

Notice of Foreclosure Sale

May 13, 2019

POSTED
This 14th day of May, 2019
At 2:40 o'clock, P M
MICHELLE BONILLA
County Clerk, Zavala County, Texas
By Vernese Puente

Deed of Trust:

Dated: March 9, 2018

Grantor: Esli Espinoza and Alejandra Vallarta

Trustee: Gary Glick

Lender: Frazier Land & Cattle Company, Ltd.

Recorded in: Instrument No. 095500, Volume 0406, Page 0410 of the real property records of Zavala County, Texas

Secures: Real Estate Lien Note ("Note") in the original principal amount of \$59,000.00, executed by Esli Espinoza and Alejandra Vallarta ("Borrower") and payable to the order of Lender

[Original] Property: Tract 8, containing 10.39 acres of land, being a part of that certain 310.74 acres described in a deed to Frazier Land & Cattle Company, Ltd., recorded by Instrument No. 086055, Official Public Records of Zavala County, Texas, more particularly described on attached Exhibit A, together with all improvements, fixtures, and appurtenances thereto

Substitute Trustee: Gary Glick or Michel Miranda or Renata Castro

[Substitute] Trustee's Address: 1301 S. Capital of Texas Highway, Suite A234; Austin, Texas 78746

Mortgage Servicer: Lone Star Land Company

Mortgage Servicer's Address: P.O. Box 4688; Horseshoe Bay, Texas 78657

Foreclosure Sale:

Date: Tuesday, June 4, 2019

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 12:00 P.M.**

Place: Front steps of the Zavala County Courthouse located at 200 East Uvalde, Crystal City, Texas 78839.

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 Lender'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, Lender, 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 Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Lender'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 Lender in connection with the loan evidenced by the Note and secured by the Deed of Trust under a servicing agreement with Lender. 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 Lender 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 Lender. 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.


Trustee – Renata Castro

EXHIBIT A

D. G. Smyth & Company, Inc.

"A Statewide Professional Land Surveying Service Company"

1022 Garner Field Road, Suite D

Uvalde, Texas 78801

Office Tel. (830) 591-0858

Fax (830) 591-0863

FIELD NOTES FOR A SEVERANCE SURVEY OF TRACT 8 (10.39 ACRES) COMPLETED NOVEMBER 14, 2012

Being a severance survey of Tract 8 (10.39 acres), being out of and a part of that same certain tract called 310.74 acres described in conveyance document to Frazier Land & Cattle Company, Ltd., recorded in Volume 338, Pages 709-714 of the Zavala County Official Public Records, Zavala County, Texas and being more particularly described by metes and bounds as follows: (The courses, distances, areas and any coordinates cited herein or shown on the corresponding plat conform to the Texas Coordinate System, North American Datum 1983 (86), Texas South Central Zone and were derived from an OPUS provided solution of GPS observations made from a 1/2" steel stake set on September 21, 2012 with coordinates of N= 13544618.48' & E= 1689875.47' and bearing N 69° 23' 19" E at a distance of 4038.23 feet from the following point of beginning.) (Any corners or reference stakes called for as being set are marked on the ground with 1/2" diameter steel stakes with plastic identification caps stamped "SMYTH/2046" unless otherwise noted or shown.)

BEGINNING at a 1/2" diameter steel stake, set located at S.P.C. N=13543196.92' & E=1686095.72' at a point along the northwesterly right-of-way of Ranch Road 1986 (80' R.O.W.), for the east corner of that same certain tract called Tract 7 (10.35 acres) simultaneously surveyed this same day, at a point along the southeasterly line of said parent tract, and for the south corner of the herein described tract, from which a 1/2" steel stake, found as previously set for the west corner of said parent tract bears N 42° 23' 34" W at a distance of 2819.05 feet;

THENCE: N 19° 28' 51" W, with the northeasterly line of said Tract 7 for a distance of 1223.43 feet to a 1/2" steel stake, set at a point along the southeasterly line of that same certain tract called Tract 4 (11.54 acres) simultaneously surveyed this same day, for the north corner of said Tract 7, and for the west corner of the herein described tract;

EXHIBIT A

THENCE: N 69° 58' 22" E, with the southeasterly line of said Tract 4 for a distance of 329.00 feet to a 1/2" diameter steel stake, set at a point along the southwesterly line of that same certain tract called Tract 9 (12.94 acres) simultaneously surveyed this same day, for the east corner of said Tract 4, and for the north corner of the herein described tract;

THENCE: S 23° 13' 57" E, with the southwesterly line of said Tract 9 for a distance of 1229.59 feet to a 1/2" diameter steel stake, set at a point along the northwesterly right-of-way of Ranch Road 1986, for the south corner of said Tract 9, and for the east corner of the herein described tract;

THENCE: S 70° 34' 25" W, with the northwesterly right-of-way of Ranch Road 1986 for a distance of 409.44 feet to the **PLACE OF BEGINNING** and containing 10.39 acres of land within the herein described boundary, according to an actual survey made on the ground by D. G. Smyth & Co., Inc. and completed on November 14, 2012.

JOE SMYTH OF SMYTH,
COURTESY OF WATKINS.

It is hereby certified that the foregoing field note description and
Attached plat were prepared from an actual on the ground survey
Made by personal working under my direct supervision and that
Same are true and correct according to same said survey.



D. G. Smyth-Registered Professional Land Surveyor
Reg. No. 2046
JOB # 12-4630 TRACT 8



Exhibit A

