

FILED FOR RECORD

2024 OCT 31 PM 2: 58

CONNIE BECTON
COUNTY CLERK
HARDIN COUNTY, TEXAS
BY *Chylene Si*

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARDIN §

WHEREAS, on January 30, 2023, **Your Way Real Estate Development and Holdings, LLC** ("Maker" or "Borrower"), executed and delivered that certain **Promissory Note** in the original principal amount of THREE HUNDRED THIRTY THREE THOUSAND AND NO/000 (\$330,000.00), payable and bearing interest as stated therein; being secured by that certain **Security Agreement** dated January 30, 2023, executed by **Your Way Real Estate Development and Holdings, LLC** as "Debtor" and Stellar Bank, whereby Borrower assigned, transferred and granted to Stellar Bank a first lien security interest in and to certain Collateral; being further secured by that certain **Deed of Trust, Security Agreement and Financing Statement** dated January 30, 2023, executed by **Your Way Real Estate Development and Holdings, LLC** as "Grantor" in favor of Ramon A. Vitulli, III, Trustee, and filed for record on January 31, 2023 in the Official Public Records of Hardin County, Texas, under File No. 2023-133186 covering and describing the Premises and Collateral described below and as more fully described in the Deed of Trust; being further secured by that certain **UCC Financing Statement** in favor of Stellar Bank, being filed for record on February 3, 2023 in the Office of the Texas Secretary under File No. 23-0005154272.

Reference is further made to that certain **Construction Loan Agreement** dated January 30, 2023, executed by **Your Way Real Estate Development and Holdings, LLC**,

whereby Lender approved the plans and specifications for the construction of improvements referred to in the Loan Agreement on the Premises.

Reference is further made to that certain **Collateral Assignment of Rents and Leases** dated January 30, 2023, executed by **Your Way Real Estate Development and Holdings, LLC** as "Assignor" and filed for record on January 31, 2023 in the Official Public Records of Hardin County, Texas, under File No. 2023-133187.

Reference is further made to that certain **Guaranty Agreement** dated January 30, 2023, executed by **Glenn Edward Matthews a/k/a Glenn E. Matthews** ("Guarantor"), whereby he, unconditionally and irrevocably guarantees the prompt payment when due, whether at maturity or otherwise, of all of the Indebtedness.

Reference is further made to that certain **Extension of Real Estate Note and Lien** dated April 30, 2024, executed by Borrower and Lender, recorded on October 21, 2024 in the Official Public Records of Hardin County, Texas, under Instrument No. 2024-147980, whereby terms of the Note were changed.

Reference is further made to that certain **Commercial Guaranty** dated April 30, 2024, executed by **Glenn E. Matthews** ("Guarantor"), whereby he, agreed to guarantee the full and punctual payment, performance and satisfaction of the Indebtedness of Borrower to Lender.

WHEREAS, default has occurred under the terms and provisions of the referenced Note and Deed of Trust and the same are now wholly due, and Stellar Bank, formerly known as Allegiance Bank (the "Mortgagee"), the owner and holder of all the Note, has requested the undersigned to sell the Premises and Collateral described below; and

WHEREAS, the above named Trustee and any previously appointed Substitute Trustee(s) was removed in accordance with the Deed of Trust and the Mortgagee designated and appointed **Ted L. Walker, 125 Main Street, PO Box 62, Jasper, Texas 75951**, as Substitute Trustee to enforce the Trust set forth in said Deed of Trust.

NOW, THEREFORE, pursuant to the authority conferred upon me by the Deed of Trust, I hereby give notice that I will sell the Premises and Collateral described below at public auction to the highest bidder for cash. The sale is scheduled to be held at the following date, time, and place:

Date: December 3, 2024

Time: 10:00 a.m. C.S.T

Place: Commissioner's Courtroom area of the courthouse, 300 Monroe, Kountze Texas 77625 or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court or as designated by the County Commissioners Court PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE AS THE PLACE WHERE FORECLOSURE SALES ARE TO TAKE PLACE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS.

This conveyance will be made subject to any exceptions referenced in the Deed of Trust, if any, to the extent the same are still in effect and shall not cover any part of the Premises and Collateral that has been released from the liens of the Deed of Trust. The Premises and Collateral that will be sold at the foreclosure sale is described as follows:

Premises: BEING A 0.56 ACRE TRACT OF LAND IN A PART OF THE JOHN A. CHRISTIE SURVEY, ABSTRACT NUMBER 544, HARDIN COUNTY, TEXAS, AND ALSO BEING A PART OF A CALLED 3.62 ACRE TRACT OF LAND AS RECORDED IN FILE NUMBER 2020110384 OF THE OFFICIAL PUBLIC RECORDS OF HARDIN COUNTY, TEXAS, SAID 0.56 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART THEREOF FOR ALL PURPOSES; (the foregoing hereinafter referred to as the "Land"), together with; All Improvements (the "Improvements") now or hereafter attached to, placed, erected, constructed or developed on the Land; All equipment, fixtures, furnishings and articles of personal property leased or owned by Grantors (the "Personal Property") now or hereafter attached to or used in or about the Improvements or that are necessary or useful for the complete and comfortable use and occupancy of the

Improvements for the purposes for which they were or are to be attached, placed, erected, constructed or developed, or which Personal Property is or may be used in or related to the planning development, financing or operation of the Improvements, and all renewals of or replacements or substitutions for any of the foregoing, whether or not substitutions for any of the foregoing, whether or not the same are or shall be attached to the Land or Improvements, including, but not limited to, all heating, lighting, cooling, ventilating, air conditioning, refrigeration, plumbing, incinerating, water-heating, cooking, pollution control, gas, electric, solar, nuclear and other equipment and fixtures; All water and water rights, utility capacity (including any form of reservation which may be granted by any governmental subdivision), timber, crops and mineral interests pertaining to the Land; All building materials and equipment now or hereafter delivered to and intended to be installed in or on the Land or the Improvements; All plans and specifications for the Improvements; All deposits (including tenants' security deposits), deposit accounts, documents, contract rights, accounts, accounts receivable, commitments, construction contracts, architectural agreements, general intangibles (including, without limitation, trademarks, trade names and symbols) and instruments, promissory notes, or chattel paper arising from or by virtue of any transactions related to the Land, the Improvements or the Personal Property, all supporting obligations and proceeds and products of the foregoing; All permits, licenses, franchises, certificates, and other rights and privileges obtained in connection with the Land, the Improvements and the Personal Property; All proceeds arising from or by virtue of the sale, lease or other disposition of the Land, the Improvements or the Personal Property; All proceeds (including premium refunds) of each policy of insurance relating to the Land, the Improvements or the Personal Property; All proceeds from the taking of any of the Land, the Improvements, the Personal Property or any rights appurtenant thereto by right of domain or by private or other purchase in lieu thereof, including change of grade of streets, curb cuts or other rights of access, for any public or quasi-public use under any law; All right, title and interest of Grantors in and to all streets, roads, public places, easements and right-of-way, existing or proposed, public or private, adjacent to or used in connection with, belonging or pertaining to the Land; All of the leases, rents, royalties, bonuses, issues, profits, revenues or other benefits of the Land, the Improvements or the Personal Property, including, without limitation, cash or securities deposited pursuant to leases to secure performance by the lessees of their obligations thereunder; All consumer goods located in or about the Land or the Improvements, or used in connection with the use or operation thereof; Other interests of every kind and character that Grantors now has or at any time hereafter acquires in and to the Land, Improvements and Personal Property described herein and all property that is used or useful in connection therewith, including rights of ingress and egress and all reversionary rights or interest of Debtor with respect to such property; All right, title and interest in and to said Land, Improvements, and Personal Property, acquired by Grantors after the execution of this instrument; and Any and all rights and appurtenances belonging, incident or appertaining to said Land, Improvements and Personal Property, or any part thereof.

Collateral: Insofar as the Premises consists of equipment, inventory, fixtures, chattel paper, documents, instruments, accounts, contract rights, consumer goods, farm products, money, general intangibles, goods and any and all other personal property of any kind or character defined in and subject to the provisions of the Texas Uniform Commercial Code, including the proceeds and products of and from any and all of such personal property.

ACTIVE MILITARY SERVICE NOTICE

ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE 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. To determine if you are entitled to and what protections may be afforded you under the Servicemembers Civil Relief Act, you may call the toll-free telephone numbers for Military One Source: From the United States: 1-800-342-9647. From outside the United States (where available): 1-800-342-6477. International collect: 484-530-5747.

THE SALE OF THE PREMISES AND COLLATERAL IS "AS-IS" AND "WHERE-IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. THE SUBSTITUTE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE COMPLIANCE WITH THE LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, CONDITION, QUALITY, CAPACITY, A DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PREMISES AND COLLATERAL, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

Dated: October 25, 2024

/s/ Ted L. Walker
Ted L. Walker, Substitute Trustee
PO Box 62
Jasper, Texas 75951

Exhibit "A"

Being a 0.56 acre tract of land in a part of the John A. Christie Survey, Abstract Number 544, Hardin County, Texas, and also being a part of a called 3.62 acre tract of land as recorded in File Number 2020110384, of the Official Public records, of Hardin County, Texas, said 0.56 acre tract of land being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2" iron rod found for corner, said 1/2" iron rod is located on the West right-of-way line of Pan Am Road, said 1/2" iron rod is also located at the Northeast corner of a called 2.21 acre tract of land as recorded in Volume 1267, Page 489, of the Official Public Records, of Hardin County, Texas, said 1/2" iron rod is also located at the Southeast corner of the said called 3.62 acre tract of land, said 1/2" iron rod has a State Plane Coordinate Value of N=10158728.03 and E=4190708.83;

THENCE, South 86 deg. 48 min. 40 sec. West, along the North line of the said called 2.21 acre tract of land, at 289.93 feet pass a 1/2" iron rod capped BLS 2512 set for reference, on the East side of a called 20.00 feet wide drainage easement, and continuing along said line for a total distance of 309.93 feet (record= South 86 deg. 45 min. 40 sec. West, 310.03 feet), to a 1/2" iron rod found for corner, said 1/2" iron rod is located on the West line of the said called 20.00 feet wide drainage easement, said 1/2" iron rod is also located at the Southwest corner of the said called 3.62 acre tract of land, said 1/2" iron rod is also located at the Northwest corner of the said called 2.21 acre tract of land, said 1/2" iron rod is also located on the East line of a called 5.43 acre tract of land as recorded in File Number 2018-89491, of the Official Public Records, of Hardin County, Texas;

THENCE, North 03 deg. 09 min. 38 sec. West, along the said East line of the called 5.43 acre tract of land, and also being along the said West line of the said called 20.00 feet wide drainage easement, for a distance of 81.85 feet (record=North 03 deg. 11 min. 43 sec. West, 81.85 feet), to a point for corner, said point for corner is located at an interior corner of the residue of the said called 3.62 acre tract of land;

THENCE, North 88 deg. 04 min. 30 sec. East, along the an interior line of the said residue of the called 3.62 acre tract of land, at 20.00 feet pass a 1/2" iron rod capped BLS 2512 set for a reference, on the East line of the said called 20.00 feet wide drainage easement, and continuing along said line for a total distance of 311.68 feet (record= North 88 deg. 06 min. 44 sec. East, 311.82 feet), to a 1/2" iron rod capped BLS 2512 set for corner, said 1/2" iron rod is located on the said West right-of-way line of Pan Am Road;

THENCE, South 01 deg. 52 min. 25 sec. East, along the said West right-of-way line of Pan Am Road for a distance of 75.00 feet (record= South 01 deg. 53 min. 16 sec. East, 75.00 feet), to the POINT OF BEGINNING and containing 0.56 acres of land.

Note: Bearings, distances, and coordinates are referenced to the Texas State Plane Coordinate System Central Zone (4203) NAD 83 Grid scale factor 0.999909022

2023 JUN 16 10:16 AM
COUNTY CLERK
HARDIN COUNTY, TEXAS
CLERK'S OFFICE