

NOTICE OF FORECLOSURE SALE/NOTICE OF SUBSTITUTE TRUSTEE'S SALE

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BURLESON §

Pursuant to the authority conferred upon me by that certain Deed of Trust executed by RICHARD AVERY of Travis County, Texas to Craig P. Lesser, TRUSTEE, dated March 30, 2011, for the benefit of the Beneficiary therein identified, duly recorded in Vol.830, Page 484 of the Official Records of Burleson County, Texas, securing the payment of that one certain promissory note in the original principal amount of \$460,000.00, I will, as Substitute Trustee under said Deed of Trust, in order to satisfy the indebtedness secured thereby, default having been made in the payment thereof, sell on Tuesday, **June 6, 2017**(that being the first Tuesday of said month), at public auction to the highest bidder for cash in the area designated by the Burleson County Commissioners Court (south door of the Burleson County Courthouse located at 100 W. Buck Street, Caldwell, Texas) at the hour of **10:00 a.m.** or within three hours thereafter of that day, the following property:

TRACT ONE: Being Lot 1A of Davidson Meadows Subdivision, being part of and out of Francisco Ruiz Survey, Abstract No. 54, in Burleson County, Texas, according to the Re-Plat of Lot 1 of Davidson Meadows Subdivision recorded in Volume 2, Page 35A of the Plat Records of Burleson County, Texas;

SAVE AND EXCEPT the following two tracts, to wit:

TRACT A: Being 69.516 acres, being known as Lot 1A-2, a part of Lot 1 A of the Re-Plat of Lot 1 of Davidson Meadows Subdivision, out of the Francisco Ruiz Survey, A-54, Burleson County, Texas, recorded in Volume 2, Page 35A and Volume 2, Page 45-A, of the Plat Records of Burleson County, Texas. Also being out of the same tract or parcel of land as described in deed dated March 28, 2011, but effective March 30, 2011, executed by S&V Partnership, a Texas general partnership, to Richard Avery, recorded in Volume 830, Page 480 and in Volume 851, Page 608 of the Official Public Records of Burleson County, Texas.

TRACT B: BEING A 19.15 ACRE TRACT OF LAND OUT OF LOT 1A, RE-PLAT OF LOT 1, DAVIDSON MEADOWS SUBDIVISION, A SUBDIVISION RECORDED IN VOLUME 2, PAGE 35A. PLAT RECORDS OF BURLESON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 5/8" iron rod found at the southerly most corner of Lot 12, Davidson Meadows Subdivision, a subdivision recorded in Volume 2, Page 32A, Plat Records of Burleson County, Texas, for the most southeasterly corner of Lot 1A and the north corner of Lot 1B, Re-Plat of Lot 1, Davidson Meadows Subdivision, and for the POINT OF BEGINNING of the herein described tract;

THENCE, S 58°11' 17" W, with the southeast line of Lot 1A and the northwest line of Lot 1B, a distance of 1309.18 feet to a calculated point in the called centerline of Davidson Creek and the easterly line of a called 224.61 tract owned by Christopher W. Smith as described by the instrument recorded in Volume 629, Page 72, Official Public Records of Burleson County, Texas, for the most southerly corner of Lot 1A and the most northwesterly corner of Lot 1B;

THENCE, with the aforementioned record centerline of Davidson Creek, the southwesterly line of Lot 1A and the easterly line of the aforementioned Smith tract the next four (4) courses as follows:

- 1) N 65°27'47" W a distance of 35.52 feet to a calculated point;
- 2) N 19°17'07" E a distance of 74.41 feet to a calculated point;
- 3) N 27°13'03" W a distance of 88.27 feet to a calculated point;
- 4) N 05°13'04" E a distance of 231.17 feet to a set ½" iron rod set;

THENCE, leaving Davidson Creek and crossing Lot 1A for the next four (4) courses follows:

- 1) N 04°24'48" E a distance of 98.30 feet to a ½" iron rod set;
- 2) N 35°45'15" E a distance of 643.72 feet to a ½" iron rod set;
- 3) N 16°43'33" W a distance of 401.15 feet to a ½" iron rod set;
- 4) N 58°12'37" E a distance of 300.04 feet to a 5/8" iron rod found with a plastic cap stamped "Triad 5952" in the northeasterly line of Lot 1A for west corner of Lot 10 and the south corner of Lot 9 of the aforementioned Davidson Meadows Subdivision, and for the north corner of this description;

THENCE S 35°25'57" E along the southwesterly lines of Lots 10, 11, & 12, of the aforementioned Davidson Meadows Subdivision, passing at a distance of 328.06 feet a 5/8" iron rod found with a plastic cap stamped "Triad 5952" (RECORD- 328.03 feet), passing at another 5/8 inch iron rod found at a distance of 680.37 feet (RECORD —680.32 feet), and continuing

for a total distance of 1063.11 feet to the POINT OF BEGINNING of the herein described tract, containing a calculated area of 19.15 acres of land, more or less..

TRACT TWO: Being Lot 2 of Davidson Meadows Subdivision, being part of and out of Francisco Ruiz Survey, Abstract No. 54, in Burleson County, Texas, according to the Plat recorded in Volume 2, Page 32A of the Plat Records of Burleson County, Texas.

And both tracts of land being part of the same property described in Warranty Deed dated January 4, 2008, executed by Charles H. Smith, Janice Ofczarzak; and Daniel Junek to S&V Partnership, recorded in Volume 737, Page 708 of the Official Public Records of Burleson County, Texas.

NOTICE IS FURTHER GIVEN that, except to the extent that the Substitute Trustee may bind and obligate the Mortgagor to warrant title to the Property under the terms of the Deed of Trust, conveyance of the Property shall be made AS IS” “WHERE IS” without any representations and warranties whatsoever, express or implied, and subject to all matters of record affecting the Property.

Assert and protect your rights as a member of the Armed Forces of the United States. If you are, or your spouse is serving in active military duty, including active military duty as a 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.

EXECUTED this 3rd day of May 2017.

CMRR:7016 0750 0000 9087 6705

Filed for Record in:
Burleson County

On: May 03, 2017 at 08:27A
As an Posting Real Estate Notice

Amount: 2.00

Receipt Number - 115264
By: Jessica Lucero

STATE OF TEXAS COUNTY OF BURLESON
I hereby certify that this instrument was filed on the date and time stated herein by me and was duly recorded in the volume and page of the noted records of Burleson County.
As attested hereon by me.
May 03, 2017

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Kirby C. King
Kirby C. King, Substitute Trustee

Amanda Schielack
Burleson County Clerk