

FILED FOR RECORD
2023 MAR 13 AM 10:21
THERESA CARRASCO
ATASCOSA COUNTY CLERK
BY LC DEPUTY

NOTICE OF FORECLOSURE SALE

1. **Foreclosure Sale.**

Date of Sale: April 4, 2023

Time of Sale: The sale shall begin no earlier than 1:00 p.m. and shall end no later than three hours after, or by 4:00 p.m.

Place of Sale: At the Atascosa County Courthouse located at 1 Courthouse Circle Drive, Jourdanton, TX at the following location: the West porch of the Atascosa County Courthouse or designated by the County Commissioners.

2. **Lien Instrument:**

Date of Instrument: July 18, 2013

Name of Instrument: Builder's and Mechanic's Lien Contract

Grantor: Damon Welch and Heather W.P. Welch, husband and wife

Substitute Trustees: Jim Mills, Susan Mills, George Hawthorne, Ed Henderson, Kyle Walker, Tannah Tolbirt, Wes Shahan, Kasey Dodds, Marian Knowlton and Andrew Mills-Middlebrook

Address: 9130 Jollyville Rd., Suite 100-21, Austin, TX 78759

Lender & Holder: United Built Homes, L.L.C.

Recording location: Document No. 143576 in the real property records of Atascosa County, Texas.

Legal Description: Field notes for a 4.66 acres out of the 9.67 acres situated in the Valentino Trevino Survey No. 79, Abstract No. 866 and the Manual Bara Survey No. 97, Abstract No. 1073, being more fully described in a deed to the Veterans Land Board recorded in Volume 72, Page 831 of the Official Public Records of Atascosa County, Texas. Said

4.66 acres being the West portion of Lot 2, Breezy Oaks Ranch Subdivision, Atascosa County, Texas, recorded in Volume 413, Page 128 of the Deed Records of Atascosa County, Texas. Said 4.66 acre tract being the same land as described in a Gift Deed recorded in Volume 851, Page 90 of the Official Public Records of Atascosa County, Texas. Said 4.66 acres being more particularly described by metes and bounds as follows:

Beginning at a one half inch steel pin found on the South right-of-way line of Stevens Road for the Northwest corner of this tract, same being the Northwest corner of Lot 2, Breezy Oaks Ranch Subdivision, Atascosa County, Texas, recorded in Volume 413, Page 128 of the Deed Records of Atascosa County, Texas.

Thence along the South right-of-way line of Stevens Road. North $89^{\circ}59'00''$ East, a distance of 240.06 feet to a one half inch steel pin found for the Northeast corner of this tract.

Thence cutting across the aforesaid Lot 2, South $00^{\circ}13'00''$ West, a distance of 845.57 feet to a one half inch steel pin found for the Southeast corner of this tract.

Thence with the South line of this tract, South $89^{\circ}59'009''$ West, a distance of 240.06 feet to a one half inch steel pin found for the Southwest corner of this tract.

Thence with the West line of this tract, North $00^{\circ}13'00''$ East, a distance of 845.57 feet to the place of beginning.

3. **Debt Secured.**

Date of Instrument: July 18, 2013
Name of Instrument: Retail Installment Contract
Debtor(s): Damon Welch and Heather W.P. Welch, husband and wife
Lender & Holder: United Built Homes, L.L.C.
Original amount: \$134,810.00

4. **Default and Request to Act:** Default has occurred in the payment of the Retail Installment Contract and in the performance of the obligations of the Builder's and Mechanic's Lien Contract. Because of that default, United Built Homes, L.L.C., the owner and holder of the Builder's and Mechanic's Lien Contract, has requested the Substitute Trustees to sell the Property. Therefore, notice is given that on and at the Date, Time and Place for Foreclosure Sale described above, the Substitute Trustee will sell the Property in accordance with the Terms of Sale described below, the Builder's and Mechanic's Lien Contract and the Texas Property Code.
5. **Postponement, Withdrawing, or Rescheduling of the Sale** - The Builder's and Mechanic's Lien Contract permits the Holder to postpone, withdraw, or reschedule the sale for another day. In that case, the Substitute Trustee need not appear at the scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of any rescheduled foreclosure sale will be re-posted and re-filed, and may be after the date originally scheduled for this sale.
6. **Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Builder's and Mechanic's Lien Contract permitting the Holder to have the bid credited up to the amount of the unpaid debt secured by the Builder's and Mechanic's Lien Contract. Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold. The sale will be made expressly subject to any title matters set forth in the Builder's and Mechanic's Lien Contract. Prospective bidders are reminded that, by law, the sale will be subject to all prior matters of record affecting the property. Prospective bidders are strongly urged to examine the property records to determine the nature and extent of such matters, if any.
7. **Property Sold "AS IS."** 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 Builder's and Mechanic's Lien Contract.** Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.
8. **Conditions.** 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.

9. **Inquiries.** Questions concerning the sale may be directed to the undersigned Agent and Attorney for the Lender
10. **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.**
11. **THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEES IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY AND AUTHORIZED AGENT OF THE LENDER AND HOLDER.**

DATED February 22, 2023.



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