

FILED
at 4:00 o'clock P M

MAR 13 2018

Notice of Foreclosure Sale

March 12, 2018

PAULETTE WILLIAMS
COUNTY CLERK, LIBERTY COUNTY, TEXAS
BY *Paulette Williams* DEPUTY

Deed of Trust:

Dated: May 27, 2015

Grantor: Juan Davila and Jessica Serrano

Trustee: Charles L. W. McGuire

Lender: Eric Head and Kimberly Ann Head

Recorded in: Clerk's File no. 2015008326 of the real property records of Liberty County, Texas

Secures: Real Estate Lien Note ("Note") in the original principal amount of 20,000.00], executed by Juan Davila and Jessica Serrano ("Borrower") and payable to the order of Lender.

Property: **DESCRIPTION of a 0.1369 of an acre tract situated in the Jesse Devore League, Abstract Number 23, Liberty County, Texas, being the East ½ of Lot 5, Block 7 of the Ballio & Richardson Subdivision (plat recorded in Volume 130 at Page 170 of the Deed Records of Liberty County, Texas), and being all of the same tract conveyed to Eric W. Head and Tammy W. Head by Northwest Housing Fund, LLC, by deed dated February 16, 2011, and recorded in Clerk's File 2011002562 of the Official Public Records of Liberty County, Texas. This 0.1369 of an acre tract is more particularly described by metes and bounds as follows, to-wit:**

NOTE: BEARINGS ARE BASED ON MAP BEARING AND FOUND MONUMENTS IN THE EAST AND WEST RIGHT OF WAY LINES OF F. M. HIGHWAY 770 PER RIGHT OF WAY MAP ON FILE AT THE LIBERTY AREA OFFICE OF THE TEXAS DEPARTMENT OF TRANSPORTATION ON LAYL DRIVE IN THE CITY OF LIBERTY, TEXAS. REFERENCE IS MADE TO THE PLAT ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION.

COMMENCING at a $\frac{3}{4}$ inch iron pipe found for the Northeast corner of Block 6 of said Ballio & Richardson Subdivision, and at the intersection of the South right of way line of E. Pine Street, and the West right-of-way line of S. Florida Street; THENCE North 80 degrees 03 minutes 42 seconds East, with the South right of way line of E. Pine Street and the North line of said Block 7, a distance of 207.20 feet to a point for the Northeast corner of Block 7, and at the intersection of the South right of way line of E. Pine Street, and the West right of way line of S. Carolina Street, approximately 40 feet wide; THENCE South 90 degrees 56 minutes 17 seconds East, with the East line of said Block 7, and the West right of way line of S. Carolina Street, at 3.65 feet a $\frac{1}{2}$ inch iron pipe found in line, in all a total distance of 200.00 feet to a $\frac{1}{2}$ inch iron rod with cap marked RPLS 5068 set for the Northeast corner and POINT OF BEGINNING of the herein described 0.1369 of an acre tract, the Southeast corner of Lot 4 of Block 7, the East 78 feet of said Lot 4 being conveyed to Ricky & Wendi Rodriguez by deed dated May 24, 2005, and recorded in Clerk's File 2005007850 of the Official Public Records of Liberty County, Texas, and the Northeast corner of said Lot 5 of Block 7;

THENCE South 09 degrees 56 minutes 17 seconds East, with the East line of this tract, the East line of said Lot 5, and the West right of way line of S. Carolina Street, a distance of 76.30 feet to a $\frac{1}{2}$ inch iron rod with cap marked RPLS 5068 set for the Southeast corner of this tract, the Southeast corner of said Lot 5, and in the north line of Lot 9 of the Regan Bevers Addition (plat recorded in Volume 113 at Page 178 of the Deed Records of Liberty County, Texas, conveyed to Alan Gartner by deed recorded in Volume 1938 at Page 775 of the Official Public Records of Liberty County, Texas;

THENCE South 80 degrees 23 minutes 23 seconds West, with the South line of this tract, the South line of said Lot 5, and the North line of said Lot 9 of Bevers Addition, a distance of 78.37 feet to a $\frac{1}{2}$ inch iron rod with cap marked RPLS 5068 set for the Southwest corner of this tract, the Southeast corner of the West $\frac{1}{2}$ of Lot 5 of Block 7 conveyed to Eloy and Mary Beth Rodriguez by deed date December 21, 2012, and recorded in Clerk's File 2012016362 of the Official Public Records of Liberty County, Texas, and in the North line of a tract of land conveyed to Alan Gartner by deed recorded in Volume 736 at Page 107 of the Deed Records of Liberty County, Texas;

THENCE North 09 degrees 56 minutes 21 seconds West, with the West line of this tract, the West line of said East $\frac{1}{2}$ of Lot 5, and the East line of said West $\frac{1}{2}$ of Lot 5, a distance of 75.85 feet to a $\frac{1}{2}$ inch iron rod with cap marked RPLS 5068 set for the Northwest corner of this tract, the Northwest corner of said East $\frac{1}{2}$ of Lot 5, the Northeast corner of said West $\frac{1}{2}$ of Lot 5, the Southwest corner of said Ricky Rodriguez East $\frac{1}{2}$ of Lot 5, and the Southeast corner of the called West 75 feet of Lot 4 conveyed to Eloy and Mary Rodriguez by deed dated July 20, 2009, and recorded in Clerk's File 2009018039 of the Official Public Records of Liberty County, Texas;

THENCE North 80 degrees 03 minutes 42 seconds East, with the North line of this tract, the North line of said East ½ of Lot 5, and the South line of said East ½ of Lot 4, a distance of 78.37 feet to the PLACE OF BEGINNING, containing within said boundaries 0.1369 of an acre of land, more or less.

Trustee: Charles L. W. McGuire

The Trustee's Address: 400 Main, Liberty, Texas 77575

Foreclosure Sale:

Date: Tuesday, April 3, 2018

Time: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time.

Place of Sale: Liberty County Courthouse in Liberty, Texas, at the following location: the outside steps on the South side of the Liberty County Courthouse located at 1923 Sam Houston, Liberty, Liberty 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 Eric Head and Kimberly Ann Head'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, Eric Head and Kimberly Ann Head, the owner and holder of the Note, has requested the Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Eric Head and Kimberly Ann Head's selection to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Eric Head and Kimberly Ann Head'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 Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

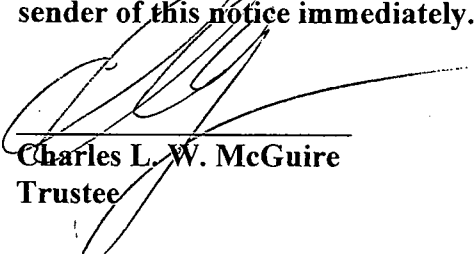
If Eric Head and Kimberly Ann Head passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

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 Eric Head and Kimberly Ann Head. 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 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 the 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.

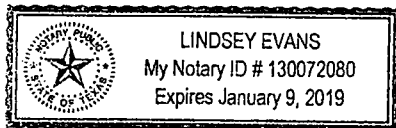


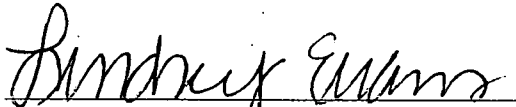
Charles L. W. McGuire
Trustee

STATE OF TEXAS }

COUNTY OF LIBERTY }

This instrument was acknowledged before me, on March 12, 2018, by Charles L. W. McGuire.





NOTARY PUBLIC, STATE OF TEXAS
Printed name: _____
My commission expires: _____