUBJECT: 7.671 ACRES
COUNTY: FALLS

Thomas A. McIntyre
Registered Professional Land Surveyor No. 6921