

**NOTICE OF FORECLOSURE SALE AND  
APPOINTMENT OF SUBSTITUTE TRUSTEES**

Notice is given that the Property described below shall be sold at public auction on the date, at the time, and in accordance with the terms contained in this Notice of Foreclosure Sale and the applicable laws of the State of Texas.

**1. Property to Be Sold:**

The property to be sold is described as follows:

Address: 379 PR 4731, Castroville, Texas 78009-0000

Legal Description: Lot 4, Star Oaks Ranch, Unit One, situated in Medina County, Texas, according to plat thereof recorded in Volume 9, Pages 1-3, Plat Records of Medina County, Texas.

**2. Date, Time, and Place of Sale:**

**Date:** The sale shall be held on **Tuesday, August 6, 2024.**

**Time:** The earliest time at which the sale will begin is 10:00 a.m. CT, and the sale will be conducted within three hours thereafter.

**Place:** The sale shall be held at the east side of the Medina County Courthouse Annex, 1300 Avenue M, Hondo, Texas 78861, near the front entrance designated as the location for all foreclosure sales or as designated by the County Commissioners Court.

**3. Terms of Sale:**

Because of the default in performance of the obligations secured by the Deed of Trust, the Substitute Trustee will sell the property "As Is" by public auction to the highest bidder for cash. In accordance with Texas Property Code section 51.009, the Property will be sold as is, without any expressed or implied warranties, except as to warranties of title, and will be acquired by the purchaser at its own risk. In accordance with Texas Property Code section 51.0075, the substitute trustee reserves the right to set additional, reasonable conditions for conducting the sale and will announce the conditions before bidding is opened for the first sale of the day held by the substitute trustee.

**4. Instrument to be Foreclosed:**

The Security Instrument to be foreclosed is the Deed of Trust dated November 21, 2022, signed by Zackry Maxey ("Debtor") and Kyndell Maxey ("Hypothecator"), as grantors, to Tom Grumbles, as trustee, for the benefit of First Service Bank, Dermott, as beneficiary, and recorded under Document Number 2022012006 in the official public records of Medina County, Texas.

**5. Obligations Secured:**

The indebtedness is evidenced by a Business Loan Agreement dated November 21, 2022 (“the Loan Agreement”) and a Commercial Promissory Note dated November 21, 2022 (the “Promissory Note”) in the original principal amount of Nine Hundred Seventy Thousand and 00/100 Dollars (U.S. \$970,000.00), including all accrued and unpaid interest and all other amounts payable by Debtor as described in the Loan Agreement, the Promissory Note, any other related documents, and all modifications, renewals, and extensions thereof (“the Indebtedness”). First Service Bank, Dermott, is the current mortgagee of the Deed of Trust and the current owner and holder of the Loan Agreement and the Promissory Note.

Pursuant to the Deed of Trust and the Promissory Note, the Indebtedness matured on November 21, 2023, and all amounts due under the terms of the Loan Agreement and the Promissory Note were due on that day.

**6. Name and Address of Substitute Trustees:**

In accordance with Texas Property Code section 51.0076 and the Security Instrument referenced above, the mortgagee’s attorney appoints the Substitute Trustees listed below.

The names of the Substitute Trustees are:

Marshall A. Bowen  
Victoria A. Giese

The address of the Substitute Trustees is:

Butler Snow LLP, 1400 Lavaca St., Suite 1000, Austin, TX 78701

**7. Additional Provisions:**

Default has occurred in the payment of the Loan Agreement and the Promissory Note and in the performance of the obligations of the Deed of Trust. Because of that default, Lender, the owner and holder of the Loan Agreement and Promissory Note, has requested that a Substitute Trustee sell the Property. In compliance with Texas Property Code section 51.002(d), Lender sent notice of default to Debtor by Certified United States Mail, Return Receipt Requested, and by Federal Express on May 29, 2024. The Notice of Default provided a twenty-day cure period to cure the default.

The Deed of Trust may encumber both real and personal property. Formal notice is given of Lender’s election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Lender’s rights and remedies under the Deed of Trust and Section 9.604(a) of the Texas Business and Commerce Code.

Notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, a Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Lender 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.

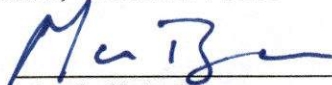
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been released or 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 by Lender from the security interest of the Deed of Trust. Prospective bidders are urged to examine the applicable property records to determine the nature and extent of such matters, if any.

**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.**

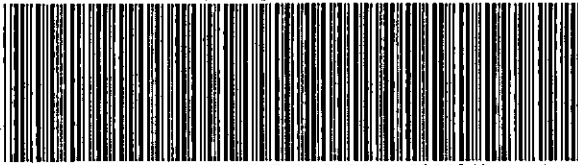
**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEES IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.**

This Notice of Foreclosure Sale is executed this 8th day of July, 2024.

**First Service Bank, Dermott**  
114 E. Peddicord Street  
Dermott, Arkansas 71638

By:   
Marshall A. Bowen  
BUTLER SNOW LLP  
1400 Lavaca St., Suite 1000  
Austin, TX 78701

**Attorney for Lender First Service Bank, Dermott**



\*VG-42-2024-24-000084\*

Medina County  
Gina Champion  
Medina County Clerk

Instrument Number: 24-000084

Foreclosure Posting

Recorded On: July 12, 2024 11:47 AM

Number of Pages: 4

" Examined and Charged as Follows: "

Total Recording: \$2.00

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

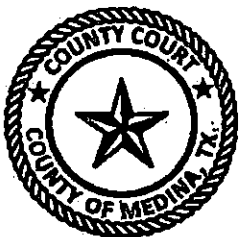
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 24-000084  
Receipt Number: 20240712000031  
Recorded Date/Time: July 12, 2024 11:47 AM  
User: Kimberly B  
Station: CCMARRIAGE1

**Record and Return To:**

JUSTIN FONSECA



STATE OF TEXAS  
Medina County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Medina County, Texas

Gina Champion  
Medina County Clerk  
Medina County, TX