

2021. 013

**Notice of Substitute Trustee's Sale**

Date: December 1, 2021

Deed of Trust ("Deed of Trust"):

Dated: September 16, 2016  
Grantor: Rodrigo Carrillo  
Trustee: Rick L. Russwurm  
Lender: Humberto Mendoza

Recorded in: Volume 781, Page 967 of the Official Public Records of Moore County, Texas

Property: See Exhibit "A" attached hereto and incorporated herein for all purposes.

Secures: Real Estate Lien Note ("Note") in the original principal amount of \$81,800.00, executed by Rodrigo Carrillo ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

Substitute Trustee: Juan Roman  
c/o Nick Phillips  
1200 SW 15th Avenue  
Amarillo, Texas 79102

BRENDA MCKANNA  
COUNTY CLERK

13-Pol  
Brooks + Brooks

2021 DEC -6 PM 1: 18

MOORE COUNTY, TEXAS

BY *Jessica Henry*  
DEPUTY

Foreclosure Sale:

Date: Tuesday, January 4, 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: In the Center Area of the Hall on the First Floor of the Original (Main Building) Courthouse in Moore County, Texas, or, if the preceding area(s) is/are no longer the area(s) designated by the Moore County Commissioner's Court, at the area most recently designated by the Moore County Commissioner's Court.

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 Humberto Mendoza'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, Humberto Mendoza, 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 Humberto Mendoza's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Humberto Mendoza's rights and remedies under the Deed of Trust and Section 9.604(a) of the Texas Business and Commerce Code.

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 Humberto Mendoza 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 Humberto Mendoza. 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.**



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Nick Phillips, Attorney for Lender, Humberto Mendoza

**Exhibit "A"**

A parcel of land out of the east one half of Survey 138, Block 44, H. & T. C. Railroad Company Survey, Moore County, Texas described as follows

Commencing at a 1" pipe found in the east R.O.W. line of Texas F.M. Road 722 from whence the northeast corner of Survey 138 bears west 56.5'

Thence: S. 00°19'06"W. along east R.O.W. line a distance of 2654.18' to a point.

Thence: N. 89°40'19"W. a distance of 56.95' to a point for the southeast corner and point beginning this tract.

Thence: N. 89°40'19"W. at 43.05' pass 1/2" rebar set in the west R.O.W. line of Texas F.M. Road 722, in all 2638.89' to a 1/2" rebar set for the southwest corner this tract.

Thence: N. 00°19'40"E. a distance of 544.73' to a 1/2" rebar set for the northwest corner this tract.

Thence: S. 89°40'19"E. at 2595.75' pass 1/2" rebar set in the west R.O.W. line of Texas F.M. Road 722, in all 2638.89' to a point for the northeast corner this tract.

Thence: S. 00°19'40"W. a distance of 544.73' to the point of beginning containing 33.00 acres of land more or less.

After Recording Return to:  
The Law Offices of Brooks & Brooks P.C.  
1200 SW 15th Avenue  
Amarillo, Texas 79102