

**NOTICE OF FORECLOSURE SALE**

Date: October 1, 2019

**FILED**  
9:30 AM  
OCT 01 2019 *43*

**Deed of Trust ("Deed of Trust")**

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

Dated: June 22, 2016  
Grantor: Ralph Tobar and Alice Tryon  
Trustee: Richard Halpain  
Lender: Sanford and Mannie Schmid Charitable Trust  
Recorded in: Volume 1778, Page 49, Official Records of Fayette County, Texas

Secures: Real Estate Mortgage Note ("Note") in the original principal amount of \$72,000.00 executed by Ralph Tobar and Alice Tryon ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

Assumption: Assumption Warranty Deed from Alice Tryon to Ralph Tobar, dated April 10, 2019, and recorded in Volume 1897, Page 541, Official Records of Fayette County, Texas

Property: 10,787 square feet of land, more or less, same being a part of the John H. Moore 1/2 League situated within the Corporate Limits of the City of La Grange, in Fayette County, Texas, being all of Lot No. 4 in Block 11, of the Otto C. Eckel Residential Subdivision (Volume 128, Page 362-365, Deed Records of Fayette County, Texas) of the City of La Grange, Texas, having been conveyed by Arthur and Milton Von Minden to P.J. Bednar by Deed dated January 2, 1967, recorded in Volume 384, Page 212, Deed Records of Fayette County, Texas, and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

**Attorney for Lender  
Authorized to Appoint  
Substitute Trustee:**

Kevin W. Mutscher

**Appointment of Substitute  
Trustee:**

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 SERVICES.

**Name and Street Address  
of Substitute Trustee:**

Kevin W. Mutscher  
Betts, Walters & Mutscher, P.C.  
P. O. Box 1118  
Brenham, Texas 77834

**Foreclosure Sale:**

Date: Tuesday, November 5, 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  
151 North Washington Street  
La Grange, Fayette County, Texas

At the area designated for such sales by the Commissioner's Court in 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.

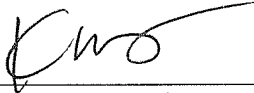
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain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



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**KEVIN W. MUTSCHER, attorney for Lender**



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**KEVIN W. MUTSCHER, Substitute Trustee**

Exhibit "A"

Being 10,787 square feet of land, more or less, same being a part of the John H. Moore 1/2 League situated within the Corporate Limits of the City of La Grange, in Fayette County, Texas, being all of Lot No. 4 in Block No. 11, of the Otto C. Eckel Residential Subdivision (Volume 128, Pages 362-365, of the Deed Records of Fayette County, Texas) of the City of La Grange, Texas, having been conveyed by Arthur and Milton von Minden to P. J. Badnar by deed dated January 2, 1967, and recorded in Volume 384, Page 212, Deed Records of Fayette County, Texas, said 10,787 square feet of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron pin found in the Southeast margin of Helter Street for the West corner of said Lot No. 4 and the North corner of Lot No. 5;

THENCE North 45° 00' East 71.6 feet with the Southeast margin of Helter Street to an iron pin set for the North corner of said Lot No. 4 and the West corner of Lot No. 1;

THENCE South 30° 00' East 157.0 feet to an iron pin found for the East corner of said Lot No. 4 and the West corner of Lot No. 2

THENCE South 45° 00' West 71.6 feet to an iron pin found for the East corner of said Lot No. 5 and the West corner of Lot No. 3;

THENCE North 30° 00' West 156.6 feet to the place of beginning.