### NOTICE OF FORECLOSURE 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 OR 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.

- 1. Property to Be Sold. The property to be sold is described as follows: LOT 4, BLOCK 2 OF THE WILLOW BROOK SUBDIVISION TO THE CITY OF SEALY, AUSTIN COUNTY, TEXAS, ACCORDING TO THE MAP AND PLAT OF SAID WILLOW BROOK SUBDIVISION DULY RECORDED IN VOLUME 311, PAGE 24, DEED RECORDS OF AUSTIN COUNTY, TEXAS.
- 2. Instrument to be Foreclosed. The instrument to be foreclosed is the Deed of Trust dated 02/26/2009 and recorded in Document 091003 real property records of Austin County, Texas.
- 3. Date, Time, and Place of Sale. The sale is scheduled to be held at the following date, time, and place:

Date:

02/06/2024

Time:

nt-nn PM

Place:

Austin County, Texas at the following location: INSIDE THE FOYER OF THE AUSTIN COUNTY COURTHOUSE

OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County

Commissioners Court.

- 4. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. 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 for under the deed of trust.
- 5. Obligations Secured. The Deed of Trust executed by LEON WALLACE AND FLORA L. WALLACE, provides that it secures the payment of the indebtedness in the original principal amount of \$91,836.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. LAKEVIEW LOAN SERVICING LLC is the current mortgagee of the note and deed of trust and NATIONSTAR MORTGAGE LLC is mortgage servicer. A servicing agreement between the mortgagee, whose address is LAKEVIEW LOAN SERVICING LLC c/o NATIONSTAR MORTGAGE LLC, 8950 Cypress Waters Blvd, Coppell, TX 75019 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.
- 6. Substitute Trustee(s) Appointed to Conduct Sale. In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.

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.

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Mackie Wolf Zientz & Mann, R.C. Brandon Wolf, Attorney at Law L. Keller Mackie, Attorney at Law Michael Zientz, Attorney at Law Lori Liane Long, Attorney at Law Chelsea Schneider, Attorney at Law Ester Gonzales, Attorney at Law Karla Balli, Attorney at Law Parkway Office Center, Suite 900 14160 Dallas Parkway

Dallas, TX 75254

For additional sale information visit: www.xome.com or (844) 400-9663

Certificate of Posting

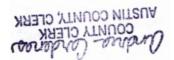
I am \_\_\_\_\_\_ whose address is c/o AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230, Houston, TX 77056. I declare under penalty of perjury that on \_\_\_\_\_\_ I filed this Notice of Foreclosure Sale at the office of the Austin County Clerk and caused it to be posted at the location directed by the Austin County Commissioners Court.

2023-0049

2023 HOW 37 PM 1: 30

andrea (andersoo COUNTY CLERK

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## LE :01 WY 17 030 TICE OF FORECLOSURE SALE

ASSERT AND PROTECTIVOUR 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 OR 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.

1. Property to Be Sold. The property to be sold is described as follows: DESCRIPTION OF A 0.436 ACRE TRACT OF LAND OUT OF THE WILLIAM WHITE LEAGUE, ABSTRACT NO. 101, AUSTIN COUNTY, TEXAS AND BEING ALL OF THAT CALLED 0.42 ACRE TRACT OF LAND DESCRIBED IN A DEED DATED FEBRUARY 9, 1967 FROM H.C. TEAL, ET UX TO JOHNNIE LEE BRYANT, ET UX, AS RECORDED IN VOLUME 292, PAGE 91, OF THE DEED RECORDS OF AUSTIN COUNTY, TEXAS FOR WHICH REFERENCE IS MADE AND THE SAID 0.436 ACRE TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD SET W/CAP (GRID COORDINATES: NORTH 13,925,053.22 USFT EAST 2,874,133.52 USFT) IN THE SOUTHEAST LINE OF OIL FIELD ROAD FOR THE NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT, BEING THE COMMON WESTERLY CORNER OF A CALLED 2.0 ACRE TRACT OF LAND DESCRIBED IN A DEED DATED JANUARY 5, 1965 FROM H.C. TEAL, ET UX TO BENNIE BLACKMON, ET UX, AS RECORDED IN VOLUME 281, PAGE 108, AUSTIN COUNTY DEED RECORDS, FROM WHICH A 1 INCH IRON PIPE FOUND FOR THE NORTHERLY CORNER OF SAID 2.0 ACRE TRACT BEARS NORTH 48 DEGREES 46 MINUTES 01 SECONDS EAST A DISTANCE OF 316.80 FEET;

THENCE SOUTH 46 DEGREES 58 MINUTES 59 SECONDS EAST [CALLED SOUTH 44 DEGREES 45 MINUTE EAST] WITH THE SOUTHWEST LINE OF SAID 2.0 ACRE TRACT, BEING THE COMMON NORTHEAST LINE OF THE HEREIN DESCRIBED TRACT A DISTANCE OF 130.00 FEET (CALLED 130.0 FEET) TO A 5/8 INCH IRON ROD SET W/CAP FOR THE EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT, BEING THE COMMON NORTHERLY CORNER OF A CALLED 0.50 ACRE TRACT OF LAND DESCRIBED IN A DEED DATED DECEMBER 4, 1966 FROM H.C. TEAL, ET UX TO ELI BELLVILLE, ET UX, AS RECORDED IN VOLUME 435, PAGE 224, AUSTIN COUNTY DEED RECORDS:

THENCE SOUTH 40 DEGREES 41 MINUTES 31 SECONDS WEST WITH A NORTHWEST LINE OF SAID 0.50 ACRE TRACT, BEING THE COMMON SOUTHEAST LINE OF THE HEREIN DESCRIBED TRACT A DISTANCE OF 140.00 FEET TO A 5/8 INCH IRON ROD SET W/CAP FOR THE SOUTHERLY CORNER OF THE HEREIN DESCRIBED TRACT, BEING AN COMMON INTERIOR CORNER OF SAID 0.50 ACRE TRACT;

THENCE NORTH 46 DEGREES 09 MINUTES 22 SECONDS WEST (CALLED NORTH 44 DEGREES 45 MINUTES WEST) WITH A NORTHEAST LINE OF SAID 0.50 ACRE TRACT, BEING THE COMMON SOUTHWEST LINE OF THE HEREIN DESCRIBED TRACT A DISTANCE OF 130.00 FEET (CALLED 130.01 TO A 1 INCH IRON PIPE FOUND IN THE SOUTHEAST LINE OF OIL FIELD ROAD FOR THE WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT, BEING AN COMMON EXTERIOR CORNER OF SAID 0.50 ACRE TRACT, FROM WHICH A 1 INCH IRON PIPE FOUND FOR THE WESTERLY CORNER OF SAID 0.50 ACRE TRACT BEARS SOUTH 06 DEGREES 24 MINUTES 39 SECONDS WEST A DISTANCE OF 156.72 FEET;

THENCE WITH THE SOUTHEAST LINE OF OIL FIELD ROAD, BEING THE COMMON NORTHWEST LINE OF THE HEREIN DESCRIBED TRACT THE FOLLOWING:

NORTH 24 DEGREES 18 MINUTES 21 SECONDS EAST (CALLED NORTH 25 DEGREES 59 MINUTES EAST) A DISTANCE OF 45.50 FEET (CALLED 45.5 FEET) TO A 5/8 INCH IRON ROD SET W/CAP;

NORTH 43 DEGREES 25 MINUTES 21 SECONDS EAST (CALLED NORTH 45 DEGREES 06 MINUTES EAST) A DISTANCE OF 14.00 FEET (CALLED 14.0 FEET) TO A 5/8 INCH IRON ROD SET W/CAP;

NORTH 49 DEGREES 13 MINUTES 36 SECONDS EAST (CALLED NORTH 51 DEGREES 00 SECONDS EAST] A DISTANCE OF 81.39 FEET (CALLED 80.5 FEET) TO THE POINT OF BEGINNING, CONTAINING 0.436 ACRE OF LAND, MORE OR LESS. AS PER SURVEY UNDER THE SUPERVISION OF MATTHEW WEST LOESSIN, RPLS NO. 5953 FOR FSC INC. DATED 04/02/2019

BEING KNOWN AS 1820 OIL FIELD ROAD, BELLVILLE, TX 77418 APN: R000002874

BEING THE SAME PROPERTY CONVEYED TO JOHNNIE LEE BRYANT AND WIFE, JENNETTE MARIE BRYANT BY DEED FROM H.C. TEAL AND WIFE, ELTHENIA TEAL RECORDED 02/13/1967 IN DEED BOOK 292 PAGE 91, IN THE REGISTER'S OFFICE OF AUSTIN COUNTY, TEXAS.

- 2. Instrument to be Foreclosed. The instrument to be foreclosed is the Deed of Trust dated 04/24/2019 and recorded in Document 192367 real property records of Austin County, Texas.
- 3. Date, Time, and Place of Sale. The sale is scheduled to be held at the following date, time, and place:

Date:

02/06/2024

Time:

01:00 PM

Place:

Austin County, Texas at the following location: INSIDE THE FOYER OF THE AUSTIN COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as

designated by the County Commissioners Court.

4. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. 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 provided for under the deed of trust. 23-000274-210-1 // 1820 OIL FIELD RD, BELLVILLE, TX 77-

- 5. Obligations Secured. The Deed of Trust executed by JEANETTE S. HUTCHINSON, provides that it secures the payment of the indebtedness in the original principal amount of \$210,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. Carrington Mortgage Services, LLC is the current mortgage of the note and deed of trust and CARRINGTON MORTGAGE SERVICES LLC is mortgage servicer. A servicing agreement between the mortgagee, whose address is Carrington Mortgage Services, LLC c/o CARRINGTON MORTGAGE SERVICES LLC, 1600 South Douglass Road, Suite 200-A, Anaheim, CA 92806 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.
- **6.** Order to Foreclose. Carrington Mortgage Services, LLC obtained a Order from the 155th Fayette District Court of Austin County on 12/12/2023 under Cause No. 2023V-0133. The mortgagee has requested a Substitute Trustee conduct this sale pursuant to the Court's Order.
- 7. Substitute Trustee(s) Appointed to Conduct Sale. In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.

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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.

Mackie Wolf Zientz & Mann, P.C. Brandon Wolf, Attorney at Law L. Keller Mackie, Attorney at Law Michael Zientz, Attorney at Law Lori Liane Long, Attorney at Law Chelsea Schneider, Attorney at Law Ester Gonzales, Attorney at Law Karla Balli, Attorney at Law Parkway Office Center, Suite 900 14160 Dallas Parkway Dallas, TX 75254

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For additional sale information visit: www.mwzmlaw.com/tx-investors

Certificate of Posting

I am	whose address is c/o AVT Title Ser	vices, LLC, 5177 Richmond Avenue, Suite 1230,
Houston, TX 77056. I declare under penalty of perj	jury that on	I filed this Notice of Foreclosure Sale at the office
of the Austin County Clerk and caused it to be post	ed at the location directed by the Au	astin County Commissioners Court.

AUSTIN COUNTY, CLERK

FILED

TS No.: 2016-02163-TX 18-001299-673

## Notice of [Substitute] Trustee 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.

1. Date, Time and Place of Sale.

02/06/2024 Date:

Time: The sale will begin at 01:00 PM or not later than three hours after that time

Place: Austin County, Texas at the following location: INSIDE THE FOYER OF THE AUSTIN

COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY

COMMISSIONER'S OFFICE 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

Property Address: 1327 Maler Rd, Sealy, TX 77474-1671

- 2. Terms of Sale: The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. 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 for under the deed of trust. Any conveyance of the property is subject to all matters of record affecting the property.
- 3. Instrument to be Foreclosed: The instrument to be foreclosed is the Deed of Trust or Contract Lien dated 04/11/2005 and recorded 04/18/2005 in Document 052321, real property records of Austin County, Texas, with Edward Hill and wife Victor Hill grantor(s) and OPTION ONE MORTGAGE CORPORATION, A CALIFORNIA CORPORATION, as Lender, Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2005-OPT1, Asset-Backed Certificates, Series 2005-OPT1 as Beneficiary.
- 4. Appointment of Substitute Trustee: In accordance with Texas Property Code Sec. 51.0076, the undersigned authorized agent for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue, Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.
- 5. Obligation Secured: Deed of Trust or Contract Lien executed by Edward Hill and wife Victor Hill, securing the payment of the indebtedness in the original principal amount of \$147,250.00, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2005-OPT1, Asset-Backed Certificates, Series 2005-OPT1 is the current mortgagee of the note and deed of trust or contract lien.

2023-0051

TS No.: 2016-02163-TX

## Notice of [Substitute] Trustee Sale

- **6. Default:** A default has occurred in the payment of indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness.
- 7. Property to be sold: The property to be sold is described as follows:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN AUSTIN COUNTY, TEXAS, IN THE ISAAC GIFFORD SURVEY, ABSTRACT NO. 179, AND BEING PART OF A CERTAIN 4.8869 ACRE TRACT OF LAND SET ASIDE FOR LESTER DOWNEY IN AN AGREED JUDGEMENT OF PARTITION RECORDED IN VOLUME 683, PAGE 118 OF THE OFFICIAL RECORDS OF AUSTIN COUNTY, TEXAS. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 1/2 INCH IRON PIPE FOUND AT THE EAST CORNER OF THE SAID DOWNEY 4.8869 ACRE TRACT OF LAND IN THE SOUTHWEST LINE OF MALER ROAD. THIS POINT ALSO BEING THE NORTH CORNER OF A 4.8869 ACRE TRACT OF LAND SET ASIDE FOR JO DOWNEY SEVALIA, A/K/A JOELLA JERRELLS, A/K/A JOE DOWNEY JERRELS IN AN AGREED JUDGEMENT OF PARTITION RECORDED IN VOLUME 683, PAGE 118 OF THE OFFICIAL RECORDS OF AUSTIN COUNTY, TEXAS; THENCE, WITH THE COMMON LINE BETWEEN THE DOWNEY AND JERRELLS TRACT OF LAND, SOUTH 45°00'00" WEST FOR 208.71 FEET TO A ½ INCH IRON PIN SET FOR THE SOUTH CORNER OF THIS 1.000 ACRE TRACT OF LAND; THENCE, NORTH 45°05'00" WEST FOR 208.71 FEET TO A 1/2 INCH IRON PIN SET FOR THE WEST CORNER OF THIS 1.000 ACRE TRACT OF LAND; THENCE, NORTH 45°00'00" EAST FOR 208.71 FEET TO A 1/2 INCH IRON PIN SET FOR THE NORTH CORNER OF THIS 1.000 ACRE TRACT OF LAND IN THE SOUTHWEST LINE OF MALER ROAD; THENCE, WITH THE SOUTHWEST LINE OF MALER ROAD, SOUTH 45°05'00" EAST FOR 208.71 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.000 ACRE OF LAND. THE BEARINGS RECITED HEREIN ARE BASED ON THE SOUTHEAST LINE OF THE LESTER DOWNEY TRACT OF LAND.

8. Mortgage Servicer Information: 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 lien securing the property referenced above. PHH Mortgage Corporation, as Mortgage Servicer, is representing the current mortgagee, whose address is:

C/O PHH Mortgage Corporation PO BOX 24605 West Palm Beach, FL 33416-4605

Phone: 877-744-2506

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TS No.: 2016-02163-TX

18-001299-673

## Notice of [Substitute] Trustee Sale

9. Limitation of Damages: 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 Mortgager, the Mortgagee, or the Mortgagee's attorney.

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.

Date: December 20, 2023	
Monique Patzer, Trustee Sale Assistant	Myant. Ruel

C/O Power Default Services, Inc. 7730 Market Center Ave, Suite 100 El Paso, TX 79912

Telephone: 855-427-2204

Fax: 866-960-8298

POWER DEFAULT SERVICES, INC. MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE.

	Certificate of Posting	
I am	whose address is c/o AVT Titl	e Services, LLC, 5177 Richmond Avenue, Suite 1230,
Houston, TX 77056. I declare under penalty of perj	jury that on	I filed this Notice of Foreclosure Sale at the office
of the Austin County Clerk and caused it to be post	ted at the location directed by the	he Austin County Commissioners Court.

Version 1.1 TX NOS 0217 Page 3 of 3

#### NOTICE OF SUBSTITUTE TRUSTEE'S SALE

**AUSTIN County** 

Deed of Trust Dated: February 2, 2017

Amount: \$144,229.00

Grantor(s): ARIEL MONTOYA and OFELIA MONTOYA Original Mortgagee: AMCAP MORTGAGE, LTD Current Mortgagee: AMCAP MORTGAGE, LTD

Mortgagee Address: AMCAP MORTGAGE, LTD, 9999 BELLAIRE BLVD, STE 700, HOUSTON, TX 77036

Recording Information: Document No. 170599

Legal Description: SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES

Date of Sale: February 6, 2024 between the hours of 1:00 PM and 4:00 PM.

Earliest Time Sale Will Begin: 1:00 PM

Place of Sale: The foreclosure sale will be conducted at public venue in the area designated by the AUSTIN County Commissioners Court pursuant to Section 51.002 of the Texas Property Code as the place where 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.

EBBIE MURPHY OR MEGAN L. RANDLE, ROBERT RANDLE, REID RUPLE, KATHLEEN ADKINS, EVAN PRESS, CHRISTIAN BROOKS, MICHAEL KOLAK, CARY CORENBLUM, KRISTOPHER HOLUB, JOSHUA SANDERS, JULIAN PERRINE, JAMI GRADY, AMY OIAN, MATTHEW HANSEN, RAMIRO CUEVAS, JAMI HUTTON, ALEENA LITTON, CRYSTAL KOZA, DANA DENNEN, CINDY DENNEN, MOLLIE MCCOSLIN, ROBERT LAMONT, SHERYL LAMONT, HARRIETT FLETCHER, SHARON ST. PIERRE OR TRACI YEAMAN have been appointed as Substitute Trustee(s), ('Substitute Trustee') each empowered to act independently, in the place of said original Trustee, upon the contingency and in the manner authorized by said Deed of Trust. 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 Mortgagor, the Mortgagee or the Mortgagee's attorney.

NOTICE IS FURTHER GIVEN that, except to the extent that the Substitute Trustee(s) may bind and obligate the Mortgagors to warrant title to the Property under the terms of the Deed of Trust, conveyance of the Property shall be made 'AS IS' 'WHERE IS' without any representations and warranties whatsoever, express or implied, and subject to all matters of record affecting the Property.

A debtor who is serving on active military duty may have special rights or relief related to this notice under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. §§ 3901 et seq.), and state law, including Section 51.015 Texas Property Code. 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.

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.

Anthony Adam Garcin, ATTORNEY AT LAW

HUGHES, WATTERS & ASKANASE, L.L.P. 1201 Louisiana, SUITE 2800

Houston, Texas 77002 Reference: 2019-006988 Printed Name:

c/o Tejas Trustee Services

14800 Landmark Blvd, Suite 850 Addison, TX 75254

2023-0052

FILED

2023 DEC 28 PM 3: 56

Ondrea Cardenass COUNTY CLERK AUSTIN COUNTY, CLERK

#### EXHIBIT "A"

Being a 1.53 agen parcel of land, more or less, situated in the T. Westall Survey, Abstracts 99 & 100, Austin County, Texas, and constiting of Late 278, 279, 280, 281, 282, and 283 in Lazy River Subdivision as recorded in Volume 318, Page 200 of the Deed Records of Austin County, and a 0.0210 age treet as recorded in Asistin County Clerk's File 153273, and also a 0.1741 age. tract as recorded in A.C.C.F. 153273, with the basis of bearings being said plat, and being more particularly described as follows:

BEGINNING at a 14" iron rod found in the southeastern right of very of Riverbend Drive (50" ILD.W.) for the morth corner of Lot 284, that west corner of Lot 283, and marking the most south western comes of the Secreta described procel;

THENCE, North 45 00: 00" East, a distance of 162:28 feet along the costem right of way of Riverband Drive to a point for comer from which a 'A' fron rod bears North 18 54' 45" West, a distance of 0.64 feet for the beginning of a curve to the left, and marking an angle point in the western line of the herein described parcel;

THENCE, northwesterly along the costern right of very of Riverbend Drive, and a curve to the left having a milion of 60.00 feet, on are length of 120.36 feet, and a chard bearing North 12.43" 20" West, 101.44 feet a N" from rod set with plastic cop marking on angle point in the western line of the besch described parcel:

THENCE, North 70 24" 40" West, a distance of 24.64 feet along the castern right of way of Riverbend Drive to a 14" iron rod set with plastic cap for the south corner of Lot 277, the west correct of Lot 278, and marking an angle point in the western line of the herein described parcel;

THENCE, North 45 00' 00" East, a distance of 177.21 feet along the southeastern line of Lot 277 to a point for comer in the centerline of a week for the east corner of Lot 277, the south corner of Lat 272, the west corner of Lot 271, and marking the most nonlinear corner of the latest described porcel:

THENCE, the following courses and distances along the contribute of a creek, and the southwestern line of that Tract being part of Lots 267, 268, 269, and 270:

South 46 43' 80" Tast, a distance of \$1.56 feet;

South 56 44" IV" East, a distance of 24.40 feet.

North 14 25' 46" East, a distance of 43.96 foot;

North 14 23' 46' East, a distance of 43.98 feet;
South 77 OF L1" East, a distance of 26.91 feet;
South 37 48' 36' East, a distance of 46.15 feet;
South 37 48' 36' East, a distance of 30.97 feet;
North 60 13' 02' East, a distance of 49.59 feet;
North 60 13' 02' East, a distance of 31.12 feet;
South 88 34' 57' East, a distance of 23.44 feet;
South 38 14' 48' East, a distance of 23.46 feet;
South 38 14' 48' East, a distance of 20.76 feet to a polent for corner in the northwest line of the called 20.01 series as recorded in A.C.C.F. 154493 for the tentiment of the called 0.0210 seres, and marking the most northeast corner of the berein described parcel;

#### EXHIBIT "A" Continued

THENCE, South 45 02' 40" West, a distance of 36.04 feet along the northwestern line of the callied 20.01 never to a 35" from rod set for the southeast econor of the called 0.0210 acres, the northeast course of the called 0.1741 poies, and marking on argis point in the sastem line of the herein deserted percel;

THENCE, South 45 02' 40' West, a distance of 65.00 feet along the western line of the called 20.01 acres to a 32' from rod set with plastic cap for the southeast corner of the called 0.1741 ocres, the east corner of Lot 280, and marking an angle point in the eastern line of the boroin described unicel;

THENCE, South 45 02 407 West, a distance of 418.00 feet along the western line of the called 20.01 occes and the culted 3.9992 agas as recorded in A.C.C.F. 984422 to a 14" been edd set with plastic cop for the cust corner of Let 284, the south comer of Let 285, and marking the most south comer of the herein described parent;

THENCE, North 45 90' 00" West, a distance of 129,38 feet along the north-assem line of Lot 284 back to the POINTOF DEGINNING and occupining 1.83 cares of land, more or less.

#### NOTICE OF TRUSTEE'S SALE

Pursuant to Deed of Trust dated July 27, 2022, executed by BI HOLDINGS, LLC ("Mortgagor") Mortgagor conveyed to CHARLES T. DOYLE, PATRICK F. DOYLE, DENNIS R. BETTISON, JEFF ADAMS, JANA L. HARTNETT, ALBERT G. REDMOND, PETER J. SAPIO, JR. or THEA CLARK, as Trustee(s) all of their right, title, and interest in and to those certain parcels of real property situated in Austin County, Texas and described as:

24.858 acres of land, more or less, in the James Tylee Survey, Abstract 304, Austin County, Texas, same being the aggregate of that certain called 0.378 acre parcel as described by instrument recorded in File No. 176231, Official Records of Austin County, Texas same being more particularly described by instrument recorded in Volume 370, Page 411, Deed Records of Austin County, Texas; that certain called 5.233 acre parcel as described by instrument recorded in File No. 176231, Official Records of Austin County, Texas, same being more particularly described by instrument recorded in Volume 458, Page 317, Deed Records of Austin County, Texas; and that certain called 19.181 acre parcel as described by instrument recorded in File No. 176231, Official Records of Austin County, Texas, same being more particularly described by instrument recorded in Volume 355, Page 629, Deed Records of Austin County, Texas; and being more fully described on Exhibit "A" attached hereto.

22.174 acres of land, more or less, in the James Tylee Heirs Survey, Abstract 304, Austin County, Texas, same being out of the residue of that certain called 34.074 acre parcel as described by Deed recorded in File No. 062259, Official Records of Austin County, Texas; and being more fully described on Exhibit "B" attached hereto.

to secure the payment of the certain Promissory Note ("Note") dated July 27, 2022, in the original principal amount of \$2,466,769.45, executed by BI HOLDINGS, LLC and BROWN INTERESTS, LLC d/b/a THE VINE, Note payable to the order of TEXAS FIRST BANK ("Beneficiary") and any and all other indebtedness secured by the Deed of Trust.

2024-0001

2024 JAN -9 AM 11: 34

Ondrea Cardenas COUNTY CLERK AUSTIN COUNTY, CLERK

{00499264.DOC}

The Deed of Trust was filed of record under Austin County, Texas under File No. 224383; all in the Official Real Property Public Records of Austin County, Texas; and

The Deed of Trust is in default and the entire unpaid balance of the Note is due and payable, and Beneficiary intends to enforce the power of sale set forth in the above-referenced Deed of Trust; and

The Beneficiary has directed the Trustee to enforce the power of sale under the Deed of Trust for the purpose of collecting the indebtedness secured under it, after the giving of at least 21 consecutive days notice and recording the Notice in the Austin County Clerk's Office giving the time, place, and terms of said sale, and description of the property to be sold, pursuant to the Deed of Trust and the laws of the State of Texas;

Therefore, I, THEA CLARK, Trustee, hereby give notice, after due publication as required by the Deed of Trust and/or security instruments and the Texas Property Code, that I will, after due posting, publication, and filing of this Notice, and after having given written notice of at least 21 consecutive days by certified mail, return receipt requested, as well as regular mail, to each debtor obligated to pay the Note and indebtedness secured by the Deed of Trust, at the last known address of each such debtor, according to the records of Beneficiary, as required by the Deed of Trust and the laws of the State of Texas, sell the Property at public auction to the highest bidder or bidders for cash, beginning at 1:00 p.m. on the first Tuesday in February, being February 6, 2024, in the Lobby of The Austin County Courthouse, located at 1 East Main, Bellville, Texas 77418, or as designated by the County Commissioners Court.

Pursuant to Section 51.002 of the Texas Property Code, the foreclosure sale will begin no earlier than 10:00 a.m. and no later than three hours after that time.

The sale conducted pursuant to this Notice will be made subject to any valid and existing liens and any other title encumbrances affecting title to the property described above or any part of the property that are proved superior to the liens and other rights of Beneficiary under the security instrument or other recorded instruments.

Signed on `

2024.

DOYLE LAW FIRM, PLLC

6710 Stewart Road, Suite 300 Galveston, Texas 77551

Telephone: 409/744-9783

Fax: 409/744-9786

By:

THEA CLARK, Trustee

THE STATE OF TEXAS	§				
GOVERNMENT OF GALVANEGROOM	§ §	•			
COUNTY OF GALVESTON	8			443	
This instrument was	acknowledged	before me	on the	day	of
I mary,	2024, by <b>THE</b> A	CLARK, T	rustee, and	in the capac	city
therein stated.	-			). x	
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_	h-	(Du)	1	(in Mal-	J
Toni Garza Miranda	Notary Pub	lic in and for	the State of	Texas	
Notary Public, State of Texas					,
Comm. Expires 04/17/2025 Notary ID 370540-4					

## AFTER FILING RETURN TO:

DOYLE LAW FIRM, PLLC 6710 Stewart Road, Suite 300 Galveston, Texas 77551 (409) 744-9783 (office) (409) 7444-9786 (Facsimile)

# **Exhibit A**

METES AND BOUNDS
DESCRIPTION

OF

24.858 ACRES

IN THE

JAMES TYLEE SURVEY, ABSTRACT 304 AUSTIN COUNTY, TEXAS

BEING all that certain tract or parcel of land containing 24.858 acres of land, more or less, in the James Tylee Survey, Abstract 304, Austin County, Texas, same being the aggregate of that certain called 0.378 acre parcel as described by instrument recorded in Clerk's File No. 176231 of the Official Records of Austin County, Texas, same being more particularly described by instrument recorded in Volume 370, Page 411 of the Deed Records of Austin County, Texas, that certain called 5.233 acre parcel as described by instrument recorded in Clerk's File No. 176231 of the Official Records of Austin County, Texas, same being more particularly described by instrument recorded in Volume 458, Page 317 of the Deed Records of Austin County, Texas, and that certain called 19.181 acre parcel as described by instrument recorded in Clerk's File No. 176231 of the Official Records of Austin County, Texas, same being more particularly described by instrument recorded in Volume 355, Page 629 of the Deed Records of Austin County, Texas, said 24.858 acre tract being more particularly described by metes and bounds, as follows, to wit:

BEGINNING at a 5/8 inch iron rod found for corner, same being the POINT OF BEGINNING and a southerly interior corner of the tract herein described, same being in the southeasterly line of said called 5.233 acre parcel, same being the most westerly corner of said called 19.181 acre parcel, and same being the most northerly corner of that certain called 22.174 acre parcel as described by instrument recorded in Clerk's File No. 160886 of the Official Records of Austin County, Texas;

THENCE, with said common line, South 44 degrees 08 minutes 32 seconds West, a distance of 256.67 feet (called South 44 degrees 08 minutes 32 seconds West, 256.67 feet) (Basis of Bearings) to a 1/2 inch iron rod found for corner, same being in the northwesterly line of said called 22.174 acre parcel, same being the most southerly corner of the residue of said called 5.233 acre parcel, same being a southeasterly exterior corner in the southeasterly right-of-way of Bernard Road (right-of-way varies), and same being the most westerly southwest corner of the tract herein described:

THENCE, with said southeasterly right-of-way line of Bernard Road and said common line, North 02 degrees 46 minutes 19 seconds East, a distance of 948.96 feet (called North 03 degrees 03 minutes 28 seconds East, 949.00 feet) to a Spike in Tree found for corner, same being a northeasterly exterior corner in said easterly right-of-way line of Bernard Road, same being the most northerly corner of said called 5.233 acre parcel, same being in the southwesterly line of said called 0.378 acre parcel, and same being a northwesterly interior corner of the tract herein described;

THENCE, with said northeasterly right-of-way line of Bernard Road and said common line, North 46 degrees 41 minutes 40 seconds West, a distance of 49.83 feet (called North 44 degrees 46 minutes 00 seconds West, 50.07 feet) to a 3/8 inch iron rod found for corner, same being the most westerly northwest corner of said called 0.378 acre parcel, same being a northwesterly exterior corner of that certain called 18.36 acre parcel as described by instrument recorded in Clerk's File No. 094845 of the Official Records of Austin County, Texas, and same being the most northerly northwest corner of the tract herein described;

Continued

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Bellville, Texas 77418



1-979-865-8111 1-800-427-878

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- ♣ Metes and Bounds Description of 24.858 acres in the
- ▲ James Tylee Survey, Abstract 304, Austin County, Texas

THENCE, departing said northeasterly right-of-way line of Bernard Road and with said common line, North 88 degrees 52 minutes 12 seconds East, a distance of 28.46 feet (called North 89 degrees 35 minutes 00 seconds East, 28.72 feet) to a 3/8 inch iron rod found for corner, same being a northwesterly interior corner of said called 18.36 acre parcel, same being the most northerly northeast corner of said called 0.378 acre parcel, and same being the most northerly corner of the tract herein described;

THENCE, with said common line, South 47 degrees 25 minutes 22 seconds East, a distance of 758.31 feet (called South 45 degrees 37 minutes 49 seconds East, 758.10 feet) to a 1/2 inch iron rod found for corner, same being the most southerly corner of said called 18.36 acre parcel, same being the most easterly southeast corner of said called 0.378 acre parcel, same being in the northwesterly line of said called 19.181 acre parcel, and same being a northerly interior corner of the tract herein described;

THENCE, with said common line, North 41 degrees 57 minutes 44 seconds East, a distance of 210.73 feet (called North 43 degrees 57 minutes 12 seconds East) to a 1/2 inch iron rod found for corner, same being in a southeasterly line of said called 18.36 acre parcel, same being the most westerly corner of that certain called 19.181 acre parcel as described by instrument recorded in Volume 355, Page 629 of the Deed Records of Austin County, Texas, and more particularly described by instrument recorded in Volume 660, Page 9 of the Official Records of Austin County, Texas, and same being a northerly exterior corner of the tract herein described;

THENCE, with said common line, South 42 degrees 19 minutes 07 seconds East, a distance of 901.28 feet (called South 40 degrees 31 minutes 36 seconds East, 901.02 feet) to a 5/8 inch iron rod found for corner, same being the most southerly corner of said called 19.181 acre parcel, same being the most westerly corner of that certain called 20.516 acre parcel as described by instrument recorded in Clerk's File No. 170909 of the Official Records of Austin County, Texas, same being a northeasterly interior corner of said Parent Tract called 19.181 acre parcel, and same being a northeasterly interior corner of the tract herein described;

THENCE, with said common line, South 47 degrees 16 minutes 23 seconds East, a distance of 310.16 feet (called South 45 degrees 32 minutes 00 seconds East, 310.64 feet) to a 1/2 inch iron rod found for corner, same being the most southerly corner of said called 20.516 acre parcel, same being in the northwesterly line of that certain called 42.82 acre parcel as described by instrument recorded in Probate No. 8062 of the Probate Records of Austin County, Texas, same being the most easterly southeast corner of said Parent Tract called 19.181 acre parcel, and same being the most easterly southeast corner of the tract herein described;

THENCE, with said common line, South 42 degrees 41 minutes 09 seconds West, a distance of 605.63 feet (called South 44 degrees 28 minutes 00 seconds West, a distance of 599.76 feet) to a 1/2 inch iron rod found for corner, same being in the northwesterly line of said called 42.82 acre parcel, same being the most easterly southeast corner of the aforementioned called 22.174 acre parcel, and same being the most southerly corner of said Parent Tract called 19.181 acre parcel, and same being the most southerly corner of the tract herein described;

THENCE, with said common line, North 51 degrees 06 minutes 07 seconds West, a distance of 342.09 feet (called North 51 degrees 06 minutes 07 seconds West, 342.05 feet) to a 5/8 inch iron rod found for corner, same being a northeasterly interior corner of said called 22.174 acre parcel, same being a southwesterly exterior corner of said Parent Tract called 19.181 acre parcel, and same being a southwesterly exterior corner of the tract herein described;

THENCE, with said common line, North 47 degrees 07 minutes 21 seconds West, a distance of 977.61 feet (called North 47 degrees 07 minutes 55 seconds West, 977.69 feet) to the POINT OF BEGINNING of the tract herein described and containing 24.858 acres of land, more or less. For Reference Refer to Boundary Survey Plat, Prepared by A-Survey, Inc., May 21, 2018.

PROJECT NO. 18159A MAY 21, 2018

:COMPILED BY:



1-979-865-8111 1-800-427-8783

RONALD'K. BRYANT

19 N. Miller

Bellville, Texas 77418



METES AND BOUNDS

DESCRIPTION

OF

**22.174 ACRES** 

IN THE

# JAMES TYLEE HEIRS SURVEY, ABSTRACT 304 AUSTIN COUNTY, TEXAS

#### PARCEL NO. 1

BEING all that certain tract or parcel of land containing 22.174 acres of land, more or less, in the James Tylee Heirs Survey, Abstract 304, Austin County, Texas, same being out of the residue of that certain called 34.074 acre parcel as described by deed recorded in Clerk's File No. 062259 of the Official Records of Austin County, Texas, said 22.174 acre tract being more particularly described by metes and bounds as follows, to wit:

BEGINNING at a ½ inch iron rod found for corner, same being the POINT OF BEGINNING and most southerly exterior corner of the tract herein described, same being a southerly exterior corner of the residue of said called 34.074 acre parcel, same being the most westerly southwest corner of that certain Third Tract called 100.00 acre parcel as described by deed recorded in Volume 355, Page 664 of the Deed Records of Austin County, Texas, same being in the northeasterly margin of Bernard Road (margin varies);

THENCE, with said northeasterly margin of Bernard Road, North 36 degrees 34 minutes 59 seconds West, a distance of 192.98 feet to an old fence angle post found for corner, same being in the northeasterly margin of said Bernard Road, and same being a southwesterly exterior corner of the tract herein described;

THENCE, continuing with said northeasterly margin of said Bernard Road, North 29 degrees 32 minutes 15 seconds West, a distance of 173.42 feet to a ½ inch fron rod set for corner, and same being a southwesterly exterior corner of the tract herein described;

THENCE, departing said northeasterly margin of said Bernard Road, North 62 degrees 09 minutes 38 seconds East, a distance of 488.62 feet to a 1/2 inch iron rod set for corner, and same being a southwesterly interior corner of the tract herein described;

THENCE, North 25 degrees 10 minutes 25 seconds West, a distance of 300.44 feet to a 1/2 inch iron rod set for corner, and same being a southwesterly interior corner of the tract herein described;

THENCE, North 82 degrees 36 minutes 50 seconds West, a distance of 302.90 feet to a 1/2 inch iron rod set for corner, and same being a southwesterly interior corner of the tract herein described;

THENCE, South 68 degrees 29 minutes 14 seconds West, a distance of 252.44 feet to a 1/2 inch iron rod set for corner, same being in the northeasterly margin of said Bernard Road, and same being a southwesterly exterior corner of the tract herein described;

THENCE, with said northeasterly margin of Bernard Road. North 24 degrees 37 minutes 22 seconds West, a distance of 26.59 feet to a fence angle post found for corner, and same being a southwesterly exterior corner of the tract herein described:

THENCE, continuing with said northeasterly margin of said Bernard Road, North 19 degrees 42 minutes 51 seconds West, a distance of 441.10 feet to a fence angle post found for corner, and same being a southwesterly exterior corner of the tract herein described;

- ♣ Continued
- ₽ Page t of 2

To the

iller Bellville, Texas 77418

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- Page 2 of 2
- Metes and Bounds Description of 22,174 Acres in the
- James Tylee Heirs Survey, Abstract 304, Austin County, Texas

THENCE, continuing with said northeasterly margin of said Bernard Road, North 00 degrees 10 minutes 41 seconds East, a distance of 105.77 feet to a fence angle post found for corner, and same being a northwesterly exterior corner

THENCE, continuing with the southeasterly margin of said Bernard Road, North 41 degrees 37 minutes 33 seconds East, a distance of 303.95 feet to a 1/2 inch iron rod found for comer, same being a northwesterly exterior corner of the aforementioned residue of said called 34.074 acre parcel, same being the most southerly comer of that certain called 5.233 acre parcel as described by deed recorded in Volume 458, Page 317 of the Deed Records of Austin County, Texas, and same being a northwesterly exterior corner of the tract herein described;

THENCE, departing said northeasterly margin of said Bernard Road and with said common line, North 44 degrees ,08 minutes 32 seconds East, a distance of 256.67 feet (called North 44 degrees 04 minutes 37 seconds East, 256.37 feet) to a 5/8 inch iron rod found for corner, same being a southeasterly exterior corner of said called 5.233 acre parcel, same being the most westerly northwest corner of that certain First Tract called 19.181 acre parcel as described by deed recorded in Volume 355, Page 628 of the Deed Records of Austin County, Texas, same being the most northerly corner of the residue of said called 34.074 acre parcel, and same being the most northerly corner of the tract herein described;

THENCE, with said common line, South 47 degrees 07 minutes 55 seconds East, a distance of 977.69 feet (called South 47 degrees 07 minutes 21 seconds East, 977.61 feet) to a 5/8 inch iron rod found for corner, same being a southwesterly exterior of said First Tract called 19.181 acre parcel, same being a northeasterly interior corner of the residue of said called 34.074 acre parcel, and same being a northeasterly interior corner of the tract herein described;

THENCE, continuing with said common line, South 51 degrees 06 minutes 07 seconds East, a distance of 342.05 feet (called South 51 degrees 06 minutes 07 seconds East, 342.09 feet) (Basis of Bearings) to a 1/2 inch iron rod found for corner, same being the most southerly corner of said First Tract called 19.181 acre parcel, same being in the northwesterly line of the aforementioned Third Tract called 100.00 acre parcel, same being the most easterly corner of the residue of said called 34.074 acre parcel, and same being the most easterly corner of the tract herein

THENCE, with said common line, South 42 degrees 58 minutes 00 seconds West, a distance of 1,132,73 feet (called South 43 degrees 00 minutes 00 seconds West, 1,133.24 feet) to the POINT OF BEGINNING of the tract herein described and containing 22.174 acres of land, more or less. Please refer to Boundary Survey, Prepared by A-Survey, Inc., dated December 18, 2012.

PROJECT NO. 12184A - PARCEL NO. 1

**DECEMBER 18, 2012** 

COMPILED BY:





1-979-865-8111 1-800-427-8783

19 N. Miller

Beliville, Texas 77418