

**NOTICE OF NON-JUDICIAL FORECLOSURE 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.

WHEREAS, on December 30, 2015, Benny B. Daneshjou, Manager and Michael E. Quigley, Manager on behalf of DO Design & Development, LLC, a Texas Limited Liability Company, executed a certain Deed of Trust to secure Schertz Bank & Trust in the payment of one certain Promissory Note of even date therewith in the principal sum of \$275,000.00 ("Note"), said Deed of Trust being filed for record on December 31, 2015, among the Official Public Records of Travis County, Texas as Document No. 2015206718; and,

WHEREAS, the undersigned have been appointed Substitute Trustee in the place of the said original Trustee, upon the contingency and in the manner authorized by the Deed of Trust and state law; and,

WHEREAS, default, as same is defined in the Note and/or the Deed of Trust, has occurred and the outstanding indebtedness on same is now wholly due; and,

WHEREAS, Schertz Bank & Trust, the Owner and Holder of the Note ("Lender") has requested the undersigned to sell the real property described in the Deed of Trust to satisfy all or a portion of the said indebtedness as defined in the Deed of Trust.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on **Wednesday, February 1, 2022**, beginning at **10:00 a.m.**, or not later than three hours after that time, any Substitute Trustee appointed by the holder of the Note will sell the following described real property to the highest bidder for cash, subject to the unpaid balance due and owing on any lien indebtedness affecting the property which is superior to the Deed of Trust, at the Courthouse of **Travis County, Texas**, in the area designated by the Commissioners Court of such County, or if no such area has been so designated, then at the place where non-judicial foreclosure sales of real property are customarily and regularly held in **Travis County, Texas**, which real property is described as follows:

2.024 acres of land, more or less, out of the MARCUS THOMAS SURVEY NO. 509, ABSTRACT NO. 770, situated in Travis County, Texas, being that same property conveyed to James Timmons and wife, Jeanie Timmons by General Warranty Deed recorded in Volume 13283, Page 1112, Real Property Records, Travis County, Texas, said 2.024 acre tract being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes.

Together with all improvements on the property; all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights, and water stock; all fixtures attached

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INTEREST IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

The property to be sold is the same property described in said Deed of Trust, except as same may have been modified of record.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE(S). EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE. ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER THE OWNER OF THE PROMISSORY NOTE NOR THE SUBSTITUTE TRUSTEE(S) MAKES ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, NOR WITH RESPECT TO CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATIONS WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER. PROSPECTIVE BIDDERS ARE ADVISED TO CONDUCT AN INDEPENDENT INVESTIGATION OF THE NATURE AND PHYSICAL CONDITION OF THE PROPERTY.

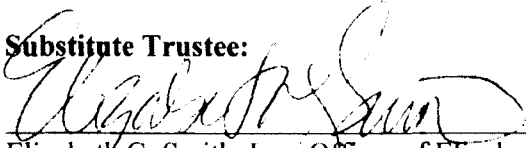
Therefore, notice is given that on and at the date, time, and place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law. If Lender passes the Foreclosure Sale, notice of the 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 Lender. 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 51.0075(a) of the Texas Property Code, Substitute Trustee(s) 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(s).

IN WITNESS HEREOF, this instrument has been executed to be effective this 7th day of January, 2022.

Substitute Trustee:


Elizabeth G. Smith, Law Offices of Elizabeth G. Smith
6655 First Park Ten, Suite 240, San Antonio, TX 78213
Ph: 210-731-9177; Fax: 210-731-9130; Cell 210-861-3959

And/Or

Jim Mills, Susan Mills, George Hawthorne, Ed Henderson,
Kyle Walker, Andrew Mills-Middlebrook, on behalf of
Abstracts/Trustees of Texas, PO Box 9932, Austin, TX 78766
P: 512-340-0331; F: 512-340-0226

After Recording Return to:

Law Offices of Elizabeth G. Smith
6655 First Park Ten, Suite 240
San Antonio, Texas 78213

Exhibit A

FIELD NOTES

FIELD NOTES FOR 2.024 ACRES OF LAND, MORE OR LESS, OUT OF THE MARCOS THOMAS SURVEY 509, TRAVIS COUNTY, TEXAS, SAID 2.024 ACRES FURTHER BEING ALL THAT CERTAIN 2.024 ACRES CONVEYED TO CINDY M. ELLIS BY WARRANTY DEED RECORDED IN VOLUME 13828, PAGE 1592, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, FOR WHICH A MORE PARTICULAR DESCRIPTION BY METER AND BOUNDS IS AS FOLLOWS:

BEGINNING at an iron rod found on the west R.O.W. of Wier Loop Road at the S.E. corner of said 2.024 acre tract for the S.E. corner hereof;

THENCE S43°15'01"W for a distance of 334.24 feet a pipe found for the S.W. corner hereof;

THENCE N32°18'37"W for a distance of 171.67 feet to an iron rod found for the N.W. corner hereof;

THENCE N45°16'00"E for a distance of 316.62 feet to a 60d Nail found on the west R.O.W. of Wier Loop Road at the N.E. corner of said 2.024 acre tract of the N.E. corner hereof;

THENCE E31°29'48"E along the west R.O.W. of Wier Loop Road for a distance of 168.71 feet to the POINT OF BEGINNING, containing 2.024 acres of land.



202240006

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Dana DeBeauvoir, County Clerk
Travis County, Texas

Jan 07, 2022 01:17 PM

Fee: \$3.00

LOPEZS