

VG-371-2023-25

Blanco County
Laura Walla
Blanco County Clerk

Instrument Number: 25

Foreclosure Posting

Recorded On: August 15, 2023 10:08 AM

Number of Pages: 10

" Examined and Charged as Follows: "

Total Recording: \$3.00

Document Number: 25
Instrument Number: 20230815000003
Recorded Date/Time: August 15, 2023 10:08 AM

File Information:

Document Number: 25
Receipt Number: 20230815000003
Recorded Date/Time: August 15, 2023 10:08 AM
User: Melody E
Station: cclerk01

Record and Return To:

FROST FABCO

***** THIS PAGE IS PART OF THE INSTRUMENT *****
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.



STATE OF TEXAS
Blanco County
I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Blanco County, Texas

Laura Walla
Blanco County Clerk
Blanco County, TX

Laura Walla

FILED this 15 day of Aug 2023
LAURA WALLA
County Clerk Blanco County, Texas
By Sherib M. Iker Deputy
10:10 AM

AMENDED NOTICE OF SUBSTITUTE TRUSTEE'S FORECLOSURE SALE

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS**
COUNTY OF BEXAR §

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.

1. *PROPERTY TO BE SOLD:*

TRACT 1:
A DESCRIPTION OF A 24.93 ACRE TRACT OF LAND BEING A PORTION OF THAT 33.13 ACRE TRACT OF LAND DESCRIBED IN VOLUME 487, PAGE 860 OF THE OFFICIAL PUBLIC RECORDS OF BLANCO COUNTY, TEXAS, SITUATED IN THE D. HORSFALL SURVEY NO. 505, ABSTRACT NO. 295 IN SAID COUNTY, SAID 24.93 ACRES AS SHOWN ON THE ACCOMPANYING MAP BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

TRACT 2:
A DESCRIPTION OF A 60 FOOT WIDE ACCESS EASEMENT BEING A PORTION OF THAT 2.16 ACRE TRACT OF LAND DESCRIBED IN VOLUME 487, PAGE 860 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND BEING A PORTION OF THAT 33.13 ACRE TRACT OF LAND DESCRIBED IN VOLUME 487, PAGE 860 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SITUATED IN THE D. HORSFALL SURVEY NO. 505, ABSTRACT NO. 295 IN SAID COUNTY, THE EAST LINE OF SAID 60 FOOT WIDE ACCESS EASEMENT, AS SHOWN ON THE ACCOMPANYING MAP BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

The Real Property or its address is commonly known as 230 TT 962 E., ROUND MOUNTAIN, TX 78663.

2. *INSTRUMENT TO BE FORECLOSED:*

That certain Deed of Trust dated the 2nd day of February, 2017, from PEARCE DEVELOPMENT, LLC, a Texas limited liability company, as Grantor, to Dan J. Guarino, Trustee, for the benefit of FROST BANK, a state-chartered bank, having its principal office at 111 W. Houston Street, San

Antonio, Bexar County, Texas 78205, recorded at Document No. 170608 in the Official Public Records of Blanco County, Texas (the "2017 Deed of Trust").

3. DATE, TIME, AND PLACE OF SALE:

Date: Tuesday, September 5, 2023

Time: The sale will begin no earlier than 1:00 o'clock p.m. or no later than three (3) hours thereafter. The sale will be completed by no later than 4:00 p.m.

Place: The sale will take place at the Blanco County Courthouse located at 101 E. Pecan, Johnson City, Texas or as designated by the Blanco County Commissioner's Court, or such other location designated for conducting foreclosure sales in Blanco County, Texas.

The 2017 Deed of Trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the Substitute Trustee under the 2017 Deed of Trust need not appear at the date, time, and place of the scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be re-posted and re-filed in accordance with the posting and filing requirements of the Texas Property Code. The re-posting or re-filing may be after the date originally scheduled for this sale.

4. TERMS OF SALE:

The Sale will be conducted as a public auction to the highest bidder for

cash, subject to the provisions of the 2017 Deed of Trust permitting the beneficiary 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 cash on the day the Property is sold.

The sale will be made expressly subject to any title matters set forth in the 2017 Deed of Trust and appearing of record in the Official Public Records of Blanco County, Texas. 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 2017 Deed of Trust including any unpaid ad valorem taxes. The sale shall not cover any part of the Property that has been released of public record from the lien of the 2017 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.

Pursuant to the 2017 Deed of Trust, the beneficiary has the right to direct the Substitute Trustee to sell the Property in one or more parcels and/or to sell all or only a part of the Property.

Pursuant to Section 51.009 of the Texas Property Code, the Property shall be sold "AS IS" and "WHERE IS" with no representations or

warranties, either expressed or implied, except as to the warranties of title, if any, provided for under the Deed of Trust. The sale expressly excludes any warranty of merchantability or fitness for a particular use. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

The Property will be sold subject to any unpaid *ad valorem* taxes and any other prior liens. Any purchaser is urged to determine the unpaid balance, if any, of the *ad valorem* taxes, owing on 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.

5. TYPE OF SALE:

The sale is a non-judicial foreclosure sale being conducted pursuant to the power of sale granted by the 2017 Deed of Trust executed by PEARCE DEVELOPMENT, LLC, a Texas limited liability company.

6. OBLIGATIONS SECURED:

The 2017 Deed of Trust and the Forbearance Agreement provide that the Property secures the payment of the indebtedness and all obligations described therein, including, but not limited to (a) the Promissory Note in the original principal amount of \$1,480,000.00 dated September 13,

2019, executed by PEARCE DEVELOPMENT, LLC, a Texas limited liability company (the "2019 Note"), and payable to FROST BANK, a state chartered bank, (b) all renewals and extensions of the note, (c) that certain promissory note in the original principal amount of \$5,000,000.00 from TEXAS FABCO SOULUTIONS, INC. to FROST BANK dated June 23, 2021 (the "2021 FABCO Note"), (d) that certain Master Lease Number 774844544 dated as of August 16, 2019 ("FABCO Master Lease") with Lease Supplement Number 001 dated as of August 16, 2019 ("FABCO Supp 1"); Lease Supplement Number 002 dated as of January 15, 2020 ("FABCO Supp 2"); and Lease Supplement Number 003 dated January 23, 2020 ("FABCO Supp 3"); and (e) that certain Forbearance Agreement dated effective the 3rd day of January, 2023 (collectively the "Obligations").

FROST BANK is the current holder of the Obligations by virtue of its direct ownership or capacity as servicer and is the named beneficiary under the Deed of Trust. Questions concerning the sale may be directed to the following:

Leslie M. Luttrell
100 NE Loop 410, Suite 615
San Antonio, Texas 78216
Telephone: 210.426.3600
luttrell@lclawgroup.net

7. DEFAULT AND REQUEST TO ACT:

Default has occurred under the terms of the Obligations and 2017 Deed of Trust and the beneficiary has requested me, as Substitute Trustee, to

conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

WITNESS MY HAND this 14th day of August, 2023.

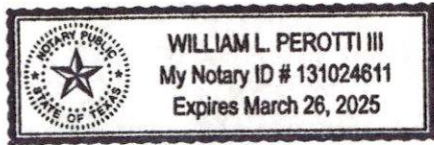


Leslie M. Luttrell
Substitute Trustee

THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, on this day personally appeared **Leslie M. Luttrell**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 14th day of August, 2023.


Notary Public, State of Texas

My commission expires: March 26, 2025

Exhibit "A"

A DESCRIPTION OF A 24.93 ACRE TRACT OF LAND BEING A PORTION OF THAT 33.13 ACRE TRACT OF LAND DESCRIBED IN VOLUME 497, PAGE 660 OF THE OFFICIAL PUBLIC RECORDS OF BLANCO COUNTY, TEXAS, SITUATED IN THE B. HORSFALL SURVEY NO. 505, ABSTRACT NO. 295 IN SAID COUNTY, SAID 24.93 ACRES AS SHOWN ON THE ACCOMPANYING MAP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 3 inch metal post for the southwest corner of said 24.93 acres, being the southwest corner of said 33.13 acres, being the northwest corner of that certain tract of land described in Volume 90, Page 684 of the Deed Records of said County and being in the east right of way line of U.S. Highway No. 281;

THENCE along the west line of said 24.93 acres, being the west line of said 33.13 acres and being the east line of said Highway, N18°40'38"E, 1187.71 feet to a 1/4 inch iron rod set for the northwest corner of said 24.93 acres;

THENCE along the north line of said 24.93 acres, crossing said 33.13 acres, the following three (3) courses;

1. S71°51'05"E, 487.04 feet to a 1/4 inch iron rod set,
2. N13°21'51"E, 177.37 feet to a 1/4 inch iron rod set,
3. S85°33'39"E, 421.28 feet to a 1/4 inch iron rod set for the northeast corner of said 24.93 acres, being in the east line of said 33.13 acres and being in that 100.00 acre tract of land described in Volume 324, Page 247 of the Deed of Trust Records;

THENCE along the east line of said 24.93 acres, being the east line of said 33.13 acres and being the west line of said 100.00 acres, S05°28'18"E, 521.01 feet to a 1/4 inch metal post for an upper southeast corner of said 24.93 acres, being the southwest corner of said 100.00 acres and being the northeast corner of that certain 5.00 acre tract of land described in Volume 342, Page 790 of the Official Public Records of said County;

THENCE along an interior line of said 24.93 acres, being an interior line of said 33.13 acres and being the north line of said 5.00 acres, S68°53'30"W, 385.12 feet to a 1/4 inch iron rod found for an upper south corner of said 24.93 acres, being an upper south corner of said 33.13 acres and being the northwest corner of said 5.00 acres;

THENCE along an interior east line of said 24.93 acres, being an interior east line of said 33.13 acres and being the west line of said 5.00 acres, S05°28'10"E, 567.64 feet to a ½ inch iron rod set for a lower southeast corner of said 24.93 acres, being a lower southeast corner of said 33.13 acres, being the southwest corner of said 5.00 acres and being in the north line of said tract described in Volume 90, Page 684;

THENCE along the south line of said 24.93 acres, the south line of said 33.13 acres and being the north line of said tract described in Volume 90, Page 684, the following three (3) courses:

1. S88°53'30"W, 256.15 feet to a 3 inch metal post,
2. N48°27'50"W, 74.64 feet to a 3 inch metal post,
3. S87°25'46"W, 734.57 feet to the POINT OF BEGINNING containing 24.93 acres of land, more or less.

Exhibit "B"

TOGETHER WITH A 60 FOOT WIDE ACCESS EASEMENT

A DESCRIPTION OF A 60 FOOT WIDE ACCESS EASEMENT BEING A PORTION OF THAT 2.16 ACRE TRACT OF LAND DESCRIBED IN VOLUME 487, PAGE 860 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND BEING A PORTION OF THAT 33.13 ACRE TRACT OF LAND DESCRIBED IN VOLUME 487, PAGE 860 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SITUATED IN THE D. HORSEALL SURVEY NO. 505, ABSTRACT NO. 295 IN SAID COUNTY, THE EAST LINE OF SAID 60 FOOT WIDE ACCESS EASEMENT, AS SHOWN ON THE ACCOMPANYING MAP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a $\frac{1}{2}$ inch iron rod found for the northeast corner of said 60.00 foot wide access easement, being the northeast corner of that certain 2.15 acre tract of land described in Volume 487, Page 860 of the Official Public Records of said County and being in the south line of R.M. Highway No. 962;

THENCE along the east line of said 60.00 foot wide access easement, being the east line of said 2.15 acres and being 60.00 feet east of and parallel with the west line of said 60.00 foot wide access easement, $S03^{\circ}43'58''E$, 214.57 feet to a cedar post for the southeast corner of said 2.15 acres, being a lower northeast corner of said 33.13 acres;

THENCE continuing along the east line of said 60.00 foot wide access easement, being the east line of said 33.13 acres, $S05^{\circ}28'10''E$, 261.77 feet to a $\frac{1}{2}$ inch iron rod set for the POINT OF TERMINATION of said 60.00 foot wide access easement.

STATE OF TEXAS
COUNTY OF BLANCO
I hereby certify that this instrument was FILED in File Number Sequence on the date and the time stamped hereon by me and was duly RECORDED in Official Public records of Blanco County, Texas on

JUL 16 2014



Karen Newman
COUNTY CLERK
BLANCO COUNTY, TEXAS

VOL 494 PAGE 0250.1