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## NOTICE OF FORECLOSURE SALE

December 11, 2023

KIMBERLY MENKE  
COUNTY CLERK

### Deed of Trust ("Deed of Trust"):

**Dated:** August 11, 2022

**Grantor:** Rufina Flores Rodriguez and Omero Saldana Martinez

**Trustee:** Liang Gao

**Lender:** Hawthorne Land, LLC

**Recorded in:** Instrument No. 3913, Volume 1010, Page 146 of the real property records of Colorado County, Texas

**Legal Description:** BEING a 14.165 acre tract situated in the I.&G.N. RR. Co. Survey, Abstract Number 285, Colorado County, Texas, being a portion of that certain called 141.686 acre tract described in instrument to Hawthorne Land, LLC., recorded under Volume 968, Page 405 of the Official Public Records of Colorado County, Texas (O.P.R.C.C.T.), said 14.165 acre tract being called Tract 8 and more particularly described in the attached Exhibit.

**Secures:** Promissory Note ("Note") in the original principal amount of \$177,500.00, executed by Rufina Flores Rodriguez and Omero Saldana Martinez ("Borrower") and payable to the order of Lender

**Assignment:** The Note and the liens and security interests of the Deed of Trust were transferred and assigned to Hawthorne Interests, LLC ("Beneficiary") by an instrument dated August 11, 2022, recorded in Instrument No. 4075, Volume 1011, Page 96 of the real property records of Colorado County, Texas

**Substitute Trustee:** Debby Jurasek, Megan Randle, Ebbie Murphy, or David Garvin

### Substitute Trustee's

**Address:** c/o Foreclosure Services LLC  
8101 Boat Club Road, Suite 320  
Fort Worth, Texas, 76179

### Foreclosure Sale:

**Date:** Tuesday, January 2, 2024

**Time:** The sale of the Property will be held between the hours of 1:00 P.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 1:00 P.M. and not later than three hours thereafter.

**Place:** In the foyer, inside the main entrance of the Colorado County, Anex Building, located at 318 Spring Street, Columbus, Texas 78934, or if the preceding area is no longer the designated area, in THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE.

**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 Hawthorne Interests, LLC'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, Hawthorne Interests, LLC, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

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

If Hawthorne Interests, LLC 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 Hawthorne Interests, LLC. 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.

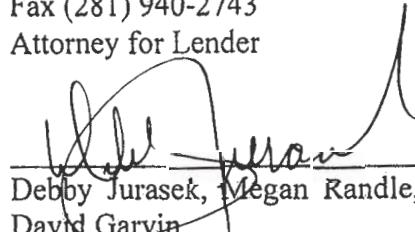
Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

**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.**

**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 SERVICER.**



Meg Banahan  
Texas Bar No. 24078188  
Veronica A. Martinez  
Texas Bar No. 24102149  
R. Alex Weatherford  
Texas Bar No. 24079553  
Banahan Martinez Weatherford, PLLC  
1400 Broadfield Blvd., Suite 105  
Houston, Texas 77084  
Tel. (281) 394-3122  
Fax (281) 940-2743  
Attorney for Lender



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Debby Jurasek, Megan Randle, Ebbie Murphy, or  
David Garvin  
c/o Foreclosure Services LLC  
8101 Boat Club Road, Suite 320  
Fort Worth, Texas 76179

## EXHIBIT A



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## TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303  
(936)756-7447 FAX (936)756-7448  
FIRM REGISTRATION No. 100834-00

### FIELD NOTE DESCRIPTION

#### TRACT 8

14.165 ACRES

IN THE I.&G.N. RR. CO. SURVEY, ABSTRACT NUMBER 285  
COLORADO COUNTY, TEXAS

BEING a 14.165 acre tract situated in the I.&G.N. RR. Co. Survey, Abstract Number 285, Colorado County, Texas, being a portion of that certain called 141.686 acre tract described in instrument to Hawthorne Land, LLC., recorded under Volume 968, Page 405 of the Official Public Records of Colorado County, Texas (O.P.R.C.C.T.), said 14.165 acre tract being more particularly described by metes and bounds as follows:

COMMENCING at a  $\frac{1}{4}$  inch iron rod found in the southwesterly line of the remainder of that certain called 321.967 acre tract described in instrument to McGee Farms, LLC., recorded in Volume 922, Page 428, O.P.R.C.C.T., for the common easterly corner of said 141.686 acre tract and that certain called 56.60 acre tract described in instrument to Anthony Richard Kuciomba, recorded in Volume 169, Page 813, O.P.R.C.C.T., being the northeasterly corner of the herein described 14.165 acre tract;

THENCE South  $26^{\circ}51'30''$  East, 1875.83 feet, with the common line between said 141.686 acre tract and said remainder of 321.967 acre tract, to a  $\frac{1}{4}$  inch iron rod with cap stamped "TPS 100834-00" set for POINT OF BEGINNING, being the northeasterly corner of the herein described 14.165 acre tract;

THENCE South  $26^{\circ}51'30''$  East, 269.00 feet, continuing with said common line, to a  $\frac{1}{4}$  inch iron rod with cap stamped "TPS 100834-00" set for the southeasterly corner of the herein described 14.165 acre tract, from which a  $\frac{1}{4}$  inch iron rod with cap found for reference bears South  $26^{\circ}51'30''$  East, 299.68 feet;

THENCE South  $63^{\circ}01'20''$  West, 2292.68 feet, severing said 141.686 acre tract, to a  $\frac{1}{4}$  inch iron rod with cap stamped "TPS 100834-00" set in the northeasterly margin of County Road 141 (C.R. 141), for the southwesterly corner of the herein described 14.165 acre tract, from which a  $\frac{1}{4}$  inch iron rod with cap found for reference bears South  $27^{\circ}19'42''$  East, 538.86 feet;

THENCE North 27°19'42" West, 269.01 feet, with the northeasterly margin of said C.R. 141, the southwesterly line of said 141.686 acre tract, to a  $\frac{1}{2}$  inch iron rod with cap stamped "TPS 100834-00" set for the northwesterly corner of the herein described 14.165 acre tract, from which a  $\frac{1}{2}$  inch iron pipe found in the southeasterly line of that certain called 9.58 acre tract described in instrument to Steve Kutach, Jr., recorded in Volume 404, Page 84, O.P.R.C.C.T., for the northwesterly corner of said 141.686 acre tract bears North 27°19'42" West, 1875.86 feet, from said  $\frac{1}{2}$  inch iron pipe, another  $\frac{1}{2}$  inch iron pipe found in the approximate centerline of said C.R. 141 bears South 56°42'04" West, 25.58 feet;

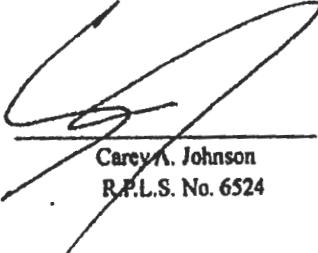
THENCE North 63°01'20" East, 2294.89 feet, continuing across said 141.686 acre tract, to the **PLACE OF BEGINNING**

CONTAINING a computed area of 14.165 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on May 28, 2021 by Texas Professional Surveying, LLC., Registered Professional Land Surveyors and is referenced to Survey Drawing Project Number H605-04.

Bearings recited hereon are based on GPS observations and are referenced to the North American Datum (NAD) 1983, Texas State Plane Coordinate System, Central Zone (4203).

July 12, 2021  
Date

  
Carey A. Johnson  
R.P.L.S. No. 6524

0' 300' 600' 900'



**SYMBOL LEGEND**

- Overhead Power Line
- ← - Guy Wire
- /— - Wood Fence
- XXX - Wrought Iron Fence
- XX - Chainlink Fence
- X - Wm Fence
- \* - Fire Hydrant
- ◆ - Power Pole
- - Telephone Pedestal
- - Water Valve
- - Water Meter
- - Set Iron Rod w/TPS Cap
- - Fnd Iron Rod

**BOUNDARY SURVEY**

Being a 14.165 acre tract situated in the I & G N RR Co Survey, abstract Number 285, Colorado County, Texas, being a portion of tract certain called 141.688 acre tract described in instrument to Hawthorne Land, LLC, recorded under Volume 968, Page 405 of the Official Public Records of Colorado County, Texas (O.P.R.C.C.T.), said 14.165 acre tract being more particularly described by attached metes and bounds description.

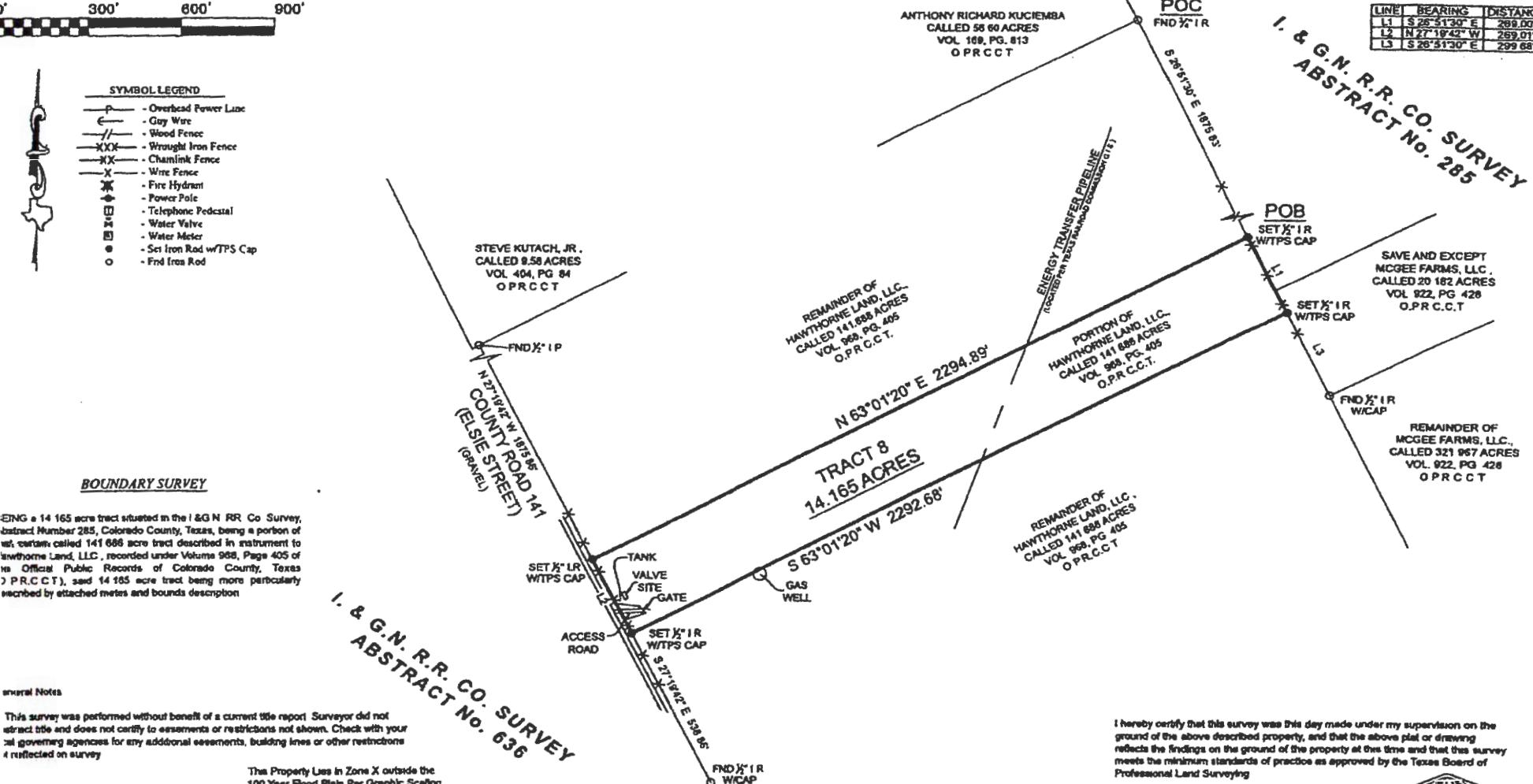
**I. & G.N. R.R. CO. SURVEY  
ABSTRACT NO. 636**

This Property Lies In Zone X outside the 100 Year Flood Plain Per Graphic Scaling according to Community Panel No 48089C0425D having an effective date of 2/4/2011.

Purchaser Hawthorne Capital  
Address CR 141, Rock Island, Tx 77442  
Lot 1" = 360  
Block Section A 285  
Survey I. & G.N. R.R. CO  
Area 14.165 Acres  
Drawn By DVB  
Field Crew JM  
Cabinet Sheet Records  
Revised Colorado County, Texas

Bearings shown hereon are based on GPS observations and are referenced to the NAD83, the Texas State Plane Coordinate System, Central Zone (4203)

**TEXAS  
PROFESSIONAL  
SURVEYING, LLC**  
V. FRAZIER STREET - CONROE, TX 77301  
PH (936)756-7447 - FAX (936)756-7448  
www.Surveyingtexas.com  
FIRM REGISTRATION No 100834-00



I hereby certify that this survey was this day made under my supervision on the ground of the above described property, and that the above plan or drawing reflects the findings on the ground of the property at this time and that this survey meets the minimum standards of practice as approved by the Texas Board of Professional Land Surveying.



*Carey A. Johnson*  
Carey A. Johnson  
Registered Professional Land Surveyor No. 6524