

NOTICE OF FORECLOSURE SALE

FILED FOR RECORD
COLORADO COUNTY, TX

2024 JUL 15 PM 2: 25

July 12, 2024

KIMBERLY MENKE
COUNTY CLERK *K.H.*

Deed of Trust ("Deed of Trust"):

Dated: November 29, 2022

Grantor: Prudencia M. Deba

Trustee: Liang Gao

Lender: Hawthorne Land, LLC

Recorded in: Document No. 5898, Volume 1020, Page 644 of the real property records of Colorado County, Texas

Legal Description: Tract 1: Being a 37.680 acre tract situated in the J.M. Thomas Survey, Abstract Number 565, and the George Singleton Survey, Abstract Number 673, Colorado County, Texas, being a portion of that same called 236.678 acre tract described as "Second Tract" in instrument to Robert L. Cook and Patricia Ann Cook, recorded in Volume 916, Page 649, of the Official Public Records of Colorado County, Texas (O.P.R.C.C.T.), said 37.680 acre tract being called Tract 37 and more particularly described by metes and bounds in the attached Exhibit.

Tract 2: Being a 14.975 acre tract situated in the J.M. Thomas Survey, Abstract Number 565, the C.T. RR. Co. Survey Abstract 153, and the George Singleton Survey, Abstract Number 673, Colorado County, Texas, being a portion of that same called 236.678 acre tract described as "Second Tract" in instrument to Robert L. Cook and Patricia Ann Cook, recorded in Volume 916, Page 649, of the Official Public Records of Colorado County, Texas (O.P.R.C.C.T.), said 14.975 acre tract being called Tract 38 and more particularly described by metes and bounds in the attached Exhibit.

Secures: Promissory Note ("Note") in the original principal amount of \$834,700.00, executed by Prudencia M. Deba ("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 November 29, 2022,

recorded in Document No. 6295, Volume 1022, Page 982 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, August 6, 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.

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.

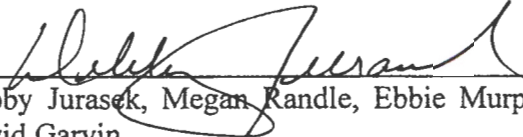
Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

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.



Margarét 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

EXHIBIT A



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, 37

37.680 ACRES

IN THE J.M. THOMAS SURVEY, ABSTRACT NUMBER 565,
AND THE GEORGE SINGLETON SURVEY, ABSTRACT NUMBER 673,
COLORADO COUNTY, TEXAS

BEING a 37.680 acre tract situated in the J.M. Thomas Survey, Abstract Number 565, and the George Singleton Survey, Abstract Number 673, Colorado County, Texas, being a portion of that same called 236.678 acre tract described as "Second Tract" in instrument to Robert L. Cook and Patricia Ann Cook, recorded in Volume 916, Page 649, of the Official Public Records of Colorado County, Texas (O.P.R.C.C.T.), said 37.680 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with cap stamped "TPS 100834-00" set in the northerly right-of-way of Farm to Market Road 1093 (FM 1093) (variable width right-of-way), in the southerly line of said 236.678 acre tract, being the southerly corner of the herein described 37.680 acre tract, from which a 1/2 inch iron rod found for reference bears South 74°59'41" West, 2,058.47 feet, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of N: 13,772,158.17, E: 2,826,312.94, Texas South Central Zone (4204), grid measurement;

THENCE severing, over and across said 236.678 acre tract the following six (6) courses and distances:

1. North 39°05'26" West, 138.43 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for an interior corner of the herein described 37.680 acre tract;
2. North 56°41'09" West, 759.67 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for an exterior corner of the herein described 37.680 acre tract;
3. North 53°00'28" West, 709.29 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for an interior corner of the herein described 37.680 acre tract;
4. North 59°42'24" West, 394.37 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for the westerly corner of the herein described 37.680 acre tract;
5. North 49°58'32" East, 829.19 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for an exterior corner of the herein described 37.680 acre tract;
6. North 69°06'00" East, 719.10 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for corner in the common line between said 236.678 acre tract and that certain called 238.153 acre tract described as "Tract Two" in instrument to Terrance Hlavinka Cattle Company, Recorded in Volume 614, Page 402, of the Deed Records, Colorado County, Texas (D.R.C.C.T.), being the northerly corner of the herein described 37.680 acre tract;

THENCE South 15°11'12" East, 1,957.51 feet, with the common line between said 236.678 acre tract and said 238.153 acre tract, to a 5/8 inch iron rod found in the northerly right-of-way of said FM 1093, for the common southerly corner between said 236.678 acre tract and said 238.153 acre tract, being the southeasterly corner of the herein described 37.680 acre tract;

THENCE South 74°59'41" West, 197.11 feet, with the southerly line of said 236.678 acre tract, the northerly right-of-way of said FM 1093, to the **POINT OF BEGINNING**;

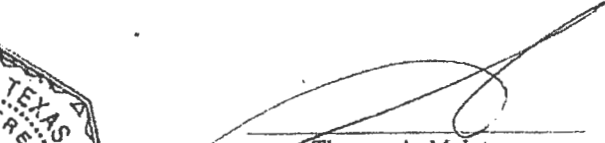
CONTAINING a computed area of 37.680 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on January 21, 2022, by Texas Professional Surveying, LLC., Registered Professional Land Surveyors and is referenced to Survey Drawing Project Number 22704_TR 37.

Bearings and distances recited herein are based on GPS observations and are referenced to the North American Datum of 1983 (NAD83), Texas State Plane Coordinate System, South Central Zone (4204), grid measurements.

June 17, 2022
Date




Thomas A. McIntyre
R.P.L.S. No. 6921

0' 300' 600 900'

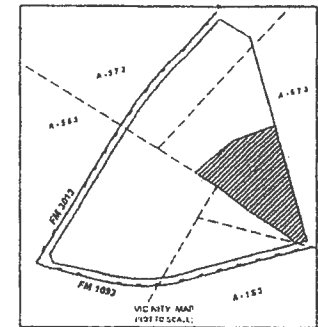
Scale: 1" = 300'

SYMBOL LEGEND

- EDGE OF ASPHALT
- FND SURVEY MONUMENT
- SET SURVEY MONUMENT

REMAINDER OF
ROBERT L. COOK AND
PATRICIA ANN COOK
CALLED 236.678 ACRES
"SECOND TRACT"
VOL. 916, PG. 649
O.P.R.C.C.T.

LINE	BEARING	DISTANCE
L1	N 39°05'26" W	138.43'
L2	N 56°42'24" W	384.37'
L3	N 15°11'12" W	1523.19'
L4	S 74°59'41" W	197.11'



**GEORGE SINGLETON SURVEY
ABSTRACT NO. 673**

TERRANCE HLAVINKA
CATTLE COMPANY
CALLED 238.153 ACRES
"TRACT TWO"
VOL. 614, PG. 402
D.R.C.C.T.

**TRACT 37
37.680 ACRES**

PORTION OF
ROBERT L. COOK AND
PATRICIA ANN COOK
CALLED 236.678 ACRES
"SECOND TRACT"
VOL. 916, PG. 649
O.P.R.C.C.T.

**J.M. THOMAS SURVEY
ABSTRACT No. 565**

BOUNDARY SURVEY

BEING A 37.680 ACRE TRACT SITUATED IN THE T & N D. RR. CO. SURVEY ABSTRACT NUMBER 673, COLORADO COUNTY, TEXAS, BEING A PORTION OF THAT SAME CALLED 236.678 ACRE TRACT DESCRIBED AS "SECOND TRACT" IN INSTRUMENT TO ROBERT L. COOK AND PATRICIA ANN COOK, RECORDED IN VOLUME 916, PAGE 648, OF THE OFFICIAL PUBLIC RECORDS OF COLORADO COUNTY, TEXAS (O.P.R.C.C.T.), SAID 37.680 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY ATTACHED METES AND BOUNDS DESCRIPTION

REMAINDER OF
ROBERT L. COOK AND
PATRICIA ANN COOK
CALLED 236.678 ACRES
"SECOND TRACT"
VOL. 916, PG. 649
O.P.R.C.C.T.

**FARM TO MARKET ROAD 1093
(VARIABLE WIDTH R.O.W.)**

PROJECT NUMBER	22704_TR 37
DATE	01/21/2022
DRAWN BY	LG
CHECKED BY	SL
FIELD CREW	GG
REVISION 1	
REVISION 2	
REVISION 3	
REVISION 4	

GENERAL NOTES

1) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT. SURVEYOR DID NOT ABSTRACT TITLE 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. 48089C04000 HAVING AN EFFECTIVE DATE OF 9/20/2011

BASIS OF BEARINGS: BEARINGS 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 (TXSC-4204), GRID MEASUREMENTS

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

TEXAS
PROFESSIONAL
SURVEYING, L.L.C.
3032 N. KRAZINK STREET - CONROE, TX 77120-1111
(281) 274-7447 - FAX (281) 274-7448
WWW.SURVEYINGINTEXAS.COM
FIRM REGISTRATION NO. 102834-00

PURCHASER _____ FM 1093 EAGLE LAKE TX, 77434
ADDRESS _____ J.M. THOMAS, A-565, C.T. RR. CO. A-153
SURVEY _____ 37.680 ACRES
AREA _____ COLORADO
COUNTY _____

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

TRACT 38

14.975 ACRES

**IN THE J.M. THOMAS SURVEY, ABSTRACT NUMBER 565,
THE C.T. RR. CO. SURVEY, ABSTRACT NUMBER 153,
AND THE GEORGE SINGLETON SURVEY, ABSTRACT NUMBER 673,
COLORADO COUNTY, TEXAS**

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BEGINNING at a 1/2 inch iron rod with cap stamped "TPS 100834-00" set in the northerly right-of-way of Farm to Market Road 1093 (FM 1093) (variable width right-of-way), the southerly line of said 236.678 acre tract, being the southerly corner of the herein described 14.975 acre tract, from which a 1/2 inch iron rod with cap found for reference bears South 74°59'41" West, 1,438.70 feet, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of **N: 13,771,997.70, E: 2,825,714.31**, Texas South Central Zone (4204), grid measurement;

THENCE severing, over and across said 236.678 acre tract the following seven (7) courses and distances:

1. North 43°36'19" West, 1,685.91 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for the westerly corner of the herein described 14.975 acre tract;
2. North 55°47'44" East, 156.05 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for an exterior corner of the herein described 14.975 acre tract;
3. North 53°25'58" East, 3.93 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for the northerly corner of the herein described 14.975 acre tract;
4. South 59°42'24" East, 394.37 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for an exterior corner of the herein described 14.975 acre tract;
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7. South 39°05'26" East, 138.43 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set in the southerly line of said 236.678 acre tract, the northerly right-of-way of said FM 1093, being the easterly corner of the herein described 14.975 acre tract, from which a 5/8 inch iron rod found bears North 74°59'41" East, 197.11 feet;

THENCE South 74°59'41" West, 619.76 feet, with the southerly line of said 236.678 acre tract and northerly right-of-way of said FM 1093, to the **POINT OF BEGINNING**;

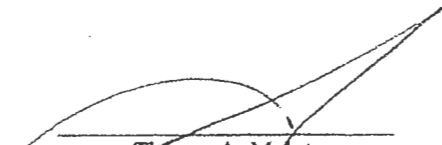
CONTAINING a computed area of 14.975 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on January 21, 2022, by Texas Professional Surveying, LLC., Registered Professional Land Surveyors and is referenced to Survey Drawing Project Number 22704_TR 38.

Bearings and distances recited herein are based on GPS observations and are referenced to the North American Datum of 1983 (NAD83), Texas State Plane Coordinate System, South Central Zone (4204), grid measurements.

June 17, 2022
Date




Thomas A. McIntyre
R.P.L.S. No. 6921

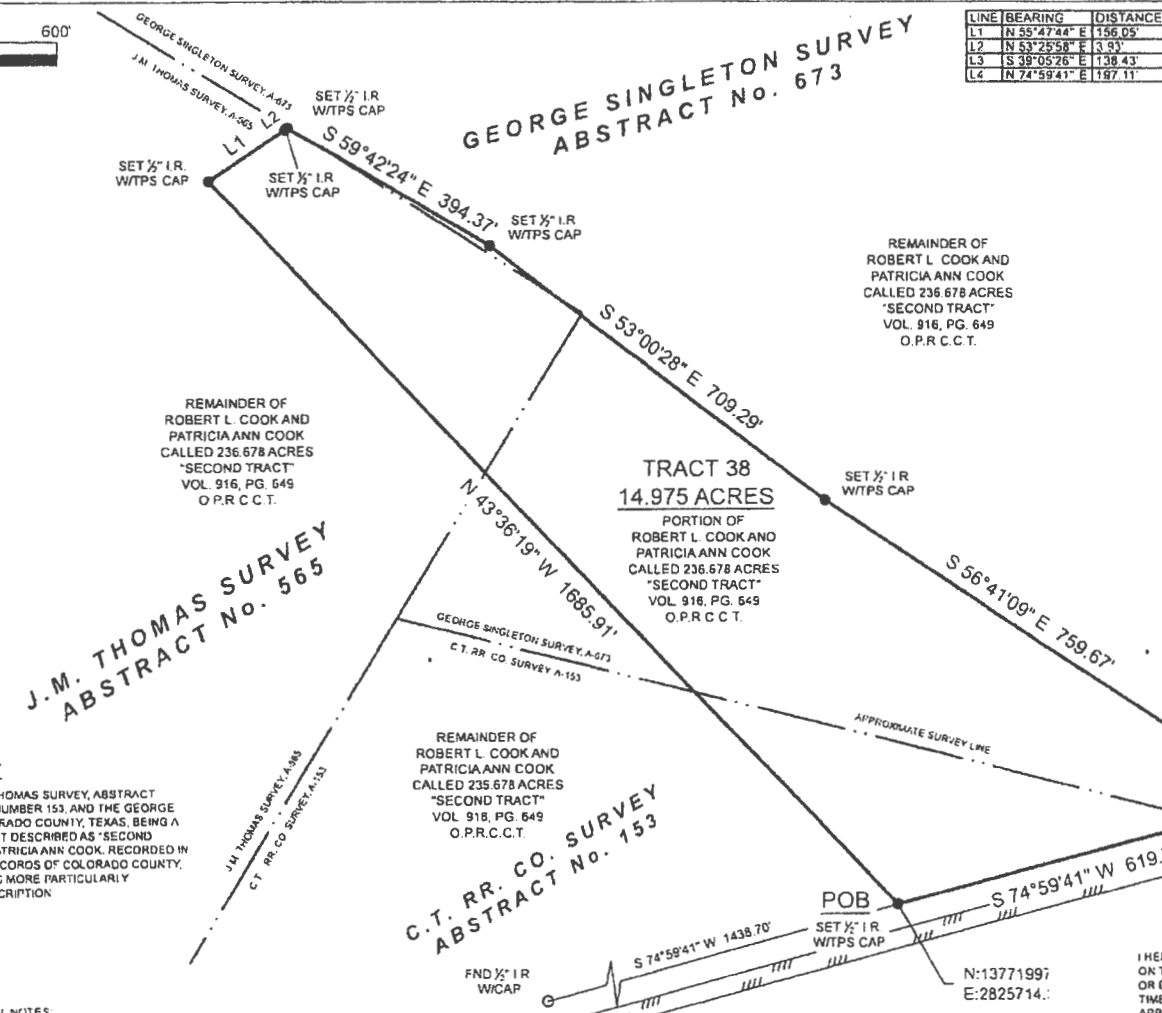
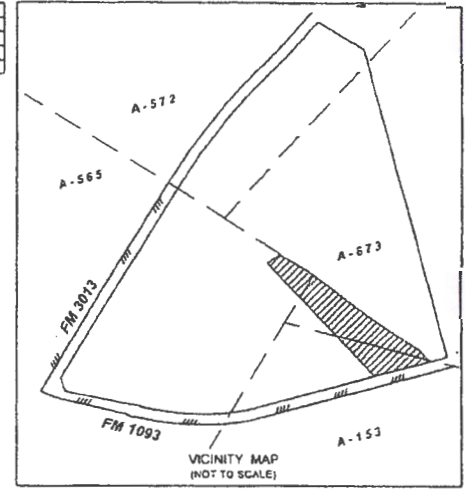


Scale: 1" = 200'

SYMBOL LEGEND

- ////// EDGE OF ASPHALT
- FND SURVEY MONUMENT
- SET SURVEY MONUMENT

LINE	BEARING	DISTANCE
L1	N 55°47'44" E	156.05'
L2	N 53°25'58" E	3.93'
L3	S 39°05'26" E	138.43'
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REMAINDER OF ROBERT L. COOK AND PATRICIA ANN COOK CALLED 236.678 ACRES "SECOND TRACT" VOL. 916, PG. 649 O.P.R.C.C.T.

TRACT 38
14.975 ACRES
PORTION OF ROBERT L. COOK AND PATRICIA ANN COOK CALLED 236.678 ACRES "SECOND TRACT" VOL. 916, PG. 649 O.P.R.C.C.T.

REMAINDER OF ROBERT L. COOK AND PATRICIA ANN COOK CALLED 236.678 ACRES "SECOND TRACT" VOL. 916, PG. 649 O.P.R.C.C.T.

C.T. RR. CO. SURVEY
ABSTRACT No. 153

REMAINDER OF ROBERT L. COOK AND PATRICIA ANN COOK CALLED 236.678 ACRES "SECOND TRACT" VOL. 916, PG. 649 O.P.R.C.C.T.

BOUNDARY SURVEY

BEING A 14.975 ACRE TRACT SITUATED IN THE J.M. THOMAS SURVEY, ABSTRACT NUMBER 565, THE C.T. RR. CO. SURVEY, ABSTRACT NUMBER 153 AND THE GEORGE SINGLETON SURVEY, ABSTRACT NUMBER 673, COLORADO COUNTY, TEXAS, BEING A PORTION OF THAT SAME CALLED 236.678 ACRE TRACT DESCRIBED AS "SECOND TRACT" IN INSTRUMENT TO ROBERT L. COOK AND PATRICIA ANN COOK, RECORDED IN VOLUME 916, PAGE 649, OF THE OFFICIAL PUBLIC RECORDS OF COLORADO COUNTY, TEXAS (O.P.R.C.C.T.), SAID 14.975 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY ATTACHED METES AND BOUNDS DESCRIPTION.

PROJECT NUMBER	22704 TR 38
DATE	01/21/2022
DRAWN BY	LG
CHECKED BY	SL
FIELD CREW	GG
REVISION 1	
REVISION 2	
REVISION 3	
REVISION 4	

GENERAL NOTES

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NO PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOODPLAIN PER GRAPHIC SCALING OF COMMUNITY PANEL NO. 48089CD480D HAVING AN EFFECTIVE DATE OF 02/04/2011

BASIS OF BEARINGS: BEARINGS 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 (TXSC-4204), GRID MEASUREMENTS

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TEXAS
PROFESSIONAL SURVEYING, L.L.C.
3012 N. FRAZIER STREET, COMMERCE, TX 75390-1051
PH: 737.741.1141 FAX: (936) 736.7444
WWW.SURVEYSNGT.TXAS.COM
FIRM REGISTRATION NO. 100824-02

PURCHASER: FM 1093 EAGLE LAKE TX, 77434
ADDRESS: J.M. THOMAS A-565, C.T. RR. CO. A-153
SURVEY: 14.975 ACRES
AREA:
COUNTY: COLORADO

Thomas A. McIntyre
Registered Professional Land Surveyor No. 6921

