

File In: Navarro County, Texas

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

Notice of Foreclosure Sale

May 6, 2019

2019-51  
FILED FOR RECORD  
AT 12:47 O'CLOCK P.M.

Notice is hereby given of a public nonjudicial foreclosure sale.

MAY 07 2019

Deed of Trust, Security Agreement and Financing Statement ("Deed of Trust")

Transferred to: DOWD, County Clerk  
NAVARRO COUNTY, TEXAS  
BY: KO DEPUTY

**Dated:** March 10, 2010

**Grantor:** FRINDLYS, LLC, a Texas limited liability company

**Substitute Trustee:** Rebecca J. Thomas, Esq.  
JOYCE W. LINDAUER ATTORNEY, PLLC

**Lender:** HANMI BANK, as successor-in-interest to UNITED CENTRAL BANK, as subsequently assigned to by MPS PROPERTY VENTURES, INC., and later subsequently assigned to CEDARTREE HOLDINGS, LLC – SERIES III, a Georgia limited liability company

**Recorded in:** Instrument No. 00010174 of the Official Public Records of Navarro County, Texas

**Legal Description:** All that certain lot, tract, or parcel of land being 0.8609 acre being Lot 1-R (as per Replat of Lots 1, 2, 3, 4, and 5 in Block 52, recorded in Volume 6, Page 369, in the Plat Records of Navarro County, Texas), and Lot 10, and being the same tracts conveyed to Classic Star Group, LP, in Document Number 4134, dated July 2, 2009, in the Official Public Records of Navarro County, Texas, and being part of an alley in Block 52, and all tracts are located in the City of Corsicana, Navarro County, Texas. Said 0.8609 acre is more fully described as follows:

BEGINNING at a 1/2" rod set for the west corner of this tract and Lot 1-R (and being the original west corner of Lot 1), and in the west corner of Block 52, and in the intersection of the northeast line of North 7th Street, a/k/a Business 45, and the southeast line of East 12th Avenue;

THENCE North 60 degrees 00 minutes 00 seconds east along the northwest line of this tract and Lot 1-R, and along the southeast line of East 12th Avenue a distance of 250.00 feet to a 1/2" rod found for the north corner of this tract, Block 52, and Lot 1-R (and being the original

north corner of Lot 5), and in the southwest right-of-way of the Burlington Northern Santa Fe Railroad property;;

THENCE South 30 degrees 00 minutes 00 seconds east along the northeast line of this tract and Lot 1-R, and passing a 1/2" rod set for the east corner of Lot 1-R at 115.00 feet, and continuing along the east line of the alley, a distance of 125.00 feet to a 1/2" rod set for an east corner of this tract and in the center of the alley;

THENCE South 60 degrees 00 minutes 00 seconds west along a southeast line of this tract and the center of the alley, a distance of 200.00 feet to an "x" in concrete;

THENCE South 30 degrees 00 minutes 00 seconds east a distance of 10.00 feet passing a 1/2" rod set at the north corner of Lot 10 and the west corner of Lot 9, and continuing along the northeast line of Lot 10 and the southwest line of Lot 9, a distance of 125.00 feet to a 1/2" rod set for an east corner of this tract and the east corner of Lot 10 and the south corner of Lot 9, and in the southeast line of Block 52, and in the northwest line of East 13th Street;

THENCE South 60 degrees 00 minutes 00 seconds west along a southeast line of Lot 10 and a southeast line of this tract and the northwest line of East 13th Street, a distance of 50.00 feet to a 1/2" rod set in the south corner of this tract, Lot 10, and Block 52, and in the intersection of the northwest line of East 13th Street, and the northeast line of South 7th Street;

THENCE North 30 degrees 00 minutes 00 seconds west along the southwest line of this tract, Lot 10, and passing its west corner and the south corner of the alley at 115.00 feet, and continuing along the west line of the alley, and passing its west corner and the south corner of Lot 1-R, at 125.00 feet, and continuing along its southwest line, northeast line of South 7th Street, a total distance of 250.00 feet to the PLACE OF BEGINNING and containing 0.8609 acre, or 35,000.00 square feet of land.

**Secures:**

PROMISSORY NOTE ("Note") dated March 10, 2010, in the original principal amount of \$462,000.00, as executed by FRINDLYS, LLC, a Texas limited liability company, secured by a Deed of Trust of even date, covering the real property and certain equipment, furniture, fixtures, and other tangible property located at 801 South 7<sup>th</sup> Street, Corsicana, Texas 75110, and recorded in Instrument No. 00003305 of the Official Public Records of Navarro County, Texas, and payable to the order of HANMI BANK, as successor-in-interest to UNITED CENTRAL BANK, as subsequently assigned to by MPS PROPERTY VENTURES, INC., and later subsequently assigned to CEDARTREE HOLDINGS, LLC – SERIES III, a Georgia limited liability company

**Foreclosure Sale Date:** June 4, 2019

**Time:** The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 A.M.

**Place:** Navarro County Courthouse, at the following location:

South entrance along 3<sup>rd</sup> Avenue at Navarro County Courthouse at 300 W. 3<sup>rd</sup> Avenue, Corsicana, Texas 75110, or other place as designated by the Commissioner's Court of Navarro 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 Cedartree Holdings, LLC – Series III'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, Cedartree Holdings, LLC – Series III, the owner and holder of the Note, has requested the Substituted Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Cedartree Holdings, LLC – Series III's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Cedartree Holdings, LLC – Series III'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, the Substituted Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Cedartree Holdings, LLC – Series III decides to pass 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 Cedartree Holdings, LLC – Series III. 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, the 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 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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Substitute Trustee