

2022 JUL 11 PM 1:58

KIMBERLY J. ENNIS  
COUNTY CLERK *sr*

**NOTICE OF FORECLOSURE SALE**

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:

All property (real, personal or otherwise) described in the deed of trust (as hereinafter defined as the "Deed of Trust"), together with the rights, appurtenances and improvements thereto, including, but not limited to, the real property described on **Exhibit A** attached hereto and made a part hereof. In the event any property encumbered by the Deed of Trust has been released by Lender (or its predecessor in interest, as applicable), then said released property shall be excluded from the property sold at foreclosure.

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

Date: **Tuesday, August 2, 2022.**

Time: The sale shall begin no earlier than **10:00 a.m.** or no later than three hours thereafter. The sale shall be completed by no later than **1:00 p.m.**

Place: **The sale will take place at the Colorado County Courthouse at the place designated by the Colorado County Commissioner's Court.**

The Deed of Trust permits the Lender (as hereinafter defined) 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 and/or Texas Business and Commerce Code. Such reposting or refiled may be after the date originally scheduled for this sale.

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 Lender to have the bid credited 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 cash on the day the property is sold.

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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

4. Type of Sale. The sale is a non-judicial foreclosure sale being conducted pursuant to the power of sale granted by that certain Deed of Trust (the "Deed of Trust") recorded under Instrument No. 1586, Book 926, Page 826 in the Real Property Records of Colorado County, Texas, and executed by Martin Rodriguez aka Martin Lopez Rodriguez (whether one or more, the "Grantor"), for the benefit of 21<sup>st</sup> Mortgage Corporation ("Lender"), covering the property described above.

5. Obligations Secured. The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Indebtedness") including but not limited to the unpaid principal and interest owing on: that certain Consumer Loan Note, Security Agreement and Disclosure Statement (the "Note") dated on or about April 27, 2020, executed by the Grantor and payable to the order of Lender, and all renewals, modifications and extensions of the Note. Lender is the current owner and/or holder of the Note and the Indebtedness and is the beneficiary under the Deed of Trust.

Questions concerning the sale may be directed to the undersigned or to the Lender:

21st Mortgage Corporation  
620 Market Street One Center Square  
Knoxville, TN 37902  
Phone: 800-955-0021  
Fax: 866-231-4851

6. Default and Request To Act. Default has occurred under the Deed of Trust, and Lender has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale Lender may appoint another person as substitute trustee to conduct the sale.

7. Armed Forces Notice. **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.**

DATED: July 6, 2022.



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Richard A. McKinney, Substitute Trustee  
Higier Allen & Lautin, P.C.  
The Tower at Cityplace  
2711 N. Haskell Ave., Suite 2400  
Dallas, Texas 75204  
Telephone: (972) 716-1888  
Fax: (972) 716-1899

**\*\*\*PLEASE FAX ALL COMMUNICATIONS REGARDING THIS MATTER TO THE SUBSTITUTE TRUSTEE AT 972-716-1899 (FAX), NOTE THE SUBSTITUTE TRUSTEE'S NAME ON YOUR COVER SHEET AND CONTACT THE SUBSTITUTE TRUSTEE AT 972-716-1888 (PHONE) TO CONFIRM RECEIPT. PLEASE ASSUME YOUR FAX HAS NOT BEEN RECEIVED UNTIL YOU VERBALLY CONFIRM RECEIPT THEREOF WITH OUR OFFICE. THANKS IN ADVANCE FOR YOUR COOPERATION.\*\*\***

**EXHIBIT A**

**PROPERTY DESCRIPTION**

**[FOLLOWS THIS COVER PAGE]**

Being 2.708 acres of land lying in and being situated out of the A.D. Kenion Survey, Abstract 367 in Colorado County, Texas and being a portion of that certain 7.0 acre tract of land conveyed to Andres Rodriguez and Juanita Rodriguez by Deed recorded in Volume 177, Page 550 of the Official Records of Colorado County, Texas; Said 2.708 acre tract being more particularly described as follows and as surveyed by Timothy D. Hearitige RPS 5036 on February 7, 2020:

BEGINNING at a  $\frac{1}{4}$ " iron rod found at the base of a fence corner post at most southwesterly corner of that certain (4.50 acre) tract of land conveyed to Tomas Velaguez Moreno and Ma Camen Moreno in a deed as recorded in Volume 367, Page 832 of the Official Records of Colorado County, Texas, and being at the most westerly northwest corner of that certain (7 acre) tract of land conveyed to Andres Rodriguez and Juanita Rodriguez in a deed Recorded in Volume 177 Page 550 of the Official Records of Colorado County, Texas, and also being in the fence along the easterly line of that certain (72.840 acre) tract of land conveyed to Clifford C. Grohmann and Jenny Grohmann, as trustees of the Clifford and Jenny Grohmann Living Trust in a deed as recorded in Volume 770 Page 855 of the Official Records of Colorado County, Texas, and being for the most northwesterly corner of the tract herein described, and from which a  $\frac{1}{4}$ " iron rod found in the

southerly right-of-way line of Interstate Highway 10 bears N 01 deg. 59' 30" W 450.71 feet,

THENCE, with the common line between the Rodriguez (7acre) tract and the Moreno tract S 86 deg. 02' 19" E 437.77 to a  $\frac{1}{4}$  iron rod found at the base of a fence corner post at the most southeasterly corner of the Moreno tract, being the most southwesterly corner of that certain (1.5 acre) tract of land conveyed to Jose Rodriguez in a deed as recorded in Volume 370 Page 349 of the Official Records of Colorado County, Texas, and being in the northerly line of the Rodriguez (7 acre) tract, and being in the northerly line of this tract,

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THENCE, with the common line between the Rodriguez (7 acre) tract and the Rodriguez (1.5 acre) tract S 86 deg. 19' 14"E 145.00 feet to a 1 " iron pipe found at the base of a fence corner post at the most southeasterly corner of the Rodriguez (1.5 acre) tract, and being at an interior angle in the Rodriguez (7 acre) tract, and being for the most so most northeasterly corner of this tract;

THENCE, leaving the common line between the Rodriguez (7 acre) tract and the Rodriguez (1.5 acre) tract S 05 deg. 08' 22"E 85.82 feet to a 1/2" iron rod set at the base of a gate post, and S 21 deg. 42' 38" W 79.98 feet to a 1/2" iron rod set in the interior of the Rodriguez (7 acre) tract, and being for the most southeasterly corner of this tract;

THENCE S 84 deg. 32' 89" W 533.60 feet, to a 1/2" iron rod set in the westerly line of the Rodriguez (7 acre) tract and being in the fence along the easterly line of the Grohmann tract, and being for the most southwesterly corner of this tract, and from which a fence corner found bears S 01 deg. 55'04" E 400.23 feet,

THENCE, with the easterly line of the Rodriguez (7 acre) tract, N 01 deg. 55' 04"W 252.18 feet to the PLACE OF BEGINNING, in all containing 2.708 acres of land.

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Together with an easement for access to said 2.708 acres, said easement being described as follows:

Being 0.421 acres of land out of the A.D. Kenion Survey, Abstract No. 367 in Colorado County, Texas and being a portion of that certain 7.0 acre tract of land conveyed to Andres Rodriguez and Juanita Rodriguez by Deed recorded in Volume 177, Page 550 of the Official Records of Colorado County, Texas; Said 0.421acre tract being more particularly described as follows and as surveyed by Timothy D. Hearitige RPS 5036 on February 7, 2020:

**BEGINNING** at a 4" iron fence corner found in the southerly right-of-way line of Interstate Highway 10, being the most southwesterly corner of that certain (1.5 acre) tract of land conveyed to Jose Rodriguez in a deed recorded in Volume 370 Page 349 of the Official Records of Colorado County, Texas and being the most northerly northwest corner of that certain (7.0 acre) tract of land conveyed to Andres Rodriguez and Juanita Rodriguez in a deed recorded in Volume 177 Page 550 of the Official Records of Colorado County, Texas and being for the most northwesterly corner of the tract herein described, and from which a 3/4" iron rod found bears N 86 deg. 04' 46" W 144.99 feet, and from that found 3/4" iron rod another 3/4" iron rod found bears N 85 deg. 50' 08" 438.49 feet,

**THENCE** with the southerly right-of-way line of Interstate Highway 10, S 85 deg. 54' 23" E 30.00 feet to a point in the most northeasterly corner of this tract being at the most northwesterly corner of that certain (1.092 acre) tract of land conveyed to Maria Rerich in a deed recorded in Volume 765 Page 727 of the Official Records of Colorado County, Texas, being the most northeasterly corner of this tract, and from which a 4" pipe fence corner post found bears S 85 deg. 54' 23" E 70.67 feet,

**THENCE** leaving the southerly right-of-way line of Interstate Highway 10, and with a line parallel to the westerly line of the Rodriguez (7 acre) tract, S 01 deg. 55' 47" E 444.47 feet to a point in the interior of the Rodriguez (7 acre) tract, and being in the easterly line of his tract;

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THENCE S 05 deg. 08' 22" E 92.14 feet to a point in the interior of the Rodriguez (7 acre) tract, and S 21 deg. 42' 38" W 71.78 feet to a point in the interior of the Rodriguez (7 acre) tract, and begin for the most southeasterly corner of this tract;

THENCE S 84 deg. 32' 09" W 33.54 feet to a 1/2" iron rod set in the interior of the Rodriguez (7 acre) tract, being at the most southeasterly corner of a 2.708 acre tract out of the Rodriguez (7 acre) tract, and being for the most southwesterly corner of this tract;

THENCE with the easterly line of the 2.708 tract N 21deg. 42' 38" E 79.98 feet to a 1/2" iron rod set at a gate post, and N 05 deg. 08' 22" W 85.82 feet to a 1" iron pipe found at the base of a fence corner post, being at the most southeasterly corner of the Rodriguez (1.5 acre) tract and being at an interior corner of the Rodriguez (7 acre) tract, and being in the westerly line of this tract;

THENCE, with the common line between the Rodriguez (7 acre) tract and the Rodriguez (1.5 acre) tract, N 01 deg. 65' 47" W 448.48 feet to the PLACE OF BEGINNING, in all containing 0.421 acres of land.

1586  
FILED FOR RECORD  
COLONADO COUNTY TEXAS  
2020 APR 29 PM 11:12  
KIMBERLY MENKE  
COUNTY CLERK O.K.

STATE OF TEXAS      COUNTY OF COLORADO  
I hereby certify that this instrument was FILED on the  
date and time stamped hereon by me; and was duly  
RECORDED in the Volume and Page of the OFFICIAL  
RECORDS of Colorado County, Texas and stamped  
hereon by me on

APR 30 2020



*Kimberly Menke*  
KIMBERLY MENKE  
COUNTY CLERK, TEXAS

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