

2684

## NOTICE OF SUBSTITUTE TRUSTEE'S SALE

Matter No.: 057711-TX

Date: June 14, 2017

County where Real Property is Located: Chambers

ORIGINAL MORTGAGOR: EDDIE L. NICHOLAS, JR., A SINGLE MAN

ORIGINAL MORTGAGEE: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC., SOLELY AS NOMINEE FOR LOAN SIMPLE, INC., ITS SUCCESSORS AND ASSIGNS

CURRENT MORTGAGEE: PennyMac Loan Services, LLC

MORTGAGE SERVICER: PennyMac Loan Services, LLC

DEED OF TRUST DATED 12/18/2012, RECORDING INFORMATION: Recorded on 12/20/2012, as Instrument No. 201280436, in Book 1383, Page 7,

**SUBJECT REAL PROPERTY (LEGAL DESCRIPTION): LOT TEN (10), IN BLOCK ONE (1) OF COUNTRY MEADOWS, SECTION ONE (1), AN ADDITION IN CHAMBERS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME "B", PAGE 91 OF THE PLAT RECORDS OF CHAMBERS COUNTY, TEXAS.**

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on **8/1/2017**, the foreclosure sale will be conducted in **Chambers County** in the area designated by the Commissioners Court, pursuant to Section 51.002 of the Texas Property Code as the place where the foreclosure sales are to take place. If no place is designated by the Commissioners Court, sale will be conducted at the place where the Notice of Trustee's Sale was posted. The trustee's sale will be conducted no earlier than **10:00 AM**, or not later than three (3) hours after that time, by one of the Substitute Trustees who will sell, to the highest bidder for cash, subject to the unpaid balance due and owing on any lien indebtedness superior to the Deed of Trust.

PennyMac Loan Services, LLC is acting as the Mortgage Servicer for PennyMac Loan Services, LLC who is the Mortgagee of the Note and Deed of Trust associated with the above referenced loan. PennyMac Loan Services, LLC, as Mortgage Servicer, is representing the Mortgagee, whose address is:

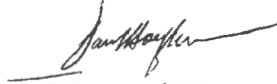
PennyMac Loan Services, LLC  
3043 Townsgate Rd, Suite 200  
Westlake Village, CA 91361

The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code §51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the property securing the above referenced loan.



Matter No.: 057711-TX

**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.**



By: Tommy Jackson Substitute Trustee  
TOMMY JACKSON, RON HARMON, TIFFANY BEGGS,  
EVAN PRESS, AMY BOWMAN, REID RUPLE, MATHEW  
WOLFSON, DAVID RUSSELL, DANN PORTER, CHRIS  
DEMEREST, KELLEY BURNS, TANYA GRAHAM, DANIEL  
WILLSIE, LEB KEMP, TRACI YEAMAN, WES WHEAT,  
DANA DENEN, CINDY DENEN, VINCE ROSS, PAUL A.  
HOEFKER OR ROBERT L. NEGRIN

**Return to:**  
ALDRIDGE PITE, LLP  
4375 JUTLAND DR., SUITE 200  
P.O. BOX 17935  
SAN DIEGO, CA 92177-0935  
FAX #: 619-590-1385  
866-931-0036

FILED FOR RECORD  
2017 JUN 15 AM 8:25  
Debbie A. Shawhorne  
COUNTY CLERK  
CHAMBERS COUNTY, TEXAS

2686

**Notice of Foreclosure Sale**

JUNE 29, 2017

Deed of Trust ("Deed of Trust"):

Dated: February 17, 1994

Grantor: ANTONIO ORTIZ

Trustee: LeROY McCALL, JR.

Lender: Martin Robert Franzen, Individually and as Ind. Executor Estate of H. M. Franzen, JOYCE AUSTIN and EUGENE FRANZEN

Recorded in: Volume 239, Page 549 of the real property records of Chambers County, Texas recorded June 2, 1994 in of the real property records of Chambers County, Texas

Legal Description: Lots Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) , Twenty-Three (23), Twenty-Four (24), Twenty-Five (25), Twenty-Six (26) and Twenty-Seven (27), Block Twenty-Nine (29), WINNIE TOWNSITE, a Subdivision of the James Hoggatt League, Abstract 14, Chambers County, Texas.

Secures: Note ("Note") in the original principal amount of \$59,723.94, executed by ANTONIO ORTIZ ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

Foreclosure Sale:

Date: **Tuesday, August 8, 2017**

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 10:00 A. M. and not later than three hours thereafter.

Place: 1st Floor Main Court House, Anahuac, Texas.

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 Martin Robert Franzen, Individually and as Ind. Executor Estate of H. M. Franzen, JOYCE AUSTIN and EUGENE FRANZEN'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, Martin Robert Franzen, Individually and as Ind. Executor Estate of H. M. Franzen, the owner and holder of the Note, has requested Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Martin Robert Franzen, Individually and as Ind. Executor Estate of H. M. Franzen's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Martin Robert Franzen, Individually and as Ind. Executor Estate of H. M. Franzen'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, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Martin Robert Franzen, Individually and as Ind. Executor Estate of H. M. Franzen, 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 Martin Robert Franzen, Individually and as Ind. Executor Estate of H. M. Franzen, 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, 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 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.**

FILED FOR RECORD

2017 JUN 30 AM 8:59

*Deborah J. Stewart*  
COUNTY CLERK  
CHAMBERS COUNTY, TEXAS

*LeRoy McCall, Jr.*

LeROY McCALL, JR., Trustee  
P. O. Box 120 / 25548 HWY. 124  
Hamshire, Texas 77622  
Telephone (409) 243-2116  
Telecopier (409) 243-3444



2687

### NOTICE OF 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. Sender is: Codilis & Stawiarski, PC, 650 North Sam Houston Parkway East, Suite 450, Houston, Texas 77060**

**Date of Security Instrument:** January 22, 2014

**Grantor(s):** James Albright and Tamira Albright husband and wife

**Original Trustee:** Gregg and Valby

**Original Mortgagee:** Mortgage Electronic Registration Systems, Inc. ("MERS"), solely as nominee for Mortgage Research Center, LLC DBA Veterans United Home Loans, its successors and assigns

**Recording Information:** Vol. 1472, Page 377, or Clerk's File No. 91338, in the Official Public Records of CHAMBERS County, Texas.

**Current Mortgagee:** Pingora Loan Servicing, LLC

**Mortgage Servicer:** Cenlar FSB, whose address is C/O Attn: FC or BK Department  
425 Phillips Blvd Ewing, NJ 08618 Pursuant to a Servicing Agreement between the Mortgage Servicer and Mortgagee, the Mortgage Servicer is authorized to represent the Mortgagee. Pursuant to the Servicing Agreement and Section 51.0025 of the Texas Property Code, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the referenced property.

**Date of Sale:** 08/01/2017      **Earliest Time Sale Will Begin:** 10:00 AM

The Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above, or within three (3) hours after that time.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagee, the Mortgagee or the Mortgagee's attorney.

**Legal Description:**

LOT TWO (2), IN BLOCK FIVE (5), OF FINAL PLAT FOR LEGENDS BAY, SECTION ONE (1), A SUBDIVISION IN CHAMBERS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER CLERK'S FILE NO(S). 22252 (2007/22252), OF THE OFFICIAL RECORDS OF CHAMBERS COUNTY, TEXAS.

**Place of Sale of Property:** The foreclosure sale will be conducted in the area designated by the CHAMBERS County Commissioners Court pursuant to Section 51.002 of the Texas Property Code as the place where the foreclosure sales are to take place, or if no place is designated by the Commissioners Court, the sale will be conducted at the place where the Notice of Trustee's Sale was posted.

**For Information:**

Codilis & Stawiarski, P.C.  
650 N. Sam Houston Parkway East  
Suite 450  
Houston, TX 77060  
(281) 925-5200

Tommy Jackson  
Tommy Jackson as Substitute Trustee, Ron Harmon as Successor Substitute Trustee, Tiffany Beggs as Successor Substitute Trustee, or Thomas Delaney as Successor Substitute Trustee or Lisa Cockrell as Successor Substitute Trustee  
c/o Servicelink Default Abstract Solutions  
1320 Greenway Drive, Suite 300  
Irving, TX 75038

FILED FOR RECORD  
2017 JUL 10 AM 11:57  
Chambers County Clerk  
CHAMBERS COUNTY, TEXAS



4626564

2689

### 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 SERSERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATE, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.**

Deed of Trust, Security Agreement, Financing Statement and Assignment of Production  
("Deed of Trust")

Dated: February 22, 2017

Grantor: OTeX Resources, LLC, a Texas Limited Liability Company  
1810 S. Highway 146  
Baytown, Texas 77521

Trustee: Harold N. May

Lender: Solstice Capital, LLC, a Texas Limited Liability Company

Recorded: Harris County Clerk's File No. RP-2017-91577 in the Real Property Records of Harris County, Texas on March 3, 2017;  
  
Chambers County Clerk's Instrument No. 119686, Volume 514, page 231 in the Official Real Property Records of Chambers County, Texas on March 2, 2017.

Legal Description: See attached Exhibits A and B.

Secures: That certain term note (the "Note") dated February 22, 2017 in the original principal amount of \$70,000.00 plus additional advances of \$30,000.00 for a total principal amount of \$100,000.00, which was executed for OTeX Resources, LLC (the "Borrower"), by Thomas E. Fereday, its President, payable to the Solstice Capital, LLC (the "Lender").

Substitute Trustee: George F. May

Substitute Trustee's Address: Two Riverway, 15<sup>th</sup> Floor  
Houston, Texas 77056

FILED FOR RECORD  
2017 JUL 11 PM 2:20  
Chambers County Clerk  
CHAMBERS COUNTY, TEXAS

1. Property to be Sold. The property to be sold is described as follows:

See attached Exhibits A and B.

2. Instrument to be Foreclosed. The instrument to be foreclosed is the Deed of Trust dated June 2, 2015, recorded under Harris County Clerk's File No. RP-2017-91577 in the Real Property Records of Harris County, Texas on March 3, 2017, and recorded under Chambers County Clerk's Instrument No. 119686, Volume 514, page 231 of the Official Real Property Records of Chambers County, Texas on March 2, 2017.
3. Date, Time and Place of Sale. The sale is scheduled to be held at the following date, time, and place:

Date: August 1, 2017

Time: As required, the sale will be held between the hours of 10:00 a.m. and 4:00 p.m. The sale will begin no earlier than 10:00AM or no later than three hours thereafter.

Place: The sale will be held at the location being approximately 5.050 square feet of area of the Bayou City Event Center being at the southeast corner of the large ballroom and continuing easterly along the south wall a distance of approximately 87 feet and; thence northerly a distance of approximately 58 feet; then easterly approximately 87 feet to the east wall; thence southerly approximately 59 feet to the point of beginning; or if the preceding area is no longer the designated area, in the area designated by the Harris County Commissioner's Court pursuant to Section 51.002 of the Texas Property Code as a place where foreclosure sales are to take place.

4. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting Lender to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale. Pursuant to the deed of trust, the Lender has the right to direct the Trustee or Substitute Trustee to sell the property in or more parcels and/or to sell all or only part of the property. ***Please note that Lender has elected to pursue foreclosure upon all of the Property described in the Deed of Trust, whether sited in Harris County or Chambers County, at this sale in Harris County.*** Pursuant to section 51.009 of the Texas Property Code, the property will be sold in AS IS, WHERE IS condition, without any express or implied warranties, except as to the warranties of title, if any, provided under the deed of trust.

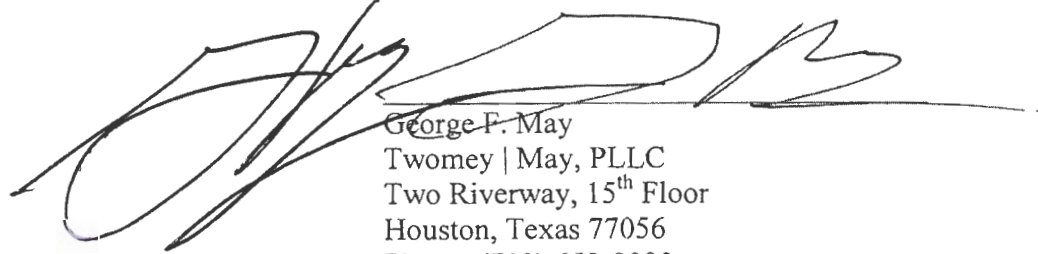
Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

The 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 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. The sale shall not cover any part of the Property that has been released of public record from the lien of the Deed of Trust. 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 51.9975 of the Texas Property Code, the Trustee or Substitute Trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

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

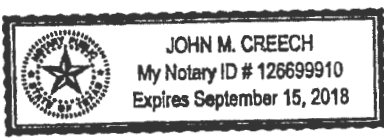


George F. May  
Twomey | May, PLLC  
Two Riverway, 15<sup>th</sup> Floor  
Houston, Texas 77056  
Phone: (713) 659-0000  
Fax: (832) 201-8485

STATE OF TEXAS                   §  
  §  
COUNTY OF HARRIS           §

BEFORE ME, the undersigned authority, on this day personally appeared George F. May, individually, known to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

**SWORN TO AND SUBSCRIBED** before me on this 11<sup>th</sup> day of July, 2017.

  
Notary Public, State of Texas



## EXHIBIT A

### Leases.

Oil, Gas and Mineral Lease dated July 23, 1982, from Rivers Reaves, Lessor, to Viking Petroleum, Inc., Lessee, recorded in Volume 514, at Page 231 of the Official Public Records, Chambers County, Texas;

Oil, Gas and Mineral Lease dated August 9, 1982, from Estate of George Clinton Mayes, Jr. and others, Lessor, to Viking Petroleum, Inc., Lessee, recorded by counterpart memorandums in Volume 511, at Page 195, Volume 511, at Page 207, and Volume 518, at Page 443 of the Official Public Records, Chambers County, Texas;

Oil, Gas and Mineral Lease dated August 9, 1982, from Estate of David Mayes Middleton, Lessor, to Viking Petroleum, Inc., Lessee, recorded in Volume 522, at Page 160 of the Official Public Records, Chambers County, Texas;

Oil, Gas and Mineral Lease dated January 27, 1981, from Exxon Corporation, Lessor, to Viking Petroleum, Inc., Lessee, recorded in Volume 549, at Page 453 of the Official Public Records, Chambers County, Texas;

Oil, Gas and Mineral Lease dated January 7, 1981, from Exxon Corporation, Lessor, to Viking Petroleum, Inc., Lessee, recorded in Volume 549, at Page 467 of the Official Public Records, Chambers County, Texas;

Oil, Gas and Mineral Lease dated December 1, 1982, from Bureau of Land Management #NM-A 55024, Lessor, to Business Mens Assurance Company, Lessee, recorded in Volume 536, at Page 640 of the Official Public Records, Chambers County, Texas;

Oil, Gas and Mineral Lease dated August 25, 1916, from Henry Busch and John C. Williams, Lessor, to C.T. Rucker, Lessee, recorded in Volume 43, at Page 473 of the Contract Records, Harris County, Texas;

Oil, Gas and Mineral Lease dated August 30, 1916, from H.E. Kahn, Lessor, to R.L. Blaffer, Lessee, recorded in Volume 43, at Page 503 of the Contract Records, Harris County, Texas;

Oil, Gas and Mineral Lease dated February 21, 1940, from Gulf Oil Corporation, Lessor, to Grace Oil Company, Lessee, recorded in Volume 43, at Page 503 of the Contract Records, Harris County, Texas;

Oil, Gas and Mineral Lease dated May 22, 1940, from Gulf Oil Corporation, Lessor, to Newton and Lillie, Lessee, recorded in Volume 360, at Page 94 of the Contract Records, Harris County, Texas;

Oil, Gas and Mineral Lease dated April 5, 1940, from Claudie O. Busch and others, Lessor, to Newton and Lillie, Lessee, recorded in Volume 359, at Page 419 of the Contract Records, Harris County, Texas;

Oil, Gas and Mineral Lease dated March 22, 1999, from Harper Trusts and others, Lessor, to Union Crude Co., Lessee, recorded in Volume 1163, at Page 257 of the Deed Records, Harris County, Texas;

Oil, Gas and Mineral Lease dated March 22, 1999, from Betty Ann Opryshek, Lessor, to Union Crude Co., Lessee, recorded in Volume 25, at Page 37 of the Deed Records, Harris County, Texas;

Oil, Gas and Mineral Lease dated March 22, 1999, from Leroy B. Walker, Lessor, to Union Crude Co., Lessee, recorded in Volume 25, at Page 37 of the Deed Records, Harris County, Texas;

Oil, Gas and Mineral Lease dated March 1, 1999, from Erika Wann, Lessor, to Union Crude Co., Lessee, recorded under Instrument Number 534-74-1074 of the Official Records, Harris County, Texas;

Oil, Gas and Mineral Lease dated October 25, 2002, from Ruby Murl Gamble, Lessor, to OTeX Resources LLC Lessee, recorded under Instrument Number 597-55-3058 of the Official Public Records, Harris County, Texas;

Oil, Gas and Mineral Lease dated October 25, 2002, from Doyle E. Thomas, Jr., Lessor, to OTeX Resources LLC Lessee, recorded under Instrument Number 597-55-3106 of the Official Public Records, Harris County, Texas;

Oil, Gas and Mineral Lease dated October 25, 2002, from Adrian Busch Estate., Lessor, to OTeX Resources LLC Lessee, recorded under Instrument Number 597-55-3112 of the Official Public Records, Harris County, Texas;

Oil, Gas and Mineral Lease dated October 25, 2002, Patricia Busch, Lessor, to OTeX Resources LLC Lessee, recorded under Instrument Number 003-04-1209 of the Official Public Records, Harris County, Texas;

Quit Claim Deed dated January 3, 2005, from Union Crude Company to OTeX Resources LLC, recorded under Instrument Number 598-62-1846 of the Official Public Records, Harris County, Texas;

Quit Claim Deed dated January 7, 2005, from Union Crude Company to OTeX Resources LLC, recorded under Instrument Number 598-62-1854 of the Official Public Records, Harris County, Texas.

**EXHIBIT B**

**Wells.**

H. Busch #1B  
H. Busch #2B  
H. Busch #3B  
H. Busch #4B  
H. Busch #5B  
H. Busch #6B  
H. Busch #7B  
H. Busch #8B  
H. Busch #9B  
H. Busch #10B  
H. Busch #11B  
H. Busch, et al. "A" #1  
H. Busch, et al. "A" #3  
H. Busch, et al. "A" #4  
Busch Enderli #1  
Busch Enderli #2  
Busch Shelton "A" #1  
Busch Shelton "B" #2  
Busch Shelton "C" #1  
Busch Shelton "D" #1  
Busch Shelton "E" #1  
CRH Corp #1  
Federal Lost Lake "E" #4  
Federal Lost Lake "K" #1  
Federal Lost Lake "N" #1  
Federal Lost Lake "Q" #1  
Federal Lost Lake "R" #1  
Humble Oil & Refining Company #1  
W.L. Jones #1  
K.S. Jones #1  
Mayes "A" #4  
Mayes "A" #7  
Mayes "A" #10  
Mayes "A" #11  
Mayes "A" #12  
Mayes "A" #14  
Mayes "A" #15  
Mayes "A" #16  
Mayes "A" #17

2688

**NOTICE OF SALE BY TRUSTEE AND SUBSTITUTE TRUSTEE**

THE STATE OF TEXAS  
COUNTY OF CHAMBERS

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

THAT, WHEREAS, **RENE A. GHARIBEH AND PATRICIA GHARIBEH** ("Borrower") became indebted to **BROADWAY NATIONAL BANK AS CUSTODIAN FOR THE SELF-DIRECTED IRA ACCOUNT NO. 1856** ("Lender"), as evidenced by that certain promissory note (the "Note"), dated October 31, 2014, in the original principal amount of **TWO HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$275,000.00)**, executed and delivered by Borrower to the order of **BROADWAY NATIONAL BANK AS CUSTODIAN FOR THE SELF-DIRECTED IRA ACCOUNT NO. 1856**, as payee, bearing interest and being due and payable as therein provided; and

WHEREAS, the indebtedness evidenced by the Note (the "Indebtedness") is secured by, among other items, that certain Deed of Trust (the "Deed of Trust") dated of even date with the Note, executed by Borrower, to **SARA E. DYSART, Trustee**, for the benefit of Lender, said Deed of Trust being filed for record and recorded under Clerk's Document No. 00098229, Book OR, Volume 1529, Page 453, of the Official Public Records of Chambers County, Texas, covering the Real Property described as follows, to-wit:

BEING a 10.5 acre tract of land, more or less, known as Lot 3, and being situated in the T. & N.O. R.R. Section No. 35, Abstract No. 269, and being part of that certain Riceland Properties, Inc., tract as recorded in Volume 223, Page 776, of the Official Public Records of Chambers County, Texas, and being more particularly described by metes and bounds as reflected in EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

along with any and all appurtenances, improvements, fixtures and personal property of any kind located thereon or pertaining thereto, including, without limitation, any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other facilities to the extent same pertain to or benefit all or any portion of the Property, including, without limitation, all reservations of or commitments or letters covering any such use in the future, whether now owned or hereafter acquired, and any leases and rents relating thereto, which are described therein (all of which is hereinafter referred to as the "Premises")



WHEREAS, to the full extent the Deed of Trust or any other security agreement held by Lender covers both real and personal property, including, without limitation, any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other utility facilities to the extent same pertain to or benefit all or any portion of the Property, including, without limitation, all reservations of or commitments or letters covering any such use in the future, any of said personal property which is part of the Premises or which is otherwise covered by a lien or security interest in favor of Lender will be hereinafter included in the definition of Premises as used herein and sold at public sale, hereinafter described, pursuant to Section 9.501(d) of the Texas Uniform Commercial Code;

WHEREAS, CHATTINGTON FUNDING, LLC (“Beneficiary”) is the current holder and owner of the Deed of Trust and the note secured thereby by instrument recorded under Book OR, Volume 1612, Page 309, Official Public Records of Chambers County, Texas;

WHEREAS, there may be certain leases, rental agreements, easements and/or other matters (collectively, the “Other Matters”) covering and/or affecting the Premises currently in existence;

WHEREAS, the liens securing the payment of the Indebtedness may be senior and superior to one or more of the Other Matters and junior and inferior to one or more of the Other Matters;

WHEREAS, with respect to the liens securing the payment of the Indebtedness, which are senior to the Other Matters and may not so subordinate liens to one or more of the Other Matters;

WHEREAS, in the event Lender/Beneficiary chooses to subordinate its liens securing the Indebtedness of any Other Matters, such decision will be announced at the foreclosure sale;

WHEREAS, default has been made in the payment of the Note and the Indebtedness, and the Note is now unpaid, delinquent and in default;

WHEREAS, Lender/Beneficiary has given all required notices to Borrower and any and all other necessary parties with regard to the defaulted Indebtedness or such notices to such other necessary parties have been waived;

WHEREAS, pursuant to the authority granted in the Deed of Trust, Lender/Beneficiary has appointed **GUY ROBERT JACKSON, BEVERLY BOYD, MARC HENRY, JAMES W. KING AND DAVID GARVIN, to act jointly or separately as Substitute Trustee along with SARA E. DYSART, Trustee,** under the Deed of Trust pursuant to a duly authorized and executed appointment document;

WHEREAS, Lender/Beneficiary has requested the undersigned to enforce the liens of the Deed of Trust by sale of the Premises in the manner set forth under the terms of the Deed of Trust and pursuant to the laws of the State of Texas and has instructed the undersigned to offer the Property for sale toward the satisfaction of the Note; and

WHEREAS, the undersigned Trustee and/or Substitute Trustee, acting upon the request of said Lender/Beneficiary, by these presents is hereby posting, filing, and giving notice of foreclosure of the Deed of Trust and the lien thereto in accordance with applicable Texas law and the terms and provisions of the Deed of Trust.

**NOW, THEREFORE, I, the undersigned, SARA E. DYSART and/or GUY ROBERT JACKSON, BEVERLY BOYD, MARC HENRY, JAMES W. KING AND DAVID GARVIN, acting jointly or separately as Trustee or Substitute Trustee,** do hereby give notice that after due publication of this notice as required by law and the Deed of Trust, I will sell the Premises at public venue, to the highest bidder or bidders, for cash, which sale will begin no earlier than 1:00 p.m. and not later than 4:00 p.m. on the first Tuesday in August next, the same being August 1, 2017 at the County Courthouse in Chambers County, Texas, in the area where foreclosure sales are to take place as designated by the Commissioner's Court of said county, said designation having been recorded in the Official Public records of said county.

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.

THERE WILL BE NO WARRANTY RELATING TO TITLE, POSSESSION, QUIET ENJOYMENT, OR THE LIKE  
FOR THE PERSONAL PROPERTY IN THIS DISPOSITION.

THE ADDRESS OF SARA E. DYSART, TRUSTEE AND GUY ROBERT JACKSON,  
BEVERLY BOYD, MARC HENRY, JAMES W. KING AND DAVID GARVIN, SUBSTITUTE  
TRUSTEE, IS 112 E. PECAN STREET, SUITE 3050, SAN ANTONIO, TEXAS 78205. ALL  
INQUIRIES SHOULD BE SENT TO THIS ADDRESS.

EXECUTED on this the 10 day of July 2017.

  
Print: DAVID GARVIN  
Substitute Trustee

AFTER RECORDING RETURN TO:  
SARA E. DYSART  
Attorney at Law  
112 E. Pecan, Suite 3050  
San Antonio, Texas 78205

## Exhibit "A"

BEING A 10.5 ACRE TRACT OF LAND, MORE OR LESS, KNOWN AS LOT 3 AND BEING SITUATED IN THE T. & N.O.R.R. SECTION NO. 35, ABSTRACT NO. 269 AND BEING PART OF THAT CERTAIN RICELAND PROPERTIES, INC. TRACT AS RECORDED IN VOLUME 223, PAGE 778 OF THE OFFICIAL PUBLIC RECORDS OF CHAMBERS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID T. & N.O.R.R., SECTION NO. 35, ABSTRACT NO. 269, BEING IN THE CENTERLINE OF DEVILLIER LOOP COUNTY ROAD AND THE NORTHEAST CORNER OF THAT CERTAIN 10.00 ACRE TRACT AND NORTHWEST CORNER OF THAT CERTAIN W.A. ROSKOPF SURVEY, ABSTRACT NO. 573;

THENCE SOUTH 00 DEGREES 27 MINUTES 25 SECONDS WEST, WITH THE WEST LINE OF SAID W.A. ROSKOPF SURVEY, ABSTRACT NO. 573 AND THE EAST LINE OF SAID T. & N.O.R.R. SECTION NO. 35, ABSTRACT NO. 269 AND SAID 10.00 ACRE TRACT, AT 660.00 FEET PASS THE SOUTHEAST CORNER OF SAID 10.00 ACRE TRACT AND MOST EASTERLY NORTHEAST CORNER OF THAT CERTAIN 298.297 ACRE TRACT, WITH THE WEST LINE OF SAID W.A. ROSKOPF SURVEY, ABSTRACT NO. 573, AND EAST LINE OF SAID T. & N.O.R.R. SECTION NO. 35, ABSTRACT NO. 269 AND SAID RICELAND PROPERTIES INC. TRACT, IN ALL A TOTAL DISTANCE OF 4467.85 FEET TO A POINT IN THE SOUTHERLY LINE OF THAT CERTAIN DEVERS CANAL SYSTEM TRACT, BASED ON A WIDTH OF 150.00 FEET AS OCCUPIED;

THENCE NORTH 54 DEGREES 58 MINUTES 33 SECONDS WEST, WITH THE SOUTHERLY LINE OF SAID DEVERS CANAL SYSTEM TRACT AND TOE OF A LEVEE, A DISTANCE OF 1469.76 FEET TO A 5/8 INCH IRON ROD SET FOR THE COMMON NORTH CORNER OF LOTS 2 AND 3, AND BEING THE NORTHEAST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE SOUTH 05 DEGREES 58 MINUTE 20 SECONDS WEST, ALONG THE COMMON LINE OF SAID LOTS 2 AND 3, PASSING AT A DISTANCE OF 150.00 FEET A 5/8 INCH IRON ROD SET FOR REFERENCE AND CONTINUING FOR A TOTAL DISTANCE OF 1009.51 FEET TO A 5/8 INCH IRON ROD SET FOR THE COMMON SOUTH CORNER OF LOTS 2 AND 3, BEING IN THE NORTH LINE OF INTERSTATE HIGHWAY NO. 10;

THENCE NORTH 84 DEGREES 01 MINUTE 40 SECONDS WEST, ALONG THE NORTH LINE OF SAID INTERSTATE HIGHWAY NO. 10, A DISTANCE OF 407.41 FEET TO A 5/8 INCH IRON ROD SET FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING THE COMMON SOUTH CORNER OF LOTS 3 AND 4;

THENCE NORTH 05 DEGREES 58 MINUTES 20 SECONDS EAST, ALONG THE COMMON LINE OF SAID LOTS 3 AND 4, PASSING AT A DISTANCE OF 1085.82 FEET A 5/8 INCH IRON ROD SET FOR REFERENCE, AND CONTINUING FOR A TOTAL DISTANCE OF 1235.82 FEET TO THE COMMON NORTH CORNER OF LOTS 3 AND 4, AND BEING THE NORTHWEST CORNER OF SAID LOT 3, ALSO BEING IN THE SOUTH LINE OF SAID DEVERS CANAL SYSTEM TRACT;

THENCE SOUTH 54 DEGREES 58 MINUTES 33 SECONDS EAST, ALONG THE SOUTH LINE OF SAID DEVERS CANAL SYSTEM TRACT, A DISTANCE OF 486.05 FEET TO THE POINT OF BEGINNING AND CONTAINING 10.5 ACRES OF LAND, MORE OR LESS.

FILED FOR RECORD

2017 JUL 10 PM 12:35

*Heather A. Hawthorne*  
COUNTY CLERK  
CHAMBERS COUNTY, TEXAS