

2022 MAR 15 PM 3:24

KIMBERLY MENKE
COUNTY CLERK &

NOTICE OF FORECLOSURE SALE

March 14, 2022

Deed of Trust ("Deed of Trust"):

Dated: December 27, 2019

Grantor: Carlos Ariel Negron Melendez

Trustee: Caroline Ortego

Lender: Hawthorne Ventures LP

Recorded in: Volume 917, Page 600 of the real property records of Colorado County, Texas

Legal Description: **Called Tract 2:** 10.10 acres of land, more or less, situated in the George Singleton Survey, (G.H. & H. R.R. Co. Survey No. 28), Abstract No. 674 in Colorado County, Texas, being a part or portion of a called 155.45 acre tract of land conveyed to Hawthorne Ventures, LP., in Volume 890, Page 114 in Official Records of Colorado County, Texas.

Called Tract 4: 15.41 acres of land, more or less, situated in the George Singleton Survey, (G.H. & H. R.R. Co. Survey No. 28), Abstract No. 674 in Colorado County, Texas, being a part or portion of a called 155.45 acre tract of land conveyed to Hawthorne Ventures, LP., in Volume 890, Page 114 in Official Records of Colorado County, Texas.

Both tracts being more particularly described in the attached Exhibits.

Secures: Promissory Note ("Note") in the original principal amount of \$337,140.00, executed by Carlos Ariel Negron Melendez ("Borrower") and payable to the order of Lender

Substitute Trustee: Megan Randle, Debby Jurasek, or Ebbie Murphy

Substitute Trustee's Address: c/o Foreclosure Services LLC
8101 Boat Club Road, Suite 320
Fort Worth, Texas, 76179

Foreclosure Sale:

- Date:** Tuesday, April 5, 2022
- 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:** Colorado County Courthouse, 400 Spring St., Columbus, Texas 78934 or in the area designated by the Commissioner's Court, pursuant to Section 51.002 of the Texas Property Code.
- 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 Hawthorne Ventures LP'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, Hawthorne Ventures LP, 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 Hawthorne Ventures LP's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Hawthorne Ventures LP'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 Hawthorne Ventures LP 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 Hawthorne Ventures LP. 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.

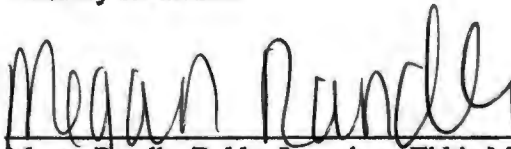
Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

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.



Meg Banahan
Veronica A. Martinez
R. Alex Weatherford
Banahan Martinez Weatherford, PLLC
1400 Broadfield Blvd., Suite 105
Houston, Texas 77084
Telephone (281) 394-3122
Telecopier (281) 940-2743
Attorney for Lender



Megan Randle, Debby Jurasek, or Ebbie Murphy
Substitute Trustee
c/o Foreclosure Services LLC
8101 Boat Club Road, Suite 320
Fort Worth, Texas 76179

ARBUCKLE SURVEYING, LLC

2004 N. Wharton St. - Physical
P.O. Box 511 - Mailing
El Campo, TX 77437

(979) 543-7974 - Office
(979) 541-7974 - Cell
Firm Registration No. 10193819

EXHIBIT A

STATE OF TEXAS

TRACT 2

COUNTY OF COLORADO

10.10 ACRES

Field Note Description of a 10.10 acre tract of land situated in the George Singleton Survey, (G.H. & H. R.R. Co. Survey No. 28), Abstract No. 674 in Colorado County, Texas, being a part or portion of a called 155.45 acre tract of land conveyed to Hawthorne Ventures, LP., in Volume 890, Page 114 in Official Records of Colorado County, Texas.

BEGINNING at a 5/8" Iron Rod set in the Northwest line of Farm-to-Market Highway No. 3013 (120' Wide - TxDOT - Volume 303, Page 199 D.R.), same being in the Southeast line of said 155.45 acre tract, and for the East corner of this herein described tract, from which, a 5/8" Iron Rod called and found for the East corner of said 155.45 acre tract bears: N 42°31'20" E - a distance of 1,080.11 feet;

THENCE: S 42°31'20" W - along and with the Northwest line of Farm-to-Market Highway No. 3013, same being the Southeast line of said 155.45 acre tract, a distance of 525.78 feet to a 5/8" Iron Rod set for the South corner of this herein described tract;

THENCE: N 39°38'12" W - across said 155.45 acre tract, a distance of 1,104.11 feet to a 5/8" Iron Rod set for the West corner of this herein described tract;

THENCE: N 79°22'07" E - across said 155.45 acre tract, a distance of 468.72 feet to a 5/8" Iron Rod set for the North corner of this herein described tract;

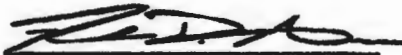
THENCE: S 47°28'55" E - across and severing said 155.45 acre tract, a distance of 812.71 feet to the **POINT OF BEGINNING**, containing within these metes and bounds 10.10 Acres, more or less.

Notes:

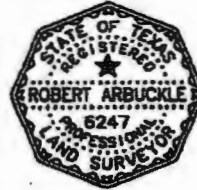
(1) All set Iron Rods are marked with plastic cap stamped "RPLS No. 6247".

Unless this Field Notes Description, including preamble, seal and signature, appears in its entirety, and in its original form, surveyor assumes no responsibility or liability for its accuracy. All bearings are based on the Texas State Plane Coordinate System, South Central Zone, and North American Datum of 1983/2011. Distances shown hereon are surface values, to derive grid distances, multiply by a combined scale factor of 0.999870491.

This Field Note Description is true and correct to the best of my knowledge and belief based on data obtained from the Colorado County Clerk, the Colorado County Central Appraisal District and a Survey made On-The-Ground under my direct supervision on May 16, 2019.



ROBERT D. ARBUCKLE
REGISTERED PROFESSIONAL LAND SURVEYOR
LICENSE No. 6247
JUNE 13, 2019



ARBUCKLE SURVEYING, LLC

2004 N. Wharton St. - Physical
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STATE OF TEXAS

COUNTY OF COLORADO

EXHIBIT A CALLED TRACT 4

15.41 ACRES

Field Note Description of a 15.41 acre tract of land situated in the George Singleton Survey, (G.H. & H. R.R. Co. Survey No. 28), Abstract No. 674 in Colorado County, Texas, being a part or portion of a called 155.45 acre tract of land conveyed to Hawthorne Ventures, L.P., in Volume 890, Page 114 in Official Records of Colorado County, Texas.

BEGINNING at a 5/8" Iron Rod set in the Northwest line of Farm-to-Market Highway No. 3013 (120' Wide - TxDOT - Volume 303, Page 199 D.R.), same being in the Southeast line of said 155.45 acre tract, and for the East corner of this herein described tract, from which, a 5/8" Iron Rod called and found for the East corner of said 155.45 acre tract bears: N 42°31'20" E - a distance of 2,410.29 feet;

THENCE: S 42°31'20" W - along and with the Northwest line of Farm-to-Market Highway No. 3013, same being the Southeast line of said 155.45 acre tract, a distance of 412.89 feet to a Concrete Highway Monument found for an angle point in Farm-to-Market Highway No. 3013, same being an angle corner of said 155.45 acre tract, and for an angle corner of this herein described tract;

THENCE: S 83°33'34" W - along and with a deflection line of Farm-to-Market Highway No. 3013, same being the South line of said 155.45 acre tract, a distance of 76.87 feet to a Concrete Highway Monument found at the intersection of the Northwest line of Farm-to-Market Highway No. 3013 with the Northeast line of County Road 207, for and angle corner of said 155.45 acre tract, and for an angle corner of this herein described tract;

THENCE: N 47°28'55" W - along and with the Northeast line of County Road 207, same being the Southwest line of said 155.45 acre tract, a distance of 200.91 feet to a 5/8" Iron Rod set for the West corner of this herein described tract, from which, a 5/8" Iron Rod called and found for the West corner of said 155.45 acre tract bears: N 47°28'55" E - a distance of 1,815.43 feet;

THENCE: N 01°26'58" E - across said 155.45 acre tract, a distance of 1,563.84 feet to a 5/8" Iron Rod set for the Northwest corner of this herein described tract;

THENCE: N 79°22'07" E - across said 155.45 acre tract, a distance of 308.61 feet to a 5/8" Iron Rod set for the Northeast corner of this herein described tract;

THENCE: S 06°21'08" E - across and severing said 155.45 acre tract, a distance of 1,452.05 feet to the **POINT OF BEGINNING**, containing within these metes and bounds 15.41 Acres, more or less.

Notes:

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