

Notice of Substitute Trustee's Sale

FILED
OCT 10 2019
10:55 AM
Brenda Fietsam
BRENDA FIETSAM
CO. CLERK, FAYETTE CO., TEXAS

Date: October 9, 2019

Trustee: Ramon A. Vitulli III

Substitute Trustee: John Mayer, 7700 San Felipe, Suite 550, Houston, Texas 77063
Jim D. Hamilton, 7700 San Felipe, Suite 550, Houston, Texas 77063
James V Lombardi, 7700 San Felipe, Suite 550, Houston, Texas 77063
Xochytl D. Greer, 7700 San Felipe, Suite 550, Houston, Texas 77063

Lender: Allegiance Bank

Note(s): Promissory Notes in the original principal amounts of \$450,000.00 and \$27,400.00, dated June 1, 2017, executed by Maribel Rojas Perez, payable to Allegiance Bank and any other debt owed by Maribel Rojas Perez to Allegiance Bank or any other debt secured by the Property.

Deed of Trust:

Date: June 1, 2017

Grantor: Maribel Rojas Perez

Lender: Allegiance Bank

Recording Information: Clerk's Instrument Number **17-07630, Volume 1832, Page 478** of the Real Property Records of **Fayette** County, Texas.

Property: See Exhibits "A" and "B", attached hereto and made a part hereof for all purposes and particularly, including all personal property secured by the security agreement included in the Deed of Trust.

County: **Fayette** County

Date of Sale (first Tuesday of month): November 5, 2019


Time of Sale: 1:00 p.m.

Place of Sale At the area designated by the Commissioner's Court of **Fayette** County, Texas (as such designation is recorded in the Real Property records of **Fayette** County, Texas).

Lender has appointed a Substitute Trustee under the Deeds of Trust. Lender has instructed the Substitute Trustee to offer the Property for sale toward the satisfaction of the Note.

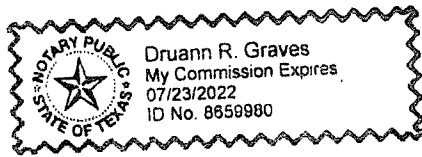
Notice is given that the Date of Sale, Substitute Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash, on the date and time specified to satisfy the debt secured by the Deeds of Trust. The earliest time the sale will occur is the Time of Sale, and the sale will be conducted no later than three hours thereafter.


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.


Jim D. Hamilton, Substitute Trustee
7700 San Felipe, Suite 550, Houston, Texas 77063
Name and address of sender of this Notice

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was ACKNOWLEDGED AND SUBSCRIBED TO BEFORE ME, on the 9th day of October, 2019 by Jim D. Hamilton, Trustee.





Notary Public, State of Texas



Absolute Geomatics, Inc. • P. O. Box 1139 • La Grange, TX 78945-1139 • www.AbsGeo.com

Telephone (979)968-3533 • Fax (979)968-3761 • Toll Free (866)MAP-THIS (627-8447)

13.77 Acres
June 1, 2006

EXHIBIT "A"

Doc. #2006060101
Task #2006052302

STATE OF TEXAS §

COUNTY OF FAYETTE §

FIELDNOTES DESCRIPTION
TRACT 1 - 11.97 ACRES

Fieldnotes description to accompany survey of a 12.97 acre tract of land adjoining the city limits of Flatonia, approximately 20 miles S44°W of La Grange, in Fayette County, Texas. The said tract of land being a portion of Abstract 180, William A. Faires, original grantee; a portion of that certain 22 acre tract of land (First Tract) and that certain 15 acre tract of land (Second Tract) conveyed to Donnie Richter d/b/a WC Cattle Company by an instrument (1221/575) recorded in the Fayette County Official Public Records; and being more particularly described by notes and bounds as follows:

BEGINNING at a calculated point on the east right-of-way line of State Highway 95 (120' R.O.W., [393/266, Fayette County Deed Records]), also being a north line of the said Faires Survey and of the said 22 acre tract, and a south line of Abstract 318, Charles F. Wright, original grantee, for the southwest corner of that certain 34.34 acre tract of land conveyed to Charles Richter, et ux, Sandra by an instrument (673/809) recorded in the said Deed Records, also being the northwest corner of the herein described tract, whence a 1/2 inch iron rod found for witness bears N89°34'00"W, 0.35 feet, and a leaning concrete monument found on the west right-of-way line of State Highway 95 bears N03°37'00"W, 138.59 feet with the said east right-of-way line, and S86°23'00"W, 120.00 feet across the said State Highway 95;

Thence, with the common line between the said Faires and Wright Surveys, also being the common line between the said 22 acre tract and the said Charles Richter tract, the following two (2) courses:

- 1) S89°34'00"E, 190.95 feet to a calculated angle point;
- 2) N88°44'59"E, 593.30 feet to a calculated point for the northwest corner of that certain 1 acre tract of land conveyed to George Whittenburg, et al by an instrument (15/619) recorded in the said Deed Records, also being the northwest corner of that certain 0.80 acre tract of land (Tract 2) this same day surveyed, the northeast corner of the said 22 acre tract and of the herein described tract;

Thence, S03°07'44"E, 632.41 feet, leaving a south line of the said Wright Survey and the said Charles Richter tract, across the said Faires Survey, with the common line between the said 22 acre tract and the said Whittenburg tract, also being the common line between the herein described tract and the said Tract 2, to an iron rod set ("iron rod set" denotes a 5/8 inch iron rod set with orange plastic cap stamped "ABSOLUTE CORNER") for the occupied northwest corner of that certain 0.5 acre tract of land (Second Tract) conveyed to the City of Flatonia by an instrument (234/39) recorded in the said Deed Records, also being the southwest corner of the said Tract 2, and an angle point in the east line of the herein described tract;

Thence, S03°08'42"E, with the common line between the herein described tract and the said City tract, also being the east line of the said 22 acre tract, passing the southeast corner of the said 22 acre tract and the north line of the said 15 acre tract, at a distance of 179.04 feet pass 0.93 feet left of a 22 inch elm tree marked with two hacks for witness, and continuing for a total distance of 199.92 feet to an iron rod set for the northeast corner of that certain 5.0 acre tract of land conveyed to Sohail J. Khan and S.J. Khan, Inc. by an instrument (1076/76) recorded in the said Official Public Records, also being the southeast corner of the herein described tract;

EXHIBIT A
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Thence, S88°18'46"W, leaving the west line of the said City tract, continuing across the said 15 acre tract, with the common line between the herein described tract and the said Khan tract, at a distance of 3.61 feet pass a 3/8 inch iron rod found for witness (called northeast corner of the said Khan tract [107676]), and continuing for a total distance of 481.48 feet to an iron rod set for the southeast corner of that certain 2 acre tract of land conveyed to Tommy B. Tipton, et ux, Pamela K. by an instrument (1293/555) recorded in the said Official Public Records, also being the most southerly, southwest corner of the herein described tract, whence a calculated point on the said east right-of-way line of State Highway 95, for the northwest corner of the said Khan tract, also being the southwest corner of the said Tipton tract bears S88°18'46"W, 295.20 feet (a bent 1/2 inch iron rod found for witness bears S88°18'46"W, 0.20 feet from the said calculated point);

Thence, leaving the north line of the said Khan tract, continuing across the said 15 acre tract, passing the south line of the said 22 acre tract, with the common line between the herein described tract and the said Tipton tract, the following two (2) courses:

- 1) N03°37'00"W, 295.30 feet, parallel with the said east right-of-way line, to a calculated point at fence corner for the northeast corner of the said 2 acre tract, also being an interior corner of the herein described tract, whence a witness rod set ("witness rod set" denotes a 5/8 inch iron rod set with yellow plastic cap stamped "ABSOLUTE WITNESS") bears N11°49'11"W, 2.39 feet, and another witness rod set bears S82°49'08"E, 5.07 feet;
- 2) S88°18'46"W, 295.20 feet, parallel with the south line of the said Tipton tract, also being the north line of the said Khan tract, to a calculated point on the said east right-of-way line, for the northwest corner of the said 2 acre tract, also being the most westerly, southwest corner of the herein described tract, whence a bent 3/8 inch iron rod found for witness bears S27°40'57"W, 0.55 feet, and a concrete monument found on the west right-of-way line of State Highway 95 bears S86°23'00"W, 120.00 feet across State Highway 95, and S03°37'00"E, 339.26 feet with the said west right-of-way line;

Thence, N03°37'00"W (Basis of Bearing), 548.84 feet, continuing across the said 22 acre tract, with the said east right-of-way line, also being the west line of the herein described tract, to the **POINT OF BEGINNING**. The said tract of land, surveyed the 9th day of August, 2005, and the 24th day of May, 2006, by William P. Berusen, RPLS #5506, contains within these metes and bounds, 12.97 acres of land.

EXHIBIT A

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**FIELDNOTES DESCRIPTION
TRACT 2 - 0.80 ACRES**

Fieldnotes description to accompany survey of a 0.80 acre tract of land adjoining the city limits of Flatonia, approximately 20 miles S44°W of La Grana, in Fayette County, Texas. The said tract of land being a portion of Abstract 180, William A. Faires, original grantee; a portion of that certain 1 acre tract of land conveyed to George Whittenburg, et al by an instrument (15/619) recorded in the Fayette County Deed Records; and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found on the west line of Abstract 76, Survey No. 14, Miguel Muldoon, original grantee, also being the west line of that certain 10 acre tract of land conveyed to the City of Flatonia by an instrument (175/12) recorded in the said Deed Records, for a southeast corner of Abstract 318, Charles P. Wright, original grantee, also being the most northerly, northeast corner of the said Faires Survey, the southeast corner of that certain 34.34 acre tract of land conveyed to Charles Richter, et ux, Sandra by an instrument (673/809) recorded in the said Deed Records, the northeast corner of the said Whittenburg tract and of the herein described tract, whence an 18" post oak tree found for witness bears N52°22'54"W, 1.12 feet, and a witness rod set ("witness rod set" denotes a 5/8 inch iron rod with yellow plastic cap stamped "ABSOLUTE WITNESS") bears S11°12'21"W, 4.16 feet.

Thence, S03°07'44"E, with the common line between the said Faires and Muldoon Surveys, also being the common line between the said Whittenburg tract and the said City tract, at a distance of 63.97 feet pass 2.92 feet left of a 20 inch post oak tree marked with one hack for witness, and continuing at first with the common line between the said Whittenburg tract and the said City tract, and then with the common line between the said Whittenburg tract and that certain 10 acre tract of land (First Tract) conveyed to the City of Flatonia by an instrument (234/39) recorded in the said Deed Records, for a total distance of 630.58 feet to a calculated point for the occupied northeast corner of that certain 0.5 acre tract of land (Second Tract) conveyed to the City of Flatonia by the said instrument (234/39), also being the southeast corner of the herein described tract, whence a witness rod set bears N42°51'03"W, 6.70 feet and another witness rod set bears S31°49'48"W, 6.39 feet;

Thence, S86°51'18"W, 55.56 feet, leaving the west line of the said Muldoon Survey and the said City 10 acre tract (234/39), across the said Faires Survey and the said Whittenburg tract, with the common line between the herein described tract and the said City 0.5 acre tract, to a 5/8 inch iron rod with orange plastic cap stamped "ABSOLUTE CORNER" set on the west line of the said Whittenburg tract, also being the east line of that certain 22 acre tract of land (First Tract) conveyed to Donnie Richter d/b/a WC Cattle Company by an instrument (1221/575) recorded in the Fayette County Official Public Records, and the east line of that certain 12.97 acre tract of land (Tract 1) this same day surveyed, for the occupied northwest corner of the said City 0.5 acre tract, also being the southwest corner of the herein described tract;

Thence, N03°07'44"W, 632.41 feet with the common line between the said Whittenburg tract and the said 22 acre tract, also being the common line between the herein described tract and the said Tract 1, to a calculated point on the south line of the said Wright Survey, also being the south line of the said Charles Richter tract, for the northeast corner of the said 22 acre tract and the said Tract 1, also being the northwest corner of the said Whittenburg tract and of the herein described tract;

Thence, N88°44'59"E, 55.59 feet with the common line between the said Faires and Wright Surveys, also being the common line between the said Whittenburg tract and the said Charles Richter tract to the *POINT OF BEGINNING*. The basis of bearing is the east right-of-way line of State Highway 95 (120' R.O.W.). The said tract of land, surveyed the 9th day of August, 2005, and the 24th day of May, 2006, by William P. Bernsen, RPLS #5506, contains within these metes and bounds, 0.80 acres of land.

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William P. Bernsen
William P. Bernsen
Registered Professional Land Surveyor
State of Texas #5506
Category 1A, Condition 3 (TSPS)

EXHIBIT B
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