

Notice of Substitute Trustee's Foreclosure Sale

Date: February 10, 2025

FILED
At 3:02 o'clock P M

Substitute Trustee: Dennis Arriaga
2206 Hwy 35 N., P. O. Box 9, Port Lavaca, Texas 77979

FEB 14 2025

CAROL SWIZE, COUNTY CLERK
KARNES COUNTY, TEXAS
Deputy

Deed of Trust ("Deed of Trust"):

Dated: November 3, 2021

Grantor: Sergio Garcia and Brittania Daniela Ramirez del Fierro

Trustee: Kenneth R. Cooper

Lender: Deena Ann Opeila Diaz

Recorded in: Clerk's Instrument Number 202100003929 of the Official Public Records of Karnes County, Texas.

Legal Description: Being 10.00 acres of land out of the Antonio Lambrano Survey, Abstract No. 179, Karnes County, Texas and being the land described in a conveyance to Deena Ann Fenner in the deed of record in Volume 813, Page 839, of the Official Public Records of Karnes County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes.

Secures: Promissory Note ("Note") in the original principal amount of \$152,500.00, executed by Sergio Garcia and Brittania Daniela Ramirez del Fierro ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, April 1, 2025

Time: The sale of the Property will be held no earlier than 10:00 A.M. on said date, and no later than 1:00 P.M. on said date.

Place: The Karnes County Courthouse at the place designated by the Commissioner's Court for such sales in Karnes County, Texas (on the steps of the county courthouse or as designated by the County Commissioner).

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 Deena Ann Opeila Diaz'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, Deena Ann Opeila Diaz, 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 Deena Ann Opeila Diaz's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Deena Ann Opeila Diaz'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 Deena Ann Opeila Diaz 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 Deena Ann Opeila Diaz. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

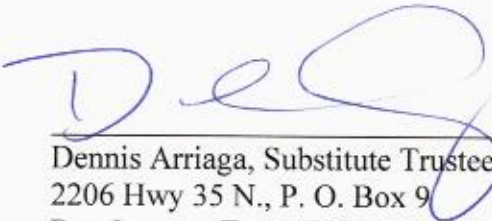
Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical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



Dennis Arriaga, Substitute Trustee
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Port Lavaca, Texas 77979
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361.552.5368 (Fax)
Email: dennis@portlavacalaw.com

STATE OF TEXAS
COUNTY OF KARNES

FIELD NOTES FOR 10.00 ACRES OF LAND

BEING 10.00 ACRES OF LAND OUT OF THE ANTONIO LAMBRANO SURVEY, ABSTRACT NO. 179, KARNES COUNTY, TEXAS AND BEING THE LAND DESCRIBED IN A CONVEYANCE TO DEENA ANN FENNER IN THE DEED OF RECORD IN VOLUME 813, PAGE 839 OF THE OFFICIAL RECORDS OF KARNES COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a set $\frac{1}{4}$ " rebar with a "Pollok & Sons" cap on the westerly right-of-way of County Road 354 for the northeasterly corner of the Stephanie R. Dove Living Trust land as described in Volume 1168, Page 319 of the Official Records of Karnes County, Texas and the southeasterly corner of this tract;

THENCE South $89^{\circ} 27' 01''$ West, with the common line of said Stephanie R. Dove Living Trust land, a distance 907.90 feet to a set $\frac{1}{4}$ " rebar with a "Pollok & Sons" cap for the lower southeasterly corner of the Kick'N "S" Ranch, LLC land as described in Volume 1181, Page 303 of the Official Records of Karnes County, Texas and the southwesterly corner of this tract;

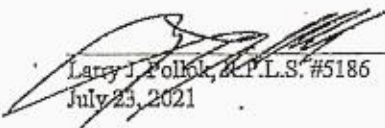
THENCE North $00^{\circ} 32' 59''$ West, with the common line of said Kick'N "S" Ranch LLC land, a distance 480.00 feet to a found $\frac{1}{4}$ " pin for an interior corner of said Kick'N "S" Ranch LLC land and the northwesterly corner of this tract;

THENCE North $89^{\circ} 27' 01''$ East, continuing with said common line of the Kick'N "S" Ranch LLC land, a distance 907.90 feet to a set $\frac{1}{4}$ " rebar with a "Pollok & Sons" cap on the aforementioned westerly right-of-way of County Road 354 for the upper southeasterly corner of said Kick'N "S" Ranch LLC land and the northeasterly corner of this tract;

THENCE South $00^{\circ} 32' 59''$ East, with said right-of-way, a distance 480.00 feet to the POINT OF BEGINNING and containing 10.00 acres of land as shown on the plat that accompanies this description.

The bearing system is based on NAD83, Texas South Central.

POLLOK & SONS SURVEYING, INC.
Firm No. 10052700


Larry J. Pollok, & P.L.S. #5186
July 23, 2021

Ref 21-0371

