

FILED FOR RECORD
APR 29 O'CLOCK AM

JUN 16 2020

ELODIA M. GARZA
CLERK, COUNTY OF DUVAL COUNTY, TEXAS
BY *[Signature]* DEPUTY

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

STATE OF TEXAS
COUNTY OF DUVAL

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, THE EWERS RANCH, L.P., a Texas limited partnership (the "**Grantor**"), executed a Commercial Real Estate Deed of Trust dated April 24, 2017 and recorded in the Official Public Records of Duval County, Texas (the "**Records**") under Instrument No. 2017-16910 (together with all extensions, modification, and renewals, collectively referred to hereinafter as the "**Deed of Trust**");

WHEREAS, the Grantor, pursuant to the Deed of Trust, conveyed to Darrell G. Adams (the "**Original Trustee**") for the benefit PLAINSCAPITAL BANK, a Texas banking association, its successors and assigns ("**Beneficiary**"), all of the personal property, real property and premises described and referred to in the Deed of Trust (the "**Mortgaged Property**"), including the following described property located in both Duval County and Jim Wells County, Texas:

Tract 1:

A 556.2 acre tract of land out of the Anima Sola Grant, Vital Hinojosa, Original Grantee, State Abstract No. 545, and out of Las Anacuas Grant, Abstract No. 627, in both Duval and Jim Wells County, said 556.2 acre tract being part of the lands described in a Gift Deed recorded in Book 281, Pages 106-114 Deed Records of Duval County, Texas, and is also being more particularly described by metes and bounds on Exhibit "A" attached hereto and incorporated herein.

Tract 2:

A 38.9 acre tract of land, being Share No. 7, out of the Original Share 6-C of the Anima Sole Grant, Vital Hinojosa, Original Grantee, State Abstract No. 545, Jim Wells County, said 38.9 acre tract being part of the lands described in a Gift Deed recorded in Book 281, Pages 106-114 Deed Records of Duval County, Texas, and is also being more particularly described by metes and bounds on Exhibit "A" attached hereto and incorporated herein.

WHEREAS, the Deed of Trust secures payment of that certain Commercial Promissory Note dated April 24, 2017, executed by Grantor, as Borrower, and payable to the order of Beneficiary, in the original principal sum of EIGHT HUNDRED EIGHTY THOUSAND AND 00/100 DOLLARS (\$880,000.00) (Loan No. 3381848-100) (together with all extensions, modification, and renewals, collectively referred to hereinafter as the "**Note**");

WHEREAS, the Beneficiary is the current legal owner and holder of the indebtedness secured by the Deed of Trust (the "**Indebtedness**") and Beneficiary, at its option and with or without cause, may from

time to time, by power of attorney or otherwise, remove or substitute any trustee, add one or more trustees, or appoint a successor trustee to any trustee without the necessity of any formality other than a designation by Beneficiary in writing and, without any further act or conveyance of the Mortgaged Property, such substitute, additional, or successor trustee shall become vested with the title, rights, remedies, powers and duties conferred upon the Original Trustee in the Deed of Trust and by applicable law;

WHEREAS, the Beneficiary has named, constituted and appointed in writing BRADLEY E. RAUCH, a resident of Harris County, Texas, ZACHARY SCHNEIDER, a resident of Harris County, Texas, SANDRA MENDOZA, a resident of Nueces County, Texas, ARNOLD MENDOZA, a resident of Nueces County, Texas, ALEXIS MENDOZA, a resident of Nueces County, Texas, and SUSANA SANDOVAL, a resident of Nueces County, Texas, as Substitute Trustees, each with the power to act independently (and without the joinder of the others) under and by virtue of the Deed of Trust and to hold possess and execute all the title, rights, remedies, powers and duties conferred upon the Original Trustee in the Deed of Trust and by applicable law;

WHEREAS, Borrower has defaulted in the performance of its obligations under the Note and/or Deed of Trust, notice has been given to the Borrower by certified mail, return receipt requested, stating that Borrower is in default, and the Borrower was given an opportunity to cure the default, but the Borrower has failed to cure such default(s);

WHEREAS, acceleration of maturity and demand have been made upon Borrower for payment of the Indebtedness, and/or have been waived, and/or have occurred;

WHEREAS, the proceeds of the Note were used for commercial purposes, and the Mortgaged Property was not to be used by the debtor for residential purposes;

WHEREAS, the Beneficiary has called upon and requested either or any of Bradley E. Rauch, Zachary Schneider, Sandra Mendoza, Arnold Mendoza, Alexis Mendoza and Susana Sandoval, each individually as a Substitute Trustee (and without the joinder of any of the others), to perform the Trustee's duties under the Deed of Trust and to post, mail and file, or have posted, mailed, and filed, notice and to sell the Mortgaged Property without prejudice and without creating an election not to proceed against any

other collateral securing the obligations of the Grantor to the Beneficiary, and without waiving any rights or remedies which the Beneficiary has against the Grantor or any other parties obligated for payment of the Indebtedness;

NOW, THEREFORE, the undersigned Substitute Trustee, at the request of the Beneficiary, hereby gives notice that after due posting of this Notice as required by the Deed of Trust and law, a Substitute Trustee will sell on **Tuesday, July 7, 2020** (that being the first Tuesday of said month) at public auction to the highest bidder for cash, in the area designated for sales conducted pursuant to Texas Property Code Section 51.002, being **the north side of the Duval County Courthouse, facing HWY 44, located at 400 E Gravis Ave, San Diego, Texas 78384, said area being the area designated by the Commissioners' Court of Duval County, Texas, for conducting foreclosure sales (or such other location as may be designated by Duval County Commissioners' Court)**, the sale to begin no earlier than 10:00 o'clock a.m. and no later than three (3) hours after such time, the Mortgaged Property, including without limitation, all personal property described in the Deed of Trust, owned by the Grantor, Grantor's heirs, legal representatives, successors and assigns, and originally covered by the Deed of Trust, whether or not herein specifically described.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE OR HOLDERS OF SAID INDEBTEDNESS, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER THE BENEFICIARY NOR THE TRUSTEE OR SUBSTITUTE TRUSTEE MAKES ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE COMPLIANCE WITH LAWS, RULES, AGREEMENTS, OR SPECIFICATIONS, NOR WITH RESPECT TO CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH

RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER(S).

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 NEXT PAGE IS THE SIGNATURE PAGE]

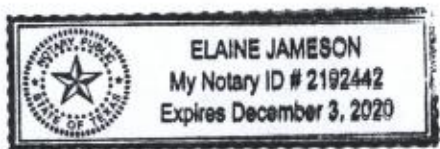
WITNESS BY HAND this 10th day of June, 2020.

[Handwritten Signature]

Zachary Schneider, Trustee

COUNTY OF HARRIS §
STATE OF TEXAS §

This document was acknowledged before me on this, the 10th day of June, 2020, by Zachary Schneider, Trustee.



[Handwritten Signature]

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Name and Addresses of Substitute Trustees:

Mr. Bradley E. Rauch
Hirsch & Westheimer, P.C.
1415 Louisiana, 36th Floor
Houston, Texas 77002

Sandra Mendoza
Foreclosure Network of Texas
10406 Rockley Road
Houston, TX 77099

Mr. Zachary Schneider
Hirsch & Westheimer, P.C.
1415 Louisiana, 36th Floor
Houston, TX 77002-2772

Alexis Mendoza
Foreclosure Network of Texas
10406 Rockley Road
Houston, TX 77099

Arnold Mendoza
Foreclosure Network of Texas
10406 Rockley Road
Houston, TX 77099

Susana Sandoval
Foreclosure Network of Texas
10406 Rockley Road
Houston, TX 77099

AFTER RECORDING, PLEASE RETURN TO:

Zachary Schneider
Hirsch & Westheimer, P.C.
1415 Louisiana, 36th Floor
Houston, TX 77002-2772

EXHIBIT "A"

Legal Description

The following described property situated in Duval and Jim Wells Counties, Texas, to-wit:

TRACT 1:

A 556.2 acre tract of land out of the Anima Sola Grant, Vital Hinojosa, Original Grantee, State Abstract No. 545, and out of Las Anacuas Grant, Abstract No. 627, in both Duval and Jim Wells County, said 556.2 acre tract being part of the lands described in a Gift Deed recorded in Book 281, Pages 106-114 Deed Records of Duval County, Texas and is also being more particularly described by metes and bounds as follows:

COMMENCING at a half (1/2) inch iron rod found at the Southeast corner of Share No. 3, Las Anacuas Grant in Jim Wells County, same being the (Southeast corner of the Esperanza 0. Salinas 317.186 acre tract of land), said Southeast corner bears North 67° 45' 34" East, a distance of 5615.33 feet from the Northwest corner of the said Anima Sola Grant, for the Northeast corner of this tract of land and the

POINT OF BEGINNING;

THENCE South 00° 15' 01" East, with an existing fence line a distance of 2143.37 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE North 89° 45' 28" East, with an existing fence line a distance of 3899.56 feet to a half (1/2) inch iron rod found for a corner of this tract of land;

THENCE South 00° 38' 10" West, with an existing fence line a distance of 742.09 feet to a half (1/2) inch iron rod found at the North right of way line of County Road 440 for a corner of this tract of land;

THENCE North 89° 34' 33" West, with an existing fence line and said North right of way line a distance of 2371.79 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE North 01° 26' 59" East, with an existing fence line a distance of 189.21 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE South 89° 01' 51" West, with an existing fence line a distance of 396.65 feet to a half (1/2) inch iron rod found for a corner of this tract of land;

THENCE South 89° 45' 28" West, a distance of 237.93 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE South 00° 21' 50" West, a distance of 183.09 feet to a half (1/2) inch iron rod set at the North right of way line of said County Road 440 for a corner of this tract of land;

THENCE South 89° 45' 41" West, with an existing fence line and the said North right of way line of County Road 440, at approximately 2900 feet pass the Jim Wells & Duval County Line, at 4635.02 feet in all to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE continuing with said North right of way being a curve to the left, having a Radius of 404.78 feet and a Delta Angle of 43° 23' 41", and an Arc Length of 306.57 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE North 37° 10' 00" West, with an existing fence line a distance of 586.84 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE North 79° 25' 21" West, with an existing fence line, a distance of 312.68 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE South 06° 17' 48" East, with an existing fence line a distance of 749.56 feet to a half (1/2) inch iron rod set at the North right of way of said County Road 440, for a corner of this tract of land;

THENCE South 37° 38' 08" West, with an existing fence line and the North right of way line of said County Road 440, a distance of 397.38 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE South 18° 56' 15" West, with an existing fence line and said North right of way line a distance of 319.06 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE South 89° 32' 33" West, with an existing fence line a distance of 309.43 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE South 00° 57' 58" West, with an existing fence line a distance of 209.82 feet to a half (1/2) inch iron rod set at the North right of way line of said County Road, for a corner of this tract of land;

THENCE South 57° 16' 16" West, with an existing fence line and said North right of way line a distance of 209.82 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE South 89° 20' 29" West, with an existing fence line and the North right of way line of said County Road, a distance of 1378.93 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE North 00° 11' 52" East, with an existing fence line a distance of 2461.39 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE North 89° 20' 29" East, with an existing fence line a distance of 292.57 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE North 00° 26' 22" West, with an existing fence line a distance of 2097.63 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE North 89° 20' 18" East, with an existing fence line at approximately 4450 feet pass the Duval and Jim Wells County Line, at 6489.82 feet in all to the POINT OF BEGINNING, containing 556.2 acres of land, more or less.

TRACT 2:

A 38.9 acre tract of land, being Share No. 7, out of the Original Share 6-C of the Anima Sole Grant, Vital Hinojosa, Original Grantee, State Abstract No. 545, Jim Wells County, said 38.9 acre tract being part of the lands described in a Gift Deed recorded in Book 281, Pages 106-114 Deed Records of Duval County, Texas and is also being more particularly described by metes and bounds as follows:

COMMENCING at the Northeast corner of Share No. 6, same being the Northwest corner of this tract of land and the

POINT OF BEGINNING;

THENCE South 89° 56' 32" East, with the North line of said Share No. 7, being in the right of way of County Road 440, a distance of 875.20 feet to the Northeast corner of this tract of land;

THENCE South 00° 07' 01" East, at 30.00 feet pass a half (1/2) inch iron rod set at the South right of way line of said County Road 440, at 1934.14 feet in all to a half (1/2) inch iron rod set at the Southeast corner of said Share No. 7 for the Southeast corner of this tract of land;

THENCE South 89° 33' 57" West, with the South line of said Share No. 7, a distance of 875.08 feet to a half (1/2) inch iron rod set in the Southwest corner of said Share No. 7 for the Southwest corner of this tract of land;

THENCE North 00° 07' 15" West, with the West line of said Share No. 7, at 1911.65 feet pass a half (1/2) inch iron rod set at the South right of way line of said County Road 440, at 1941.65 feet in all to the POINT OF BEGINNING, containing 38.9 acres of land, more or less.