

Notice of Foreclosure Sale

FILED
11:40 PM
JUN 10 2019

Date: June 10, 2019

Deed of Trust ("Deed of Trust")

Brenda Fietsam
BRENDA FIETSAM MK
CO. CLERK, FAYETTE CO., TEXAS

Dated: May 8, 2014
Grantor: Gustave A. Schramm, Jr. (aka Gus Alvin Schramm, Jr.) and wife, Janet Schramm
Trustee: Kyle Holloway
Lender: Fayetteville Bank, a Texas Bank
Recorded in: Volume 1690, Page 749, Official Records of Fayette County, Texas

Secures: Promissory Note ("Note") in the original principal amount of \$74,610.50 executed by Gustave A. Schramm, Jr. (aka Gus Alvin Schramm, Jr.) and wife, Janet Schramm ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

Property: 20.725 acres of land, out of the William Rabb Three League Grant, Abstract No. 86, in Fayette County, Texas, being more particularly described on Exhibit "A" attached hereto and incorporated for all pertinent purposes.

Foreclosure Sale:

Date: Tuesday, July 2, 2019

Time: The sale of the Property will be held between the hours of 10:00 a.m. and 1:00 p.m. local time; **the earliest time at which the Foreclosure Sale will begin is 10:00 a.m.**

Place: Fayette County Courthouse
246 West Colorado Street
La Grange, Fayette County, Texas

At the area designated for such sales by document recorded in Volume 1304, Page 162, Official Records of Fayette County, Texas

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 Lender'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, Lender, the owner and holder of the Note, has requested Trustee to sell the Property.

Therefore, notice is given that on and at the Date, Time and Place for the Foreclosure Sale described above, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Lender 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 Lender. 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 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, 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 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.


KYLE HOLLOWAY, Trustee

Exhibit "A"

FIELD NOTE DESCRIPTION OF 20.725 ACRES OF LAND, OUT OF THE WILLIAM RABB THREE LEAGUE GRANT, ABSTRACT NO. 86, IN FAYETTE COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN (FIRST TRACT - 53 ACRE) TRACT OF LAND CONVEYED TO GUSTAVE A. SCHRAMM AND HILDEGARD SCHRAMM IN A DEED AS RECORDED IN VOLUME 393, PAGE 311, OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a 8" iron pipe fence corner post found in the southwesterly right-of-way line of F. M. Road 153, at the most easterly corner of that certain (First Tract - 53 acre) tract of land conveyed to Gustave A. Schramm and Hildegard Schramm in a deed as recorded in Volume 393, Page 311, of the Deed Records of Fayette County, Texas, and also being at the most easterly north corner of that certain (468.70 acre) tract of land conveyed to Bobby L. Kanz and Michelelee Y. Kanz in a deed as recorded in Volume 1047, Page 87, of the Official Records of Fayette County, Texas;

THENCE with the southwesterly right-of-way line of F. M. 153 the following four (4) courses, numbered 14-11

14) N 61 deg. 54' 27" W - 420.01 feet to a ½" iron rod set,

13) N 60 deg. 51' 24" W - 165.12 feet to a ½" iron rod set,

12) N 53 deg. 00' 52" W - 230.10 feet to a ½" iron rod set,

11) N 50 deg. 30' 59" W - 17.77 feet to a ½" iron rod set for the most easterly corner and **PLACE OF BEGINNING** of the tract herein described;

THENCE leaving the southwesterly right-of-way line of F. M. 153, and over and across the Schramm tract, S 22 deg. 56' 00" W 1182.48 feet, to a ½" iron rod set in the northerly line of the Kanz tract, and being for the most southerly corner of this tract;

THENCE with common line between the Schramm tract and the Kanz tract, N 68 deg. 49' 00" W 885.20 feet to a point on the east bank of Rabb's Creek, being for the most westerly corner of this tract, and being at an interior corner of the Kanz tract;

THENCE with the easterly bank of Rabb's Creek and continuing with the common line between the Schramm tract and the Kanz tract, the following eight (8) general courses:

1) N 45 deg. 30' 00" E - 164.85 feet;

2) N 58 deg. 19' 00" E - 70.00 feet;

3) N 44 deg. 45' 00" E - 142.66 feet;

4) N 35 deg. 07' 00" E - 87.75 feet;

5) N 25 deg. 07' 00" E - 63.71 feet,

6) N 11 deg. 40' 00" E - 113.23 feet,

7) N 4 deg. 58' 57" E - 141.67 feet,

8) N 2 deg. 51' 14" E - 109.52 feet to a 12" live oak tree, on the bank of said creek being for the most southerly corner of that certain (4.61 acre) tract of land conveyed to Janet Schramm in deed as recorded in Volume 1341, Page 627, of the Official Records of Fayette County, Texas, and being for an angle in the westerly line of this tract;

THENCE leaving the east bank of Rabb's Creek, and with the southeasterly line of the

EXHIBIT "A"

Page 1 of 2

Janet Schramm tract, N 66 deg. 25' 00" E 176.82 feet to a 36" live oak tree, and N 59 deg. 46' 26" E 438.80 feet to a 1/2" iron rod set at the base of a fence corner post in the southwesterly right-of-way line of F. M. 153 being for the most northerly corner of this tract;

THENCE with the southwesterly right-of-way line of F.M. 153 the following three (3) courses, numbered 9-14,

9) S 50 deg. 52' 36" E - 63.99 feet,

10) S 58 deg. 14' 51" E - 115.80 feet,

11) S 50 deg. 30' 59" E - 250.56 feet to the **PLACE OF BEGINNING**, in all containing 20.725 acres of land.