

FILED FOR RECORD

2023 SEP 12 AM 11:34

THERESA CARRASCO
ATASCOSA COUNTY CLERK

DEPUTY

NOTICE OF TRUSTEE'S SALE
and
APPOINTMENT OF SUBSTITUTE TRUSTEE

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.

WHEREAS, on August 28, 2012, Connie Hill and Lyndon Hill executed a Deed of Trust conveying to Arthur Flores, Trustee, the real property hereinafter described, to secure Klutts Investments, LLC, in the payment of a debt therein described, said Deed of Trust being recorded in Document # 135557, Official Public Records of Atascosa County, Texas.

WHEREAS, default has occurred in the payment of said indebtedness, and the same is now wholly due, and the owner and holder of said debt has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

WHEREAS, in my capacity as the attorney for the present owner and holder of the note, and pursuant to Section 51.0076(3) Texas Property Code, I hereby name, appoint and designate Mark Cummings or Dick Vettors or Jason West, the Substitute Trustee(s) in the above described Deed of Trust and/or to act under and by virtue of said Deed of Trust, including posting and filing the public notice required under Section 51.002 Texas Property Code as amended, and to proceed with a foreclosure of the Deed of Trust lien securing the payment of said note.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, October 3, 2023, at 10:00 o'clock a.m. or within three (3) hours thereafter, the Substitute Trustee will sell said real property at the place hereinafter set out, to the highest bidder for cash. The place of sale shall be in the area designated by the Commissioners Court of such County, pursuant to §51.002 of the Texas Property Code as the place where foreclosure sales are to take place (if such place is not so designated, the sale will take place in the area where this Notice of Substitute Trustee's Sale is posted), in the City of Jourdanton, Atascosa County, Texas.

Said real property is described as follows:

Being Tract #3, containing 10.395 acres of land situated about 12 miles N 84 degrees West of Jourdanton, in Atascosa County, Texas out of Survey No. 1509, Abstract No. 734, P.A. Ratisseau, original Grantee, being a portion of that certain 124.62 acre tract of land described in a Deed to Klutts Investments, LLC from Huey B. Scott, et ux, dated May 2, 2012, as recorded in Instrument No. 131123 of the Official Public

Records of Atascosa County, Texas. A portion of the property is or may be located in the 100 year flood plain. See attached Survey & Legal Description in Exhibit "A".

The Deed of Trust permits the Beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deed of Trust or Substitute Trustee appointed herein need not appear at the date, time and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this sale.

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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property and the priority of the lien being foreclosed.

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 the Beneficiary thereunder 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.

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 priority, nature and extent of such matters, if any.

In the event of a defect or other problem with the foreclosure process is discovered that may invalidate the sale, the consideration paid will be returned to the purchaser as the sole and absolute remedy. In the event of any claim or action brought by any person including the purchaser requiring or resulting in the invalidation of the sale and rescission of the Trustee's Deed or Substitute Trustee's Deed, purchaser's damages resulting therefrom are limited to the consideration paid to the Trustee or Substitute Trustee and the sole and absolute remedy shall be the return to purchaser of the consideration paid. The purchaser shall have no further recourse against the Trustee, Substitute Trustee, Mortgagor, Mortgagee or the Mortgagee's attorney.

Default has occurred under the Deed of Trust, and the beneficiary has requested the above named Trustee or Substitute Trustee(s), to conduct this public sale. Notice is given that before the sale the beneficiary or the Beneficiary's attorney, agent or servicer may appoint another person substitute trustee to conduct the 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.

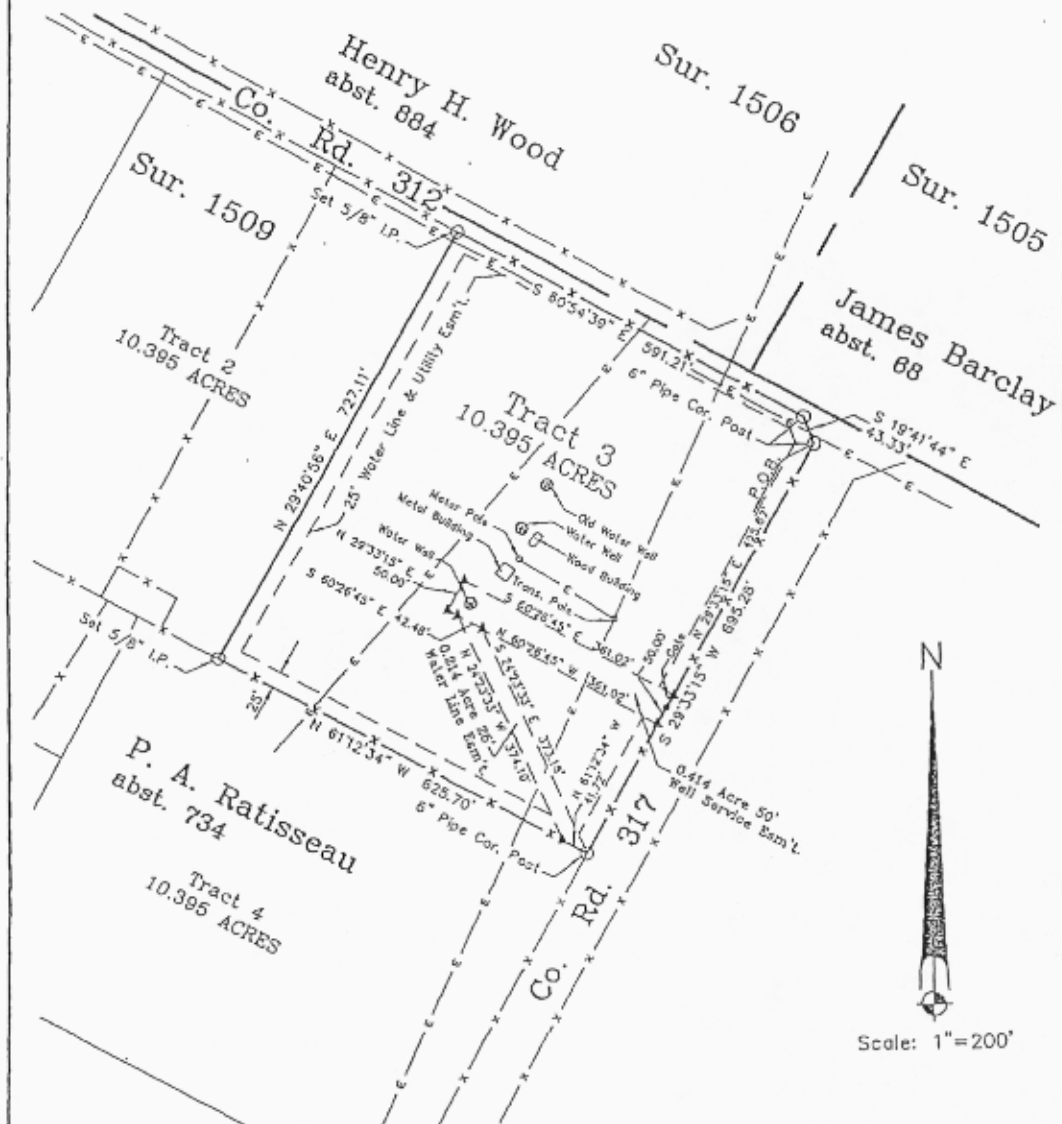
The Substitute Trustee's address is c/o WEST & WEST ATTORNEYS, 2929 Mossrock, Suite 204, San Antonio, Texas 78230.

WITNESS MY HAND on 12 day of September 2023.



DEAN W. GREER, State Bar No. 084141000
Attorney or Authorized Agent for the
Mortgagee or Mortgagee's Servicer
WEST & WEST ATTORNEYS, P.C.
2929 Mossrock, Suite 204
San Antonio, Texas 78230

Atascosa County, Texas



The subject property is located outside the limits of any 100 year flood zone as shown on the National Flood Insurance Program Flood Insurance Rate Map, Atascosa County, Texas, Community Panel Number 480014 0300 C, Effective Date: November 4, 2010.

Prepared For: Klutts Investments, LLC

A Plat of 10.395 acres of land situated about 12 miles N 84° W of Jourdanton in Atascosa County, Texas, out of Survey No. 1509, Abstract No. 734, P. A. Ratisseau, original Grantee, being a portion of that certain 124.62 acre tract of land described in a Deed to Klutts Investments, LLC from Huey B. Scott, et ux, dated May 2, 2012, as recorded in Instrument No. 131123 of the Official Public Records of Atascosa County, Texas.

The bearings are relative to Geodetic North WGS 84 as taken from GPS Observations.

I certify that the foregoing plat was prepared from an actual survey made under my supervision on 3rd day of August, 2012. Witness my hand and seal this the 3rd day of August, 2012.

Charles Rothe & Assoc., Inc.
Engineers & Surveyors
1705 Ave. K, P.O. Box 426
Hondo, TX 78861
Ph: (830)426-3005
Fax: (830)426-8160
e-mail: crassoc@hondo.net
www.rothelandsurveyor.com



Charles W. Rothe
Charles W. Rothe
Registered Professional Surveyor No. 2453



THE STATE OF TEXAS
COUNTY OF ATASCOSA

PREPARED FOR: Klutts Investments, LLC
Tract 3

FIELD NOTES TO DESCRIBE

A survey of 10.395 acres of land situated about 12 miles N 84° W of Jourdanton, in Atascosa County, Texas, out of Survey No. 1509, Abstract No. 734, P. A. Ratisseau, original Grantee, being a portion of that certain 124.62 acre tract of land described in a Deed to Klutts Investments, LLC from Huey B. Scott, et ux, dated May 2, 2012, as recorded in Instrument No. 131123 of the Official Public Records of Atascosa County, Texas, and being more particularly described by metes and bounds as follows:

- BEGINNING: At a 6" diameter pipe corner post at the South end of a cutback line connecting the Northwest line of County Road 317 and the Southwest line of County Road 312 for the East corner of said 124.62 acre tract of land and the East corner of this survey;
- THENCE: Generally along fence, the Northwest line of said County Road 317, and the Southeast line of said 124.62 acre tract of land, S 29-33-15 W 695.28 feet to a 6" diameter pipe corner post for the East corner of a certain adjoining 10.395 acre tract of land, this day surveyed as Tract 4, and the South corner of this survey;
- THENCE: Generally along fence and the Northeast line of said Tract 4, N 61-12-34 W 625.70 feet to a 5/8" iron pin set for the upper South corner of another adjoining 10.395 acre tract of land, this day surveyed as Tract 2 and the West corner of this survey;
- THENCE: Along the upper Southeast line of said Tract 2, N 29-40-56 E 727.11 feet to a 5/8" iron pin set in fence on the Southwest line of said County Road 312 and the Northeast line of said 124.62 acre tract of land for the East corner of said Tract 2 and the North corner of this survey;
- THENCE: Generally along fence, the Southwest line of said County Road 312, and the Northeast line of said 124.62 acre tract of land, S 60-54-39 E 591.21 feet to a 6" diameter pipe corner post at the North end of said cutback line for an angle point;
- THENCE: Generally along fence and said cutback line, S 19-41-44 E 43.33 feet to the POINT OF BEGINNING.

The bearings are relative to Geodetic North WGS 84 as taken from GPS Observations.

I certify that the foregoing field note description was prepared from an actual survey made under my supervision on the ground and that same is true and correct. Witness my hand and seal this the 13th day of July, 2012.

Charles W. Rothe

Charles W. Rothe
Registered Professional Surveyor No. 2453
1705 Avenue K, P. O. Box 426
Hondo, Texas 78861
Ph. (830) 426-3005
FAX (830) 426-8160



THE STATE OF TEXAS
COUNTY OF ATASCOSA

PREPARED FOR: Klutts Investments, LLC

FIELD NOTES TO DESCRIBE

A survey of 0.414 acres of land being a 50-foot-wide Well Service Easement situated about 12 miles N 84° W of Jourdanton, in Atascosa County, Texas, out of Survey No. 1509, Abstract No. 734, P. A. Ratisseau, original Grantee, lying within a certain 10.395 acre tract of land, this surveyed as Tract 3, said 10.395 acre tract of land being a portion of that certain 124.62 acre tract of land described in a Deed to Klutts Investment, LLC from Huey B. Scott, et ux, dated May 2, 2012, as recorded in Instrument No. 131123 of the Official Public Records of Atascosa County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING: At a point in fence on the Northwest line of County Road 317 and the Southeast line of said 10.395 acre tract of land for the East corner of this easement from which a 6" diameter pipe corner post at the South end of a cutback line connecting the Northwest line of said County Road 317 and the Southwest line of County Road 312 for the East corner of said 10.395 acre tract of land bears N 29-33-15 E 425.67 feet;

THENCE: Along fence, the Northwest line of said County Road 317, and the Southeast line of said 10.395 acre tract, S 29-33-15 W 50.00 feet to the South corner of this easement;

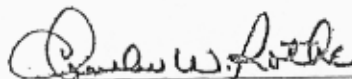
THENCE: N 60-26-45 W 361.02 feet to the West corner of this easement;

THENCE: N 29-33-15 E 50.00 feet to the North corner of this easement;

THENCE: S 60-26-45 E 361.02 feet to the POINT OF BEGINNING.

The bearings are relative to geodetic North WGS 84 as taken from GPS observations.

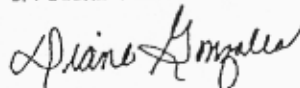
I certify that the foregoing field note description was prepared from an actual survey made on the ground under my supervision and that same is true and correct. Witness my hand and seal this the 3rd day of August, 2012.



Charles W. Rothe, P.E., R.P.L.S.
1705 Avenue K, P. O. Box 426
Hondo, Texas 78861
Ph: 830-426-3005
Fax: 830-426-8160
Email: cwrothe@rothe-inc.com
Website: www.southtexaslandsurveyor.com



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS



Diane Gonzales, County Clerk
Atascosa County Texas

October 05, 2012 03:39:12 PM

FEE: \$60.00
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THE STATE OF TEXAS
COUNTY OF ATASCOSA

PREPARED FOR: Klutts Investments, LLC

FIELD NOTES TO DESCRIBE

A survey of 0.214 acres of land being a 25-foot-wide Water Line Easement situated about 12 miles N 84° W of Jourdanton, in Atascosa County, Texas, out of Survey No. 1509, Abstract No. 734, P. A. Ratisseau, original Grantee, lying within a certain 10.395 acre tract of land, this surveyed as Tract 3, said 10.395 acre tract of land being a portion of that certain 124.62 acre tract of land described in a Deed to Klutts Investment, LLC from Huey B. Scott, et ux, dated May 2, 2012, as recorded in Instrument No. 131123 of the Official Public Records of Atascosa County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING: At a 6" pipe corner post on the Northwest line of County Road 317 for the South corner of said 10.395 acre tract of land and the South corner of this easement from which a 6" diameter pipe corner post at the South end of a cutback line connecting the Northwest line of said County Road 317 and the Southwest line of County Road 312 for the East corner of said 10.395 acre tract of land bears N 29-33-15 E 695.28 feet;

THENCE: Along fence and the Southwest line of said 10.395 acre tract, N 61-12-34 W 41.72 feet to the Southwest corner of this easement;

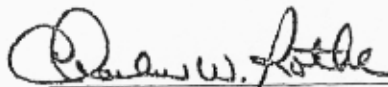
THENCE: N 24-23-33 W 374.10 feet to point on the Southwest line of a certain 0.414 acre 50-foot-wide Well Service Easement for the West corner of this easement;

THENCE: Along the Southwest line of said 0.414 acre 50-foot-wide Well Service Easement, S 60-26-45 E 42.48 feet to the Northeast corner of this easement;

THENCE: S 24-23-33 E 373.15 feet to the POINT OF BEGINNING.

The bearings are relative to geodetic North WGS 84 as taken from GPS observations.

I certify that the foregoing field note description was prepared from an actual survey made on the ground under my supervision and that same is true and correct. Witness my hand and seal this the 3rd day of August, 2012.



Charles W. Rothe, P.E., R.P.L.S.
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