

NOTICE OF FORECLOSURE SALE

FILED FOR RECORD
COLORADO COUNTY, TX

February 9, 2024

2024 FEB 13 PM 4:13

KIMBERLY MENKE
COUNTY CLERK

MK

Deed of Trust ("Deed of Trust"):

Dated: April 28, 2023

Grantor: RAFOJ, LLC

Trustee: Liang Gao

Lender: Hawthorne Land, LLC

Recorded in: Instrument No. 2030, Volume 1034, Page 129 of the real property records of Colorado County, Texas

Legal Description: Being a 10.286 ACRE TRACT OF LAND SITUATED IN THE T.&N.O.R.R. SURVEY NO. 9, ABSTRACT NUMBER 572, COLORADO COUNTY, TEXAS, BEING OUT OF THAT CERTAIN CALLED 161.409 ACRE TRACT DESCRIBED AS FIRST TRACT IN A DEED DATED DECEMBER 13, 2019 FROM ROBERT L. COOK JR. AND PATRICIA ANN COOK TO ROBERT L. COOK JR. AND PATRICIA ANN COOK FAMILY TRUST 2019 RECORDED IN VOLUME 916, PAGE 649, OFFICIAL PUBLIC RECORDS, COLORADO COUNTY, TEXAS (O.P.R.C.C.T.); BEARINGS, DISTANCES, AND AREA DESCRIBED HEREIN ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011 ADJUSTMENT), SOUTH CENTRAL ZONE, U.S. SURVEY FEET; SAID 10.286 ACRE TRACT BEING CALLED TRACT 11 AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE ATTACHED EXHIBIT.

Secures: Promissory Note ("Note") in the original principal amount of \$201,060.00, executed by RAFOJ, LLC ("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 April 28, 2023, recorded in Instrument No. 2643, Volume 1037, Page 525 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

Mortgage Servicer: TexStar Escrow
5809 Acacia Circle
El Paso, Texas, 77019

Foreclosure Sale:

Date: Tuesday, March 5, 2024

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 1:00 P.M. and not later than three hours thereafter.

Place: Colorado County Courthouse, 400 Spring St., Columbus, Texas 78934 or 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.

Mortgage Servicer is representing Hawthorne Interests, LLC in connection with the loan evidenced by the Note and secured by the Deed of Trust under a servicing agreement with Hawthorne Interests, LLC. The address of Mortgage Servicer is set forth above.

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.

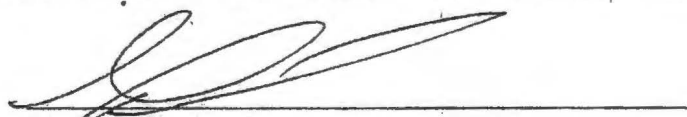
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain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

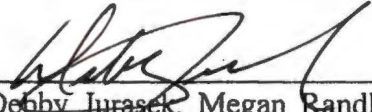
Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

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.



Margaret H. 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
Telephone (281) 394-3122
Telecopier (281) 940-2743
Attorney for Lender



~~Debby Jurasek~~, Megan Randle, Ebbie Murphy, or

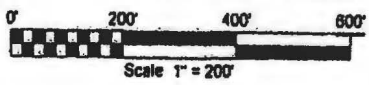
David Garvin

Substitute Trustee

c/o Foreclosure Services LLC

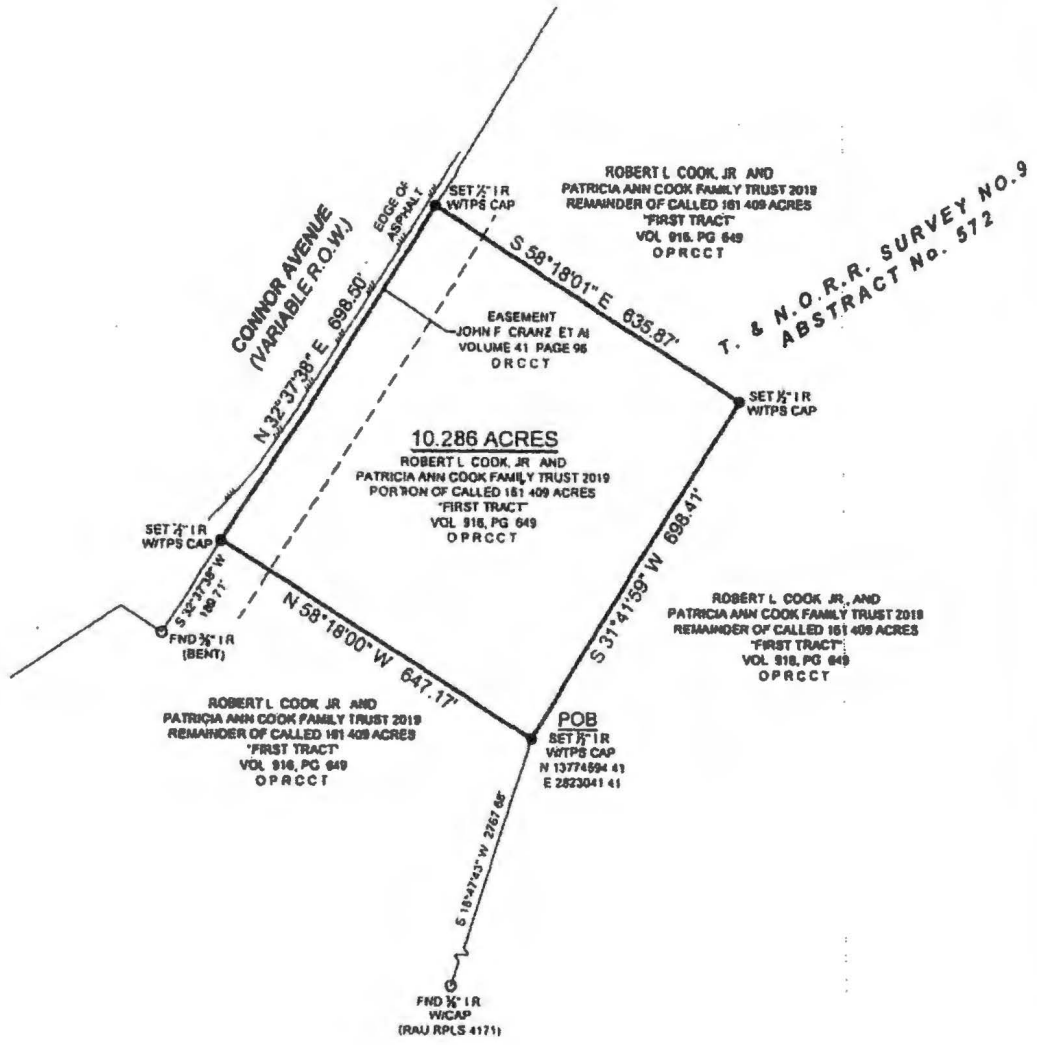
8101 Boat Club Road, Suite 320

Fort Worth, Texas 76179



SYMBOL LEGEND

- FOUND SURVEY MONUMENT
- SET SURVEY MONUMENT
- EDGE OF ASPHALT
- - - APPARENT SURVEY LINE



BOUNDARY SURVEY

GENERAL NOTES

1) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT. SURVEYOR DID NOT ABSTRACT TITLES AND DOES NOT CERTIFY TO EASEMENTS OR RESTRICTIONS NOT SHOWN. CHECK WITH YOUR LOCAL GOVERNING AGENCIES FOR ANY ADDITIONAL EASEMENTS, BUILDING LINES OR OTHER RESTRICTIONS NOT REFLECTED ON SURVEY.

NO PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOODPLAIN PER GRAPHIC SCALING OF COMMUNITY PANEL NO. 4808SC0460D HAVING AN EFFECTIVE DATE OF 02/04/2011.

BASIS OF BEARINGS, BEAMINGS AND DISTANCES SHOWN HEREON ARE BASED ON GPS OBSERVATIONS AND ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE (TASC-4204), GRID MEASUREMENTS.

THIS SURVEY WAS MADE UNDER MY SUPERVISION ON THE GROUND OF THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE PLAT 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.

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 PLAT 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.

PROJECT NUMBER	27704 TR 11
DATE	08/24/2022
DRAWN BY	ADV
CHECKED BY	DM
FIELD CREW	GG
REVISION 1	
REVISION 2	
REVISION 3	
REVISION 4	

PURCHASER: COOK ROBERT L JR & PATRICIA ANN FAMILY
 ADDRESS: CONNOR AVENUE EAGLE LAKE TX 75424
 SURVEY: T. & N.O.R.R. SURVEY NO. 9 A 572
 SUBJECT: 10.286 ACRES
 COUNTY: COLORADO

Thomas A. McIntyre
 Registered Professional Land Surveyor No. 6921

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

10.286 ACRES

IN THE T.&N.O.R.R. SURVEY NO. 9, ABSTRACT NUMBER 572
COLORADO COUNTY, TEXAS

BEING A 10.286 ACRE TRACT OF LAND SITUATED IN THE T.&N.O.R.R. SURVEY NO. 9, ABSTRACT NUMBER 572, COLORADO COUNTY, TEXAS, BEING OUT OF THAT CERTAIN CALLED 161.409 ACRE TRACT DESCRIBED AS FIRST TRACT IN A DEED DATED DECEMBER 13, 2019 FROM ROBERT L. COOK, JR. AND PATRICIA ANN COOK TO ROBERT L. COOK, JR. AND PATRICIA ANN COOK FAMILY TRUST 2019 RECORDED IN VOLUME 916, PAGE 649, OFFICIAL PUBLIC RECORDS, COLORADO COUNTY, TEXAS (O.P.R.C.C.T.); BEARINGS, DISTANCES, AND AREA DESCRIBED HEREIN ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011 ADJUSTMENT), SOUTH CENTRAL ZONE, U.S. SURVEY FEET; SAID 10.286 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with cap "TPS 100834-00" set within said 161.409 acre tract, being the south corner and **POINT OF BEGINNING** of the herein described 10.286 acre tract, having a Texas State Plane Coordinate value of N: 13,774,594.41, E: 2,823,041.41, from which a 3/8 inch iron rod with cap "R/AU RPLS 4171" found for the southernmost corner of said 161.409 acre tract bears South 18°47'43" West, 2767.68 feet;

THENCE North 58°18'00" West, 647.17 feet severing over and across said 161.409 acre tract to a 1/2 inch iron rod with cap "TPS 100834-00" set in the common line between Connor Avenue and said 161.409 acre tract and being the west corner of the herein described 10.286 acre tract, from which a 1/2 inch iron rod found for the lower interior corner of said 161.409 acre tract bears South 32°37'38" West, 189.71 feet;

THENCE North 32°37'38" East, 698.50 feet with the common line between said Connor Avenue, said 161.409 acre tract and the herein described 10.286 acre tract to a 1/2 inch iron rod with cap "TPS 100834-00" set for the north corner of the herein described 10.286 acre tract;

(INTENTIONALLY LEFT BLANK)