



\*VG-538-2022-4216\*

Milam County  
Jodi Morgan  
Milam County Clerk

Instrument Number: 4216

Real Property Recordings

TRUSTEE SALE

Recorded On: September 08, 2022 01:18 PM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$38.00

\*\*\*\*\* 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: 4216  
Receipt Number: 20220908000005  
Recorded Date/Time: September 08, 2022 01:18 PM  
User: Annisha W  
Station: Clerk Station

**Record and Return To:**

BANGLE & POTTER PLLC  
604 W 13TH STREET  
AUSTIN TX 78701



STATE OF TEXAS  
COUNTY OF MILAM

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 Milam County, Texas.

Jodi Morgan  
Milam County Clerk  
Milam County, TX

## **Second Amended Notice of Substitute Trustee's Sale**

**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.**

**Date:** October 4, 2022

**Substitute Trustee:** Brian C. Potter

**Mortgagees:** Paul Myers, III and Janette Daniela Garnandt

**Note (face amount):** \$94,000.00

**Deed of Trust:**

Date of Deed of Trust: October 7, 2020

Grantor: Luis Rebollar

Mortgagees: Paul Myers, III and Janette Daniela Garnandt

Recording Information: Official Public Records of Milam County Document No. 2020-4296

Property:

A3230 SHIELDS, JAMES, 10.31 ACRES AND MORE PARTICULARLY ON EXHIBIT A HERETO

**County:** Milam

**Date of Foreclosure Sale (first Tuesday of month):** October 4, 2022

**Earliest Time of Sale:** 11:00 a.m.

**Place of Sale:** The East door of the Milam County Courthouse. The Milam County Courthouse is located at 102 S. Fannin Avenue, Cameron, Texas 76520.

**RECITALS:**

Mortgagees have appointed Brian C. Potter as Substitute Trustee under the Deed of Trust. Mortgagees have instructed Substitute Trustee to offer the Property for sale toward satisfaction of the Note.

Mortgagees are the current owners and holders of the Note.

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The Note is secured by the Deed of Trust.

Grantor is in default under the Promissory Note and the Deed of Trust and the default has not been cured after receiving notice of default and opportunity to cure.

Mortgagees have accelerated the indebtedness evidenced by the Promissory Note.

Notice is hereby given that on the Date of Sale, Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash, "AS IS." The earliest time the sale will occur is the Time of Sale, and the sale will be conducted no later than three hours thereafter.

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 Mortgagees 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.

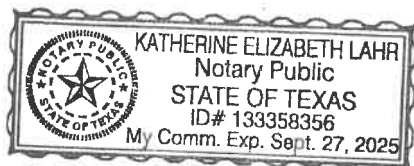
Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical 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.



Brian C. Potter, Substitute Trustee

SUBSCRIBED AND SWORN TO before me on <sup>Sept.</sup> August 8, 2022 by Brian C. Potter.



  
Katherine Elizabeth Lahr  
Notary Public, State of Texas

**EXHIBIT "A"**

Being a 10.310 acre (449,083 square feet) tract of land, more or less, out of the JAMES SHEILDS SURVEY, A-323, located in Milam County, Texas, said 10.149 acre tract being out of and a part of a called 50 acre (Tract 2) and a called 50 acre tract (Tract One) conveyed from Paul Myers, III to Janette Daniela Gernandt, filed September 11, 2014 and recorded in Volume 1235, Page 586 of the Official Records, Milam County, Texas (ORMC), said 10.310 acre tract being surveyed on the ground under the direct supervision of Corey Joseph Hall, Registered Professional Land Surveyor No. 6362, on August 19, 2020 and is true and correct to the best of my knowledge and belief. All bearings and distances shown herein are based on the Texas Coordinate System, Central Zone (4203) NAD83, and said 10.310 acre tract being more fully described as follows:

COMMENCING at a 1/2 inch iron rod found at the base of a creosote fence corner post for the Southeast corner of the said 50 acre - Tract One, said iron rod being the Southeast corner of Tract 7 (surveyed this date by the undersigned), Thence, North 22°09'12" West, with the East line of said 50 acre - Tract One and said Tract 7, a distance of 1,010.64 feet, to a 5/8 inch iron rod with a blue plastic cap stamped "KONTUR TECH" set for the Northeast corner of Tract 7; Thence, South 74°22'52" West, over and across said 50 acre - Tract One with the common line of said Tract 7 and Tract 4 (surveyed this date by the undersigned), a distance of 310.19 feet, to a 5/8 inch iron rod with a blue plastic cap stamped "KONTUR TECH" set for the Northwest corner of said Tract 7, and the Northeast corner and PLACE OF BEGINNING of the herein described tract;

THENCE, over and across said 50 acre - Tract One and said 50 acre - Tract Two, as follows:

1. South 22°47'08" East, with the common line of Tract 7, a distance of 500.63 feet, to a 5/8 inch iron rod with a blue plastic cap stamped "KONTUR TECH" set for an angle point;
2. South 17°01'05" West, continuing with said common line, a distance of 826.88 feet, to a calculated corner in the approximate center of County Road 322, and the North line of Tract 8 (surveyed this date by the undersigned) for the Southeast corner of the herein described tract, from which a 5/8 inch iron rod with a blue plastic cap stamped "KONTUR TECH" set for reference bears North 17°01'05" East, a distance of 62.95 feet;
3. South 58°43'53" West, with the approximate center of said county road and the North line of said Tract 8 and Tract 9 (surveyed this date by the undersigned), a distance of 202.79 feet, to a calculated corner for the Southeast corner of Tract 5 (surveyed this date by the undersigned), and the Southwest corner of the herein described tract, from which a 5/8 inch iron rod with a blue plastic cap stamped "KONTUR TECH" set for reference bears North 01°54'15" West, a distance of 46.02 feet;
4. North 01°54'15" West, with the common East line of Tract 5, a distance of 820.37 feet, to a 5/8 inch iron rod with a blue plastic cap stamped "KONTUR TECH" set for an angle point;

5. North  $32^{\circ}42'30''$  West, continuing with said common line, a distance of 405.37 feet, to a 5/8 inch iron rod with a blue plastic cap stamped "KONTUR TECH" set for the North corner of Tract 5, the Southwest corner of Tract 4 the Northwest corner of the herein described tract, and in the Southeast line of Tract 3 (surveyed this date by the undersigned) from which a 5/8 inch iron rod with a blue plastic cap stamped "KONTUR TECH" set for reference bears South  $32^{\circ}42'30''$  East, a distance of 70.00 feet, and another 5/8 inch iron rod with a blue plastic cap stamped "KONTUR TECH" set bears North  $67^{\circ}17'52''$  East, a distance of 70.00 feet;

North  $67^{\circ}12'52''$  East, with the common line of said Tract 4, a distance of 507.36 feet, to the PLACE OF BEGINNING, containing within these metes and bounds 10.310 acres (449,083 square feet) of land, more or less

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the legal description contained in Schedule "A" as to area or quantity of land is not a representation that such area or quantity is correct, but is made only for informal identification purposes and does not override Item 2 of Schedule "B" hereof.