

2023.055
Notice of Substitute Trustee's Sale

Date: October 30, 2023

Deed of Trust ("Deed of Trust"):

Dated: June 18, 2021

Grantor: Ricardo Rodriguez

Trustee: M. Shane Turner

Lender: Humberto Mendoza

Recorded in: Book 856, Page 540 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 \$26,100.00, executed by Ricardo Rodriguez ("Borrower") and payable to the order of Lender

Substitute Trustee: Juan Roman
c/o Nick Phillips
3310 I-40 West
Amarillo, Texas 79102

2023.055
BRENDA MCKANNA
COUNTY CLERK

2023 NOV -2 AM 11:37
MOORE COUNTY, TEXAS
BY *Brenda McKanna*
DEPUTY

Foreclosure Sale:

Date: Tuesday, December 5, 2023

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.



Nick Phillips, Attorney for Lender, Humberto Mendoza

Exhibit "A"

A parcel of land out of Survey 116, Block 44, H. & T. C. Railroad Company Survey, Moore County, Texas described as follows.

Commencing at a point for the southeast corner of Survey 116.

Thence: S. 89°34'54"W. Along the south line of Survey 116 a distance of 4947.90' to a point for the southeast corner and point beginning this tract.

Thence: N. 00°19'41"W. At 47.0' pass 1/2" rebar set in the north R.O.W. line of Texas F.M. Road 722, in all 2647.27' to a 1/2" rebar set for the northeast corner this tract.

Thence: S. 89°34'54"W. A distance of 164.93' to a 1/2" rebar set for the northwest corner this tract.

Thence: S. 00°19'41"E. At 2600.27' pass 1/2" rebar set in the north R.O.W. line of Texas F.M. Road 722, in all 2647.27' to a point in the south line of Survey 116 for the southwest corner this tract.

Thence: N. 89°34'54"E. Along the south line of Survey 116 a distance of 164.93' to the point of beginning containing 10.0 acres of land more or less.

Together with an easement for ingress and egress described as follows:

ROAD EASEMENT

A 30' wide road easement out of Survey 116, Block 44, H. & T. C. Railroad Company Survey, Moore County, Texas described as follows.

Commencing at a point for the southeast corner of Survey 116.

Thence: N. 00°19'41"W. Along the east line of Survey 116 a distance of 47.0' to a 1/2" rebar for the point beginning this easement.

Thence: N. 00°19'41"W. Along the east line of Survey 116 a distance of 30.0' to a point.

Thence: S. 89°34'33"W. A distance of 5278.90' to a point in the west line of Survey 116.

Thence: S. 00°19'41"E. Along the west line of Survey 116 a distance of 30.0' to a point.

Thence: N. 89°34'33"E. A distance of 5278.90' to the point of beginning.

40' ROAD EASEMENT CENTER SURVEY 116, Block 44

A 40' wide road easement out of Survey 116, Block 44, H. & T. C. Railroad Company Survey, Moore County, Texas described as follows.

Commencing at a point for the southeast corner of Survey 116.

Thence: S. 89°34'33"W. Along the south line of Survey 116 a distance of 2579.45' to a point.

Thence: N. 00°19'41"W. A distance of 77.0' to a point beginning this easement.

Thence: N. 45°22'29"W. A distance of 56.52' to a point.

Thence: N. 00°19'41"W. A distance of 5180.10' to a point in the north line of Survey 116.

Thence: S. 89°34'33"W. Along the north line of Survey 116 a distance of 40.0' to a point.

Thence: S. 00°19'41"E. A distance of 5180.10' to a point.

Thence: S. 44°37'31"W. A distance of 56.5' to a point.

Thence: N. 89°34'33"E. A distance of 120.0' to the point of beginning.

ROAD EASEMENT EAST SIDE

A 40' wide road easement out of Surveys 115 and 116, Block 44, H. & T. C. Railroad Company Survey, Moore County, Texas described as follows.

Commencing at a point for the southwest corner of Survey 115 and the southeast corner of Survey 116.

Thence: N. 00°19'41"W. Along the east line of Survey 116 a distance of 77.0' to the point beginning this easement.

Thence: S. 89°34'33"W. A distance of 80.0' to a point.

Thence: N. 44°37'36"E. A distance of 56.6' to a point.

Thence: N. 00°19'41"W. 40' from and parallel with the east line of Survey 116 a distance of 5180.11' to a point in the north line of Survey 116.

Thence: N. 89°34'33"E. Along the north line of Survey 116 a distance of 40.0' to a point for the northeast corner of Survey 116.

Thence: S. 00°19'41"E. Along the east line of Survey 116 a distance of 2579.47' to a point.

Thence: S. 45°22'36"E. Into Survey 115 a distance of 56.52' to a point.

Thence: S. 00°19'41"E. a distance of 30.0' to a point.

Thence: S. 44°34'54"W. A distance of 56.6' to a point in the east line of Survey 116.

Thence: S. 00°19'41"E. Along the east line of Survey 116 a distance of 2490.63' to a point.

Thence: S. 45°22'19"E. a distance of 56.52' to a point.

Thence: S. 89°34'33"W. A distance of 40.0' to the point of beginning.