

NOTICE OF FORECLOSURE SALE

June 3, 2022

FILED FOR RECORD

2022 JUN 13 PM 12:05

DIANE GONZALES
ATASCOSA COUNTY CLERK

BY *K. P. [Signature]* DEPUTY

Deed of Trust ("Deed of Trust"):

Dated: August 6, 2021
Grantor: Diana L. Cruz and Metodio Cruz Gallegos
Trustee: Liang Gao
Lender: Windsor Chase, LLC
Recorded in: Instrument No. 216564 of the Official Public Records of Atascosa County, Texas
Legal Description: 7851 S State Highway 16, Jourdanton, TX 78026, also known as Tract 4, a 10.078 acre tract situated in the I. & G.N. RR. Co. Survey, Abstract Number 497, Atascosa County, Texas, a portion of that certain called 50.646 acre tract described in instrument to Windsor Chase, LLC, recorded under Instrument Number 211800 of the Official Public Records of Atascosa County, Texas (O.P.R.A.S.C.T.), said 10.078 acre tract being more particularly described by metes and bounds in the attached Exhibit A. Said property commonly known as 7851 S. State Highway 16, Jourdanton, Texas 78026.

Secures: Promissory Note ("Note") in the original principal amount of \$145,000.00, executed by Diana L. Cruz and Metodio Cruz Gallegos ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

Assignment: . The Note and the liens and security interests of the Deed of Trust were transferred and assigned to Cervo Investments LLC ("Beneficiary") by an unrecorded instrument dated December 22, 2021

Substitute Trustee: Mark Cummings, Dick Veters, or Jason West

Substitute Trustee's Address: c/o Foreclosure Services, LLC
8101 Boat Club Rd., Suite 320
Fort Worth, Texas, 76179

Mortgage Servicer: TexStar Escrow

Mortgage Servicer's Address: 5809 Acacia Cir., El Paso, Texas, 79912

Foreclosure Sale:

- Date:** Tuesday, July 5, 2022
- 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:** Atascosa County Courthouse, or any other place designated for real property foreclosures under Texas Property Code Section 51.002 by the Commissioners Court of Atascosa County, 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 Cervo Investments LLC'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, Cervo Investments LLC, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

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

Mortgage Servicer is representing Cervo Investments LLC in connection with the loan evidenced by the Note and secured by the Deed of Trust under a servicing agreement with Cervo Investments LLC. The address of Mortgage Servicer is set forth above.

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

If Cervo Investments LLC 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

Cervo Investments LLC. 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, 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.

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE 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.



Veronica A. Martinez
Meg Banahan
R. Alex Weatherford
Banahan Martinez Weatherford, PLLC
1400 Broadfield Blvd., Suite 105
Houston, Texas 77084
Telephone (281) 394-3122
Telecopier (281) 940-2743
Attorney for Lender



Mark Cummings, Dick Veters, or Jason West,
Substitute Trustee
c/o Foreclosure Services LLC
8101 Boat Club Road, Suite 320
Fort Worth, Texas 76179

Exhibit A



TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303
(936)756-7447 FAX (936)756-7448
FIRM REGISTRATION No. 100834-00

FIELD NOTE DESCRIPTION

TRACT 4

10.078 ACRES

IN THE I. & G.N. RR. CO. SURVEY, ABSTRACT NUMBER 497
ATASCOSA COUNTY, TEXAS

BEING a 10.078 acre tract situated in the I. & G.N. RR. Co. Survey, Abstract Number 497, Atascosa County, Texas, a portion of that certain called 50.646 acre tract described in instrument to Windsor Chase, LLC, recorded under Instrument Number 211800 of the Official Public Records of Atascosa County, Texas (O.P.R.A.S.C.T.), said 10.078 acre tract being more particularly described by metes and bounds as follows:

COMMENCING at a ½ inch iron rod with cap found in the westerly margin of State Highway 16 (SH 16) for the common easterly corner of said 50.646 acre tract and that certain called 11.000 acre tract described in instrument to Southtex Oilfield Enterprises, LLC, recorded under Instrument Number 158641, O.P.R.A.C.T.;

THENCE North 00°12'41" East, 438.61 feet, along the westerly margin of said SH 16, with the easterly line of said 50.646 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set for the **POINT OF BEGINNING**, being the southeasterly corner of the herein described 10.078 acre tract;

THENCE North 89°55'07" West, 1,001.19 feet, severing, over and across said 50.646 acre tract, to a ½ inch iron rod with cap found in the common line between said 50.646 acre tract and that certain called 223.60 acre tract described as "Tract 1" in instrument to Emerick Mutz, Jr., and Susan Mutz, recorded under Instrument Number 151562, O.P.R.A.C.T., for the southwesterly corner of the herein described 10.078 acre tract, from which a ½ inch iron rod with cap found for reference bears, South 00°07'17" West, 438.61 feet;

THENCE North 00°07'17" East, 438.30 feet, with the common line between said 50.646 acre tract and said 223.60 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set for the northwesterly corner of the herein described 10.078 acre tract, from which an iron rod with cap found for reference bears, North 00°07'17" East, 1,320.67 feet;

THENCE South 89°55'07" East, 1,001.88 feet, over and across said 50.646 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set in the westerly margin of said SH 16 for the northeasterly corner of the herein described 10.078 acre tract, from which an iron rod found for reference bears, North 00°12'41" East, 1,327.95 feet;

Exhibit A

THENCE South 00°12'41" West, 438.30 feet, along the westerly margin of said SH 16, with the easterly line of said 50.646 acre tract, to the PLACE OF BEGINNING;

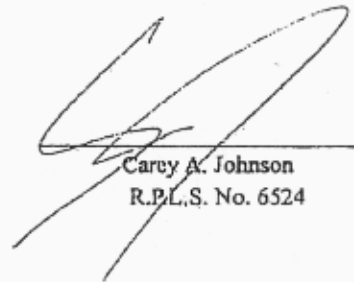
CONTAINING a computed area of 10.078 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on May 17, 2021, by Texas Professional Surveying, LLC., Registered Professional Land Surveyors and is referenced to Survey Drawing Project Number B543-16.

Bearings recited hereon are based on GPS observations and are referenced to the North American Datum (NAD) 1983, Texas State Plane Coordinate System, South Central Zone (4204).

June 15, 2021

Date



Carey A. Johnson
R.P.L.S. No. 6524