

2026 JUL 13 AM 11:47

KIMBERLY MENKE
COUNTY CLERK

NOTICE OF FORECLOSURE SALE

July 10, 2026

Deed of Trust ("Deed of Trust"):

Dated: July 25, 2019

Grantor: Marcos Rodolfo Perez and Josahandi Figueroa

Trustee: Nicky Nixon Daughtrey, Jr.

Lender: Elmen Holdings, LLC

Recorded in: File No 2983, Volume 903, Page 210 of the real property records of Colorado County, Texas

Legal Description: Field Note Description of a 14.41 acre tract of land situated in the J. Pierce Survey, Abstract No. 452 in Colorado County, Texas, being a part or portion of a called 204.291 acre tract of land conveyed to Elmen Holdings, LLC in Volume 884, Page 120 in Official Records of Colorado County, Texas, and being more particularly described by metes and bounds in the attached Exhibit.

Secures: Promissory Note ("Note") in the original principal amount of \$647,000.00, executed by Marcos Rodolfo Perez and Josahandi Figueroa ("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 **John Ernst** ("Beneficiary") by an instrument dated November 21, 2019, recorded in File No. 5153, Volume 917, Page 019 of the real property records of Colorado County, Texas

Substitute Trustee: Debby Jurasek, Colton Jurasek, or David Garvin

Substitute Trustee's Address: c/o Foreclosure Services, LLC
8101 Boat Club Rd., Suite 320
Fort Worth, Texas, 76179

Foreclosure Sale:

Date: Tuesday, August 4, 2026

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: Colorado County Courthouse, 400 Spring St., Columbus, Texas 78934 or in the area designated by the Commission'er 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 John Ernst'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, John Ernst, 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 John Ernst's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with John Ernst'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 John Ernst 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 John Ernst. 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 Banahan
Texas Bar No. 24078188
Veronica Almaguer
Texas Bar No. 24102149
R. Alex Weatherford
Texas Bar No. 24079553
Banahan Almaguer Weatherford, PLLC
1400 Broadfield Blvd., Suite 105
Houston, Texas 77084
Tel. (281) 394-3122
Fax (281) 940-2743
Attorney for Lender



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

EXHIBIT A
ARBUCKLE SURVEYING, LLC

2004 N. Wharton St. - Physical
P.O. Box 511 - Mailing
El Campo, TX 77437

(979) 543-7974 - Office
(979) 541-7974 - Cell
Firm Registration No. 10193819

STATE OF TEXAS

COUNTY OF COLORADO

14.41 ACRES

Field Note Description of a 14.41 acre tract of land situated in the J. Pierce Survey, Abstract No. 452 in Colorado County, Texas, being a part or portion of a called 204.291 acre tract of land conveyed to Elmen Holdings, LLC in Volume 884, Page 120 in Official Records of Colorado County, Texas.

BEGINNING at a 5/8" Iron Rod set in the North line River Plant Road (measures 40' wide), same being the lower South line of said 204.291 acre tract, and for the lower Southeast corner of this herein described tract;

THENCE: S 89°22'54" W – along and with the North line of River Plant Road, same being the lower South line of said 204.291 acre tract, a distance of 457.96 to a 5/8" Iron Rod set at the intersection of the North line and East line of River Plant Road, for the lower Southwest corner of said 204.291 acre tract, and for the Southwest corner of this herein described tract;

THENCE: N 20°51'31" W – along and with East line of River Plant Road, same being the lower West line of said 204.291 acre tract, a distance of 470.95 feet to a 5/8" Iron Rod set for the Northwest corner of this herein described tract;

THENCE: N 74°50'32" E – across said 204.291 acre tract, a distance of 160.29 feet to a 5/8" Iron Rod set for an angle point of this herein described tract;

THENCE: N 81°15'33" E – across said 204.291 acre tract, a distance of 1,039.31 feet to a 5/8" Iron Rod set for an angle point of this herein described tract;

THENCE: N 80°36'12" E – across said 204.291 acre tract, a distance of 735.68 feet to a 5/8" Iron Rod set for the Northeast corner of this herein described tract;

THENCE: S 53°55'45" W – across said 204.291 acre tract, a distance of 742.63 feet to a 5/8" Iron Rod set for the upper Southeast corner of this herein described tract;

THENCE: N 76°56'06" W – across said 204.291 acre tract, a distance of 230.11 feet to a 5/8" Iron Rod set for an interior corner of this herein described tract;

THENCE: S 51°03'35" W – across and severing said 204.291 acre tract, a distance of 588.49 feet to the **POINT OF BEGINNING**, containing within these metes and bounds 14.41 Acres of land, more or less.

Notes:

(1) All set Iron Rods are marked with plastic cap stamped "RPLS No. 6247".

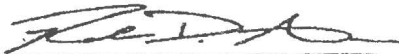
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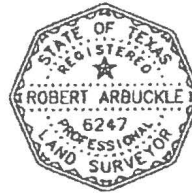
(979) 543-7974 - Office
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Firm Registration No. 10193819

Unless this Field Notes Description, including preamble, seal and signature, appears in its entirety, and in its original form, surveyor assumes no responsibility or liability for its accuracy. All bearings are based on the Texas State Plane Coordinate System, South Central Zone, and North American Datum of 1983/2011. Distances shown hereon are surface values, to derive grid distances, multiply by a combined scale factor of 0.999868034.

This Field Note Description is true and correct to the best of my knowledge and belief based on data obtained from the Colorado County Clerk, the Colorado County Central Appraisal District and a Survey made On-The-Ground under my direct supervision on February 14, 2019.



ROBERT D. ARBUCKLE
REGISTERED PROFESSIONAL LAND SURVEYOR
LICENSE No. 6247
FEBRUARY 26, 2019



2983
FILED FOR RECORD
COLORADO COUNTY, TX
2019 JUL 31 PM 2:18
KIMBERLY MENKE
COUNTY CLERK

STATE OF TEXAS COUNTY OF COLORADO
I hereby certify that this instrument was FILED on the
date and time stamped hereon by me, and was duly
RECORDED to the Volume and Page of the OFFICIAL
RECORDS of Colorado County, Texas and stamped
hereon by me, on

JUL 31 2019



Kimberly Menke
KIMBERLY MENKE
COUNTY CLERK, COLORADO COUNTY, TEXAS

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Exodus Title
env.