

FILED**NOTICE OF FORECLOSURE SALE**

JAN 13 2014

State of Texas

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County of McCulloch

Tina A. Smith
McCulloch County Clerk

Notice is hereby given of a public non-judicial foreclosure sale.

1. **Property To Be Sold.** The property to be sold is described as follows:

THE NORTH 34 FEET OF LOT NO. 28, AND ALL OF LOT NO. 29 IN BLOCK NO. 8, STANBURN ADDITION TO THE CITY OF BRADY, MCCULLOCH COUNTY, TEXAS, ACCORDING TO THE MAP AND PLAT OF SAID ADDITION NOW IN GENERAL USE AND OF RECORD IN VOLUME 27, PAGE 350, DEED RECORDS, MCCULLOCH COUNTY, TEXAS.

2. **Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:

Date: **February 04, 2014**

Time: The sale shall begin no earlier than **10:00 A.M.** or no later than three hours thereafter.

Place: **McCulloch County Courthouse in Brady, Texas**, at the following location: the area designated by the Commissioners Court of **McCulloch County, Texas**, pursuant to § 51.002 of the Texas Property Code as the place where foreclosure sales are to take place (if no such place is so designated, the sale will take place in the area where this Notice of Substitute Trustee's Sale is posted).

The deed of trust permits the Mortgagee of Record to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the deed of trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this sale.

Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (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 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

3. **Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the Mortgagee of Record thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

The 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 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. The sale shall not cover any part of the property that

has been released of public record from the lien of the deed of trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

- 4. Type of Sale. The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by Ernesto L. Garcia, III and wife, Janie Garcia with her joining herein to perfect the security interest but not to be otherwise liable.
- 5. Obligations Secured. The Deed of Trust is dated November 27, 2005, and is recorded in the office of the County Clerk of McCulloch County, Texas, in/under Document No. 27912, Volume 357, Page 94, Official Public Records of McCulloch County, Texas. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to the promissory note in the original principal amount of \$119,000.00, executed by Ernesto L. Garcia, III, and payable to the order of MainStreets of Texas Mortgage.

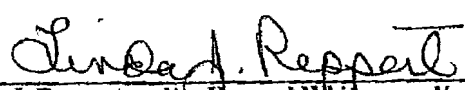
Original Mortgagee: MainStreets of Texas Mortgage.

Current Mortgagee of Record: TIB-The Independent BankersBank whose address is 350 Phelps Drive, Irving, TX 75038.

- 6. Default and Request To Act. Default has occurred under the deed of trust, and the beneficiary has requested me, as Substitute Trustee, to conduct this public sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.
- 7. **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.**

Sent by: Jeffrey B. Lewis
Robertson Anschutz Veters
10333 Richmond Avenue, Suite 550
Houston, TX 77042

DATED January 13, 2014



Linda J. Reppert and/or Howard Whitney and/or Kelly Goddard and/or Darian Goddard, Substitute Trustee
c/o Robertson Anschutz Veters
10333 Richmond Avenue, Suite 550
Houston, TX 77042
Phone: 713-980-9500

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Tina A. Smith
McCulloch County Clerk

Exhibit A

Being 0.287 of an acre, more or less, a portion of Lot No. 28 and all of Lot No. 29, Block No. 8 of the Stanburn Addition to the City of Brady, recorded in Volume 27, Page 350 of the Deed Records of McCulloch County, Texas and being that certain tract of land described in Volume 309, Page 214 of the Official Public Records, said 0.287 acre tract being more particularly described as follows:

Beginning at a rail road spike found in the South line of that certain public road known as Burns Street, the East line of an alley for the Northwest corner of said Lot No. 29 and the Northwest corner hereof;

Thence North 89° 59' 45" East a distance of 94.08 feet along the South line of said Burns Street and the North line of said Lot No. 29 to a 1/4 inch iron rod set at the beginning of a curve;

Thence with a curve turning to the right, an arc length of 39.96 feet, a radius of 25.00 feet and a chord bearing of South 44° 13' 00" East a distance of 35.84 feet along the South line of said Burns Street, the West line of that certain public road known as High Street and the boundary of said Lot No. 29 to a 1/4 inch iron rod set;

Thence South 01° 34' 15" West a distance of 82.66 feet along the West line of said High Street, the East line of said Lot Nos. 29 and 28 to a 1/2 inch iron rod set for the Northeast corner of the tract described in Volume 333, Page 214 of said Official Public Records and the Southeast corner hereof;

Thence North 86° 28' 45" West, at a distance of 45.14 feet pass a fence corner post found, at a distance of 112.68 feet pass a fence corner post found, in all a total distance of 121.79 feet crossing said Lot No. 28 and along the North line of said tract described in Volume 333, Page 214 to a 1/4 inch iron rod set in the East line of said alley, the West line of said Lot No. 28 for the Northwest corner of said tract described in Volume 333, Page 214 and the Southwest corner hereof and from which a 1/4 inch iron rod found bears South 02° 42' 13" West a distance of 354.48 feet;

Thence North 02° 42' 13" East a distance of 100.94 feet along the East line of said alley and the West line of said Lot Nos. 28 and 29 to the point of beginning.

Bearings are based on the North line of a 0.176 acre tract surveyed by Watson and Associates of Midland and being that same tract of land described in Volume 285, Page 212 of said Official Public Records. Iron rods set are 1/4 inch rebar with plastic caps marked WATSON 5740.

THE STATE OF TEXAS
COUNTY OF McCULLOCH
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records of McCulloch County, Texas, in the Volume and Page as noted hereon by me.



Tina A. Smith
County Clerk, McCulloch County Texas

RECORDED: JAN 13 2014
OFFICIAL PUBLIC RECORDS, Volume 357, Page 94

FILED

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Tina A. Smith
McCulloch County Clerk