

VG-371-2023-26

**Blanco County
Laura Walla
Blanco County Clerk**

Instrument Number: 26

Foreclosure Posting

Recorded On: August 15, 2023 10:08 AM

Number of Pages: 9

" Examined and Charged as Follows: "

Total Recording: \$3.00

***** 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.

File Information:

Document Number: 26
Receipt Number: 20230815000003
Recorded Date/Time: August 15, 2023 10:08 AM
User: Melody E
Station: cclerk01

Record and Return To:

FROST FABCO



**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

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:*

BEING A 10.36 ACRES OF LAND, MORE OR LESS, BEING A PROTION OF THE 33.13 ACRE TRACT OF LAND DESCRIBED BY DEED RECORDED IN VOLUME 487, PAGE 860, OFFICIAL PUBLIC RECORDS OF BLANCO COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN 2.16 ACRE TRACT OF LAND DESCRIBED IN VOLUME 487, PAGE 860, OFFICAL PUBLIC RECORDS OF BLANCO COUNTY, TEXAS, SITUATED IN THE D. HORSFALL SURVEY NO. 505, ABSTRACT NO. 295, BLANCO COUNTY, TEXAS. SAID 10.36 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" ATTAHED HERETO AND MADE A PART HEREOF AS IF FULLY INCORPORATED AT LENGTH.

The Blanco County 10.36 Acres is municipally identified as 178 FM 962, Round Mountain, Texas 78663.

2. *INSTRUMENT TO BE FORECLOSED:*

That certain Deed of Trust dated the September 13, 2019, 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. 193190** in the Official Public Records

of Blanco County, Texas (the "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 Deed of Trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the Substitute Trustee under the 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 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 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 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 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 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 Deed of Trust lien and foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by PEARCE DEVELOPMENT, LLC, a Texas limited liability company.

6. OBLIGATIONS SECURED:

The Deed of Trust provides that it 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 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.

Signatures on Page 6

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

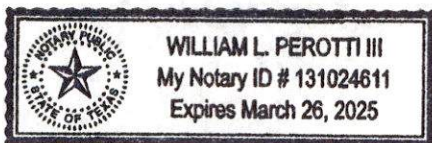
Leslie M. Luttrell

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.



William L. Perotti III
Notary Public, State of Texas

My commission expires: March 26, 2025

HAMBRIGHT LAND SURVEYING

P.O. BOX 1226
JOHNSON CITY, TEXAS 78636

PHONE: (830) 868-2574
FAX: (830) 868-2576

JUNE 11, 2014, JOB NO. 014-135, FIELD NOTE NO. 014-135-2, PROJECT:
10.37 ACRES

FIELD NOTES

A DESCRIPTION OF A 10.36 ACRE TRACT OF LAND BEING AN 10.36 ACRE PORTION OF THAT 33.13 ACRE TRACT OF LAND DESCRIBED IN VOLUME 487, PAGE 860 OF THE OFFICIAL PUBLIC RECORDS OF BLANCO COUNTY, TEXAS AND BEING ALL OF THAT 2.16 ACRE TRACT OF LAND DESCRIBED IN VOLUME 487, PAGE 860 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SITUATED IN THE D. HORSEFALL SURVEY NO. 505, ABSTRACT NO. 295 IN SATD COUNTY, SAID 10.36 ACRES AS SHOWN ON THE ACCOMPANYING MAP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ¼ inch iron rod set for the southwest corner of said 10.36 acres, being in the west line of said 33.13 acres and being in the east right of way line of U.S. Highway No. 281;

THENCE along the west line of said 10.36 acres, being the west line of said 33.13 acres and being the east line of said Highway, N18°40'38"E, 522.86 feet to a concrete highway monument found for the northwest corner of said 10.36 acres, being the northwest corner of said 33.13 acres and being in the south line of R.M. Highway No. 962;

THENCE along the north line of said 10.36 acres, being the north line of said 33.13 acres and being the south line of said Highway, N87°57'02"E, 292.84 feet to a metal fence post for the being the northwest corner of said 2.16 acre;

THENCE continuing along the north line of said 10.36 acres, being the north line of said 2.16 acres and being the south line of said Highway, N87°01'29"E, 438.77 feet to a ½ inch iron rod found for the northeast corner of said 10.36 acres, being the northeast corner of said 2.16 acres and being in the west line of that certain 100.00 acre Tract 2 described in Volume 324, Page 247 of the Deed of Trust Records of said County;

THENCE along the east line of said 10.36 acres, being the east line of said 2.16 acres and being the west line of said 100.00 acres, S03°43'58"E, 214.57 feet to a metal fence post for the southeast corner of said 2.16 acres, being the northeast corner of said 33.13 acres;

THENCE continuing along the east line of said 10.36 acres, being the east line of said 33.13 acres and being the west line of said 100.00 acres, S05°28'10"E, 261.77 feet to a ¼ inch iron rod set for the southeast corner of said 10.36 acres;

THENCE along the south line of said 10.36 acres, crossing said 33.13 acres, the following three (3) courses;

1. S84°33'39"W, 421.28 feet to a ¼ inch iron rod set,
2. S18°21'51"W, 177.37 feet to a ¼ inch iron rod set,
3. N71°31'05"W, 487.04 feet to the POINT OF BEGINNING containing 10.36 acres of land, more or less.

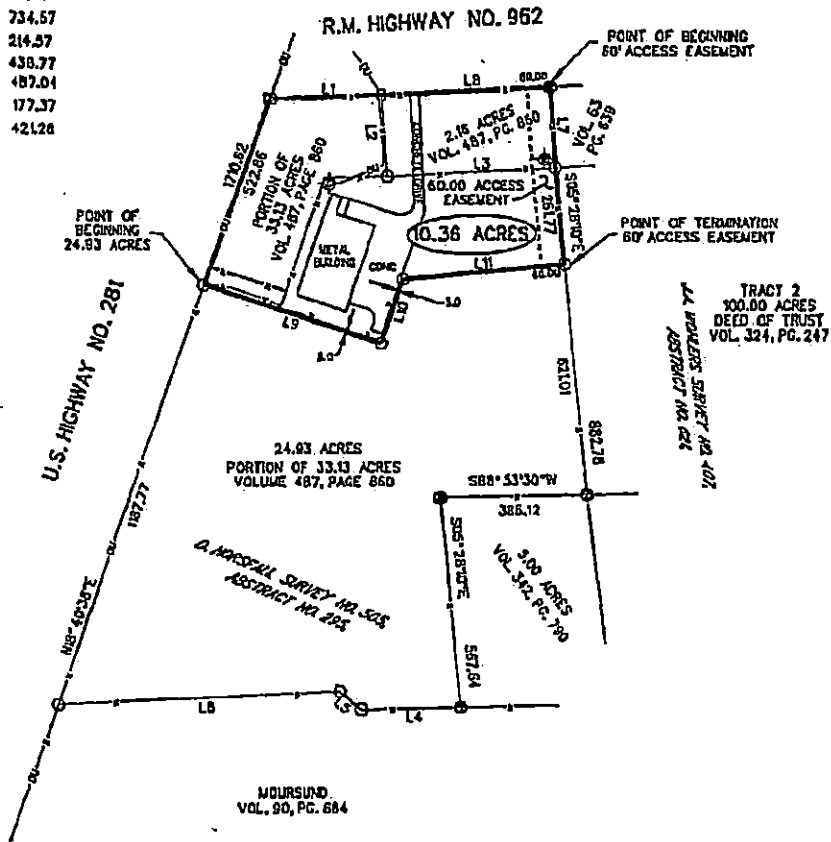
EXHIBIT "A"
PAGE 1 OF 2



06-17-14

EXHIBIT "A"

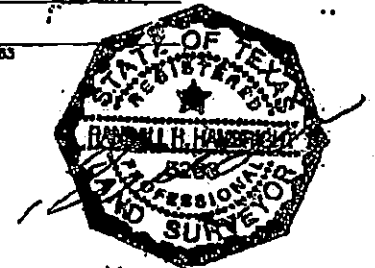
LINE	DIRECTION	DISTANCE
L1	N87° 57' 02" E	292.84
L2	S04° 22' 28" E	215.22
L3	N86° 54' 18" E	436.35
L4	S88° 53' 30" W	256.15
L5	N48° 27' 50" W	74.84
L6	S87° 25' 46" W	734.57
L7	S03° 43' 58" E	214.27
L8	N87° 07' 29" E	438.77
L9	S71° 37' 03" E	487.01
L10	N18° 27' 51" E	177.37
L11	N84° 33' 39" E	421.28



I, RANDALL H. HAMBRIGHT, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT I HAVE MADE A SURVEY ON THE GROUND OF THE PROPERTY SHOWN HEREON AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A PUBLIC ROADWAY.

DATE _____

RANDALL H. HAMBRIGHT, R.P.L.S. NO. 5283

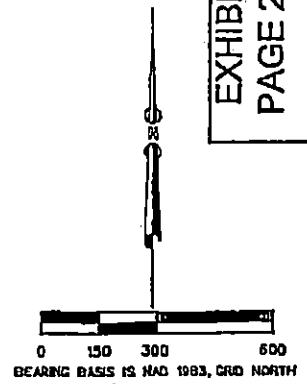


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EXHIBIT "A"
PAGE 2 OF 2

LEGEND

- 1/4" IRON ROD SET
- FENCE POST
- ⊙ 1/2" IRON ROD FOUND
- WIRE FENCE
- CONCRETE MONUMENT FOUND
- ⊕ WATER WELL
- OU- OVERHEAD UTILITIES



DATE 06-17-14
JOB NO. 014-035

HAMBRIGHT LAND SURVEYING

P.O. BOX 1228
JOHNSON CITY, TEXAS 78636
PHONE (830) 898-2874
FAX (830) 888-2878
EMAIL: HAMBRIGHTSURVEY@GMAIL.COM

MAP TO ACCOMPANY FIELD NOTE NO. 014-138

SURVEY OF A 10.36 ACRE TRACT OF LAND SITUATED IN THE D. HORSFALL SURVEY NO. 805, ABSTRACT NO. 295, BLANCO COUNTY, TEXAS