

104 Woodhaven
Kenedy, Texas 78119

FILED
At 2:55 o'clock P.M.

MAR 16 2020

CAROL SWIZE, COUNTY CLERK
KARNES COUNTY, TEXAS
Deputy

NOTICE OF TRUSTEE'S SALE
and
APPOINTMENT OF SUBSTITUTE TRUSTEE

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.

WHEREAS, on May 17, 2017, George Barrientez and Nicole Deleon executed a Deed of Trust conveying to Law Offices of John B. Low, P.C., Trustee, the real property hereinafter described, to secure Sunlite Asset Investments, LLC, in the payment of a debt therein described, said Deed of Trust being recorded in Document No. 201700001759, Official Records of Karnes County, Texas.

WHEREAS, default has occurred in the payment of said indebtedness, and the same is now wholly due, and the owner and holder of said debt has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

WHEREAS, in my capacity as the attorney for the present owner and holder of the note, and pursuant to Section 51.0076(3) Texas Property Code, I hereby name, appoint and designate Mark Cummings or Dick Veters or Jason West, the Substitute Trustee(s) in the above described Deed of Trust and/or to act under and by virtue of said Deed of Trust, including posting and filing the public notice required under Section 51.002 Texas Property Code as amended, and to proceed with a foreclosure of the Deed of Trust lien securing the payment of said note.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, April 7, 2020, at 1:00 o'clock p.m. or within three (3) hours thereafter, the Substitute Trustee will sell said real property at the place hereinafter set out, to the highest bidder for cash. The place of sale shall be in the area designated by the Commissioners Court of such County, pursuant to §51.002 of the Texas Property Code as the place where foreclosure sales are to take place (if such place is not so designated, the sale will take place in the area where this Notice of Substitute Trustee's Sale is posted), in the City of Karnes City, Karnes County, Texas.

Said real property is described as follows:

All that certain, lot, tract or parcel of land, out of the Carlos Martinez Original Grant, Karnes County, Texas, being a portion of that certain 89.994 acres of land, more or less, described in an Oil Gas and Mineral Lease from Charles Harrell Scruggs, Jr. et

ux to Robert R. Keehan dated October 7, 1966 and recorded in Volume 350, Page 513 of the Deed Records of Karnes County, Texas and being the same property denoted as Lot No. 2 on a plat of the Scruggs property in the City of Kenedy, Carlos Martinez Grant, appearing of record in Volume 3, Page 31, of the Map Records of Karnes County, Texas, said lot, tract or parcel of land being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof.

The Deed of Trust permits the Beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deed of Trust or Substitute Trustee appointed herein 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. The reposting or refileing may be after the date originally scheduled for this sale.

Pursuant to Section 51.009 of the Texas Property Code, the property will be sold in "AS IS, WHERE IS" condition, without any express or implied warranties, except as to the warranties of title (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 and the priority of the lien being foreclosed.

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 their bid immediately in cash if their bid is accepted.

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. 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 priority, nature and extent of such matters, if any.

In the event of a defect or other problem with the foreclosure process is discovered that may invalidate the sale, the consideration paid will be returned to the purchaser as the sole and absolute remedy. In the event of any claim or action brought by any person including the purchaser requiring or resulting in the invalidation of the sale and rescission of the Trustee's Deed or Substitute Trustee's Deed, purchaser's damages resulting therefrom are limited to the consideration paid to the Trustee or Substitute Trustee and the sole and absolute remedy shall be the return to purchaser of the consideration paid. The purchaser shall have no further recourse against the Trustee, Substitute Trustee, Mortgagor, Mortgagee or the Mortgagee's attorney.

Default has occurred under the Deed of Trust, and the beneficiary has requested the above named Trustee or Substitute Trustee(s), to conduct this public sale. Notice is given that before the sale the beneficiary or the Beneficiary's attorney, agent or servicer may appoint another person substitute trustee to conduct the sale.

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.

The Substitute Trustee's address is c/o WEST & WEST ATTORNEYS, 2929 Mossrock, Suite 204, San Antonio, Texas 78230.

WITNESS MY HAND on 16 day of March 2020.


NORTH O. WEST, State Bar No. 21204000
Attorney or Authorized Agent for the
Mortgagee or Mortgagee's Servicer
WEST & WEST ATTORNEYS, P.C.
2929 Mossrock, Suite 204
San Antonio, Texas 78230

EXHIBIT "A"

Legal Description

All that certain lot, tract or parcel of land, out of the Carlos Martinez Original Grant, Karnes County, Texas, being a portion of that certain 89.994 acres of land, more or less, described in an Oil, Gas and Mineral Lease from Charles Harrell Scruggs, Jr. et ux to Robert R. Keenan dated October 7, 1986 and recorded in Volume 350, Page 513 of the Deed Records of Karnes County, Texas and being the same property denoted as Lot No. 2, on a plat of the Scruggs property in the City of Kenedy, Carlos Martinez Grant, appearing of record in Volume 3, page 31, of the Map Records of Karnes County, Texas, said lot, tract or parcel of land being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron pipe set for the Southwest corner of this tract the same being the Southeast corner of Lot No. 1, as shown on the plat of the Scruggs property above mentioned, said iron pipe being in a South boundary line in the above mentioned 89.994 acres of land and the North boundary line of a 7.171 acres tract of land as conveyed by Ira Coats Lee et vir to the Housing Authority of the City of Kenedy, Texas by deed dated April 15, 1957, recorded in Volume 254, Page 521 of the Deed Records of Kenedy County, Texas, and lying North 78° 50' East a distance of 75 feet from the most Northerly Southwest corner of said tract of 89.994 acres and the Northwest corner of said 7.171 acres;

THENCE North 11° 10' West with the East line of Lot No. 1, as shown on the plat of the Scruggs property above mentioned, a distance of 104 ft. to an iron pipe set for the Northwest corner of this tract in the South R.O.W. line of Woodhaven Street;

THENCE, North 76° 50' East with the South R.O.W. line of Woodhaven Street a distance of 75 ft. to an iron pipe set for the Northeast corner of this tract and the same being the Northwest corner of Lot No. 3, shown on the plat of the Scruggs property above mentioned;

THENCE South 11° 10' East with the West boundary line of Lot No. 3 as shown on the plat of the Scruggs property above mentioned, a distance of 104 feet to an iron pipe set for the Southeast corner of this tract in a South boundary line of the above mentioned 89.994 acre tract and the North boundary line of the above mentioned 7.171 acres tract;

THENCE South 78° 50' West a distance of 75 feet to the POINT OF BEGINNING and containing within these boundaries 0.179 acres of land, more or less.