

DUVAL COUNTY
ELODIA M. GARZA
Duval County Clerk
San Diego, Texas 78384

23327



70 2020 00023327

Instrument Number: 2020-23327

As

Recorded On: March 13, 2020

RECORDINGS

Parties: HERNANDEZ ALEX R JR

Billable Pages: 4

To LOA JUAN RAMON

Number of Pages: 5

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

RECORDINGS	41.00
Total Recording:	41.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2020-23327
Receipt Number: 154909
Recorded Date/Time: March 13, 2020 11:44:24A
Book-Vol/Pg: BK-OR VL-694 PG-514
User / Station: M De La Rosa - Cash Station 1

Record and Return To:

ALEX R. HERNANDEZ JR. PLLC
ATTORNEYS-AT-LAW
921 N. CHAPARRAL, SUITE 100
CORPUS CHRISTI TX 78401



State of Texas |

County of Duval

I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the volume and page in the OFFICIAL RECORDS of Duval County, Texas
Elodia M. Garza
Duval County Clerk

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By: *[Signature]* Deputy

Notice of Foreclosure Sale

March 10, 2020

Deed of Trust:

Dated: March 10, 2017

Grantor: Juan Ramon Loa

Trustee: Ernie Bayarena Florez; Substitute Trustee: Alex R. Hernandez, Jr.

Lender: Ernie Bayarena Florez and Linda Perez Florez

Recorded in: Volume 645, Page 392 of the real property records of Duval County, Texas

Legal Description: TRACT ONE:

Being 101.85 acres of land, more or less, being out of the North part of 277.98 acres of land known as Share 5 of a partition of 2632.1 acres of land out of the "La Huerta" Grant, Abstract 227 and also out of the "El Senor de la Carrera" Grant, Abstract 208, both in Duval County, Texas. The said Share 5 (278 acres) set aside to Victoriana V. Gonzalez in a certain Decree of Partition rendered in Cause No. 4824, styled Maximo Vera et al vs. Felix Vera et al. on record in Volume 1, pages 309-347 of the District Court Minutes of Duval County, Texas, a certified copy of which Decree is of Record in Volume 50, page 533 et seq., Deed Records, Duval County, Texas. The said 101.85 acre tract of land being the same land described as THIRD in a certain Partition Agreement by and between the heirs of George C. Gonzalez, Sr., deceased, dated September 16, 1967 and of record in Volume 142, page 443 et seq., Deed Records, Duval County, Texas, conveying said 101.85 acres of land to Estella G. Garza, wife of Librado Garza of Paras, Nuevo Leon, Mexico, and also being the same land described in a certain Warranty Deed dated July 6, 1979, from Estella Gonzalez Garza, not Joined by spouse, to Fernando Garza, and wife Sylvia Garza, recorded in Volume 234, page 63 et seq., Deed Records, Duval County, Texas. The said 101.85 acres of land more or less, being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 10" X 10" marked concrete monument (found) under a fence for the S.E. comer of Share 4 for Guillermo Vera and for the N.E. comer of Share 5 and also for the N.E. comer of this tract, said comer also being in the West line of Share 1 for Felix

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Vera;

THENCE South 00 degrees 04' West, along a fence, for the West line of Share 1 and the East line of Share 5, a distance of 1763.87' to a 1/2" iron rod set for the N.E. comer of Tract 3 of this partition for Fidel Gonzalez and for the S.E. comer of this tract;

THENCE South 89 degrees 35' West along the South line of this tract and with the North line of said Tract 3 for Fidel Gonzalez and the North line of Tract 2 for Delfino Gonzalez, at a distance of 1189.31' set a 1/2" iron rod for the N.W. comer of said Tract 3 for Fidel Gonzalez and also being the N.E. comer of tract No. 2 for Delfino Gonzales and at 2517.71' in all to a 1/2" iron rod set under a fence, the East line of Share 7 and the West line of Share 5 for the N.W. comer of said Tract 2 for Delfino Gonzalez and for the S.W. comer of this tract;

THENCE North 00 degrees 13' East along said fence, the East line of Share 7 and the West line of Share 5, a distance of 1763.92' to a fence comer post (found) and 1/2" iron rod set at side for the S.W. comer of Share 4 for Guillermo Vera and for the N. W. comer of Share 5 and also for the N. W. comer of this tract;

THENCE North 89 degrees 35' East along said fence, the South line of said Share 4 and the North line of said Share 5 a distance of 2513.09' to the Place of Beginning and containing 101.85 acres of land.

TRACT TWO:

TOGETHER WITH AND SUBJECT TO:

Easement for Ingress and Egress dated August 5, 1982 executed by and between Fidel V. Gonzalez, Jr., et al and Hector Recio and Antonio Recio and recorded in Volume 266, pages 239-240, Duval County Official

Secures: Note in the original principal amount of \$200,000, executed by Juan Ramon Loa ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

Substitute Trustee: Alex R. Hernandez, Jr.

Substitute Trustee's Address: 921 N. Chaparral Suite 100, Corpus Christi, TX, 78401

Foreclosure Sale:

Date: Tuesday, April 7, 2020

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: Duval County Courthouse in San Diego, Texas, at the following location: North door of Courthouse, San Diego, Texas, the area designated for foreclosures.

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 Ernie Bayarena Florez and Linda Perez Florez's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the performance of the obligations of the Deed of Trust. Because of that default, Ernie Bayarena Florez and Linda Perez Florez, 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 Ernie Bayarena Florez and Linda Perez Florez's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Ernie Bayarena Florez and Linda Perez Florez'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 Ernie Bayarena Florez and Linda Perez Florez 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 Ernie Bayarena Florez and Linda Perez Florez. 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.

SERVING ON ACTIVE MILITARY DUTY: 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

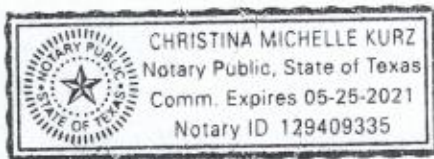


Alex R. Hernandez, Jr.
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921 N. Chaparral Suite 100
Corpus Christi, TX 78401
Telephone (361) 792-3811
Telecopier (361) 232-4975

STATE OF TEXAS)
COUNTY OF NUECES)

Before me, the undersigned notary public, on this day personally appeared Alex R. Hernandez, Jr., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 10th day of March, 2020.



Christina M. Kurz
Notary Public, State of Texas