

**Notice of Trustee's Sale
and Appointment of Substitute Trustee**

February 7, 2023

**Howard Bruce Whitley
1906 Old Calf Creek Rd
Brady, Tx 76825**

POSTED

FEB 10 2023

Christine A. Jones
McCulloch County Clerk

Deed of Trust ("Deed of Trust") Information:

Recorded On: **January 15, 2021**
Grantor: **Howard Bruce Whitley**
Original Trustee: **Ryan Coggin**
Beneficiary: **CT310, LLC**
Recorded in: **Instrument Number 53364 of the real property records of
McCulloch County, Texas.**

Assignment of Mortgage/Deed to Secure Debt ("Assignment"):

Dated: **April 13, 2021**
Assignor: **CT310, LLC**
Assignee: **The Rilam Group III, LP**
Recorded in: **Instrument Number 53724 of the real property records of McCulloch
County, Texas.**
Assigns: **The Deed of Trust from CT310, LLC to The Rilam Group III, LP.**

Legal Description:

Being an area of 0.215 of an acre, more or less, out of Friedrich Wellgehausen Survey No. 400, Abstract No. 1412, McCulloch County, Texas, and being that same 75 feet by 125 feet tract described and recorded in Volume 177, Page 77, Deed Records of McCulloch County, Texas and said 0.215 acre tract being more particularly described by metes and bounds as follows: Beginning at a nail found for the Northeast corner of this tract from which the Northeast corner of said Survey No. 400 bears North 50 degrees 17 feet East 364.2 feet (as per deed) and said beginning corner also being in the West line of Old Calf Creek Road; Thence with the East line of this tract and the West line of said Old Calf

Creek Road, South 10 degrees 40 feet 00 inch West 75.00 feet to a 1/2 inch iron rod with cap set for the Southeast corner of this tract; Thence with the South line of this tract, North 79 degrees 20 feet 00 inch West 125.00 feet to a 1/2 inch iron rod with cap set for the Southwest corner of this tract from which a 3/8 inch iron rod found bears North 17 degree 35 feet 20 inch West 2.2 feet; Thence with the West line of this tract, North 10 degrees 40 feet 00 inch East 75.00 feet to a 3/8 inch iron rod found for the Northwest corner of this tract; Thence with the North line of this tract, South 79 degrees 20 feet 00 inch East 125.00 feet to the place of beginning.

Property: 1906 Old Calf Creek Rd, Brady, Texas, McCulloch County, Texas 76825

Substitute Trustee: Crystal Brough

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Substitute Trustee's Address: 1709 Strobel Ln, Austin, Texas 78748

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Foreclosure Sale ("Foreclosure Sale") Information:

Christine A. Jones
McCulloch, County Clerk

Date of Sale: March 7, 2023

Time: The sale of the Property will be held between the hours of 1:00pm p.m. and 4:00 p.m. local time; **the earliest time at which the Foreclosure Sale will begin is 1:00pm and not later than three hours thereafter.**

Place: The foreclosure sale will be conducted in the area designated by the McCulloch County Commissioners Court for sales of property under Tex. Prop. Code §51.002 in McCulloch County, Texas located at 199 County Courthouse Square, Brady, Texas, or if no place is designated by the Commissioners Court, the sale will be conducted at the place whether the Notice of Trustee's Sale was posted.

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 The Rilam Group III, LP's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the performance of the obligations of the Deed of Trust and such default has not been cured. Because of that default, The Rilam Group III, LP, the Beneficiary under said assigned Deed of Trust, has requested the Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of The Rilam Group III, LP's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with The Rilam Group III, LP's rights and remedies under the Deed of Trust and Assignment and section 9.604(a) of the

Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date of Sale, 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 The Rilam Group III, LP 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 Beneficiary. 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 BENEFICIARY.


CT310, LLC -- General Partner of The Rilam Group
III, LP
By: Crystal Brough

POSTED

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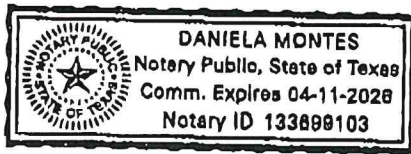
Christine A. Jones
McCulloch, County Clerk

STATE OF TEXAS)
COUNTY OF TRAVIS)

Before me, the undersigned notary public, on this day personally appeared **Crystal Brough**, on behalf of The Rilam Group III, LP, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 7th day of February, 2023.

Daniela Montes
Notary Public, State of Texas



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Christine A. Jones
McCulloch, County Clerk