

**STAYS IN FILE****NOTICE OF TRUSTEE'S SALE**

THE STATE OF TEXAS §

§

COUNTY OF TRAVIS §

**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.**

Notice is hereby given that a public sale at auction of the Property (as that term is defined and described below) will be held at the date, time, and place specified in this notice.

**DATE OF SALE:** Tuesday, the 1st day of February, 2022.

**TIME OF SALE:** Between the hours of 10:00 a.m. and 4:00 p.m. The earliest time at which the sale will commence is 10:00 a.m., and the sale will commence no later than 12:59 p.m.

**PLACE OF SALE:** Travis County Courthouse, 1000 Guadalupe Street, Austin, Travis County, Texas 78701 at the area at the Travis County Courthouse designated by the Commissioner's Court of Travis County, Texas, where foreclosures are to take place, such area is the rear "Sallyport" area of the Travis County Courthouse, which is located on the west side of the Courthouse immediately south of and slightly east of the intersection of 11th Street and San Antonio Street.

**INFORMATION REGARDING THE LIEN THAT IS THE SUBJECT OF THIS SALE:**

**NAME OF DOCUMENT:** Declaration of Condominium Regime for Old Town Condominiums, recorded under Document No. 2011002959, Official Public Records, Travis County, Texas (the "Declaration"). The real property encumbered by the Assessment Lien granted under the Declaration is described on Exhibit "A" attached hereto and made a part hereof for all purposes together with all and singular the rights, appurtenances, improvements and fixtures thereto (collectively, the "Property").

**INDEBTEDNESS SECURED:** Pursuant to the *Declaration of Condominium Regime for Old Town Condominiums*, recorded under Document No. 2011002959, Official Public Records, Travis County, Texas (the "Declaration"), the Old Town Homeowners Association, Inc. (the "Association") is authorized to impose maintenance assessments upon the Property to meet the common expenses associated with the improvement, maintenance, operation, administration, and preservation of the Old Town Condominiums (the "Assessments") and has an express contractual lien on the Property to secure the payment of any due but unpaid Assessments owed by the owner of the Property.

**APPOINTMENT OF TRUSTEE:**

NAME OF DOCUMENT: Appointment of Trustee

DATE: December 28, 2021.

NAME OF TRUSTEE: Gregory S. Cagle, and/or Adam Pugh, and/or Greg P. Garza, and/or Kevin Slater, and/or Kathleen Kilanowski, and/or Shawna Dalrymple, 4301 Westbank Drive, Building A, Suite 150, Austin, Texas 78746.

The Property is a condominium unit in the Old Town Condominiums (the "Project") and is subject to the *Declaration of Condominium Regime for Old Town Condominiums*, (the "Declaration").

DIANE LANG ("Debtor") is the owner of the Property pursuant to an Executor's Deed recorded at Document No. 00005228132, Official Public Records, Travis County, Texas;

The Declaration establishes Old Town Homeowners Association, Inc. (the "Association"), an association as that term is used in the Texas Uniform Condominium Act, to manage and administer the affairs of the Project and authorizes the Association to impose maintenance assessments upon all owners of the condominium units in the Project to meet the common expenses associated with the improvement, maintenance, operation, administration, and preservation of the Project (the "Assessments");

The Declaration and/or the Texas Uniform Condominium Act creates an express contractual lien on each condominium unit in the Project to secure the payment of any due but unpaid Assessments owed by any unit owner (the "Lien") and authorizes the Association to enforce such Lien through nonjudicial foreclosure;

The Declaration and/or the Texas Uniform Condominium Act provides that by accepting a deed to his or her condominium unit, such owner shall be deemed to have expressly granted to the Association a power of sale upon his or her unit to secure payment of the Assessments thereafter imposed upon such owner and without other formality than executing an instrument in writing, the Association shall have the right to appoint a successor or trustee to exercise the power of sale;

Debtor has failed to pay the Assessments imposed by the Association;

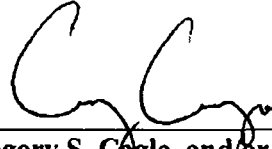
The Association has requested that Gregory S. Cagle, and/or Adam Pugh, and/or Kevin Slater, and/or Kathleen Kilanowski, and/or Shawna Dalrymple, and/or Greg Garza, act as trustee pursuant to the Appointment of Trustee, sell the Property, and apply the proceeds of such sale in accordance with the provisions of the Declaration. Pursuant to section 51.009 of the Texas Property Code, the sale of the Property will be AS IS condition, without any express or implied warranties, and subject to any prior encumbrances to title filed of record and/or expressly set forth in the Declaration.

Therefore, at the date, time, and place set forth above, the undersigned, as Trustee, will conduct the sale of the Property as a public auction to the highest bidder for cash pursuant to the terms of the Declaration, subject to all prior encumbrances (including but not limited to prior liens), easements, restrictive covenants, liens, rights of parties in possession, mineral interests and leases,

and other matters affecting title to the Property that would be shown by a review of the Official Public Records of Travis County, Texas, or by an on-the-ground inspection of the Property.

Pursuant to section 51.0075 of the Texas Property, Code, the Trustee or any Substitute 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.

IN WITNESS WHEREOF, this Notice of Trustee's Sale has been executed on this the 28<sup>th</sup> day of December, 2021.

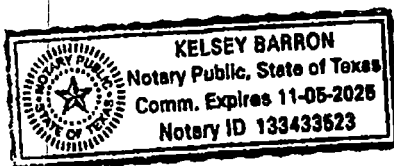
  
 Gregory S. Cagle, and/or Adam Pugh, and/or  
 Greg P. Garza, and/or Kevin Slater, and/or  
 Kathleen Kilanowski, and/or Shawna  
 Dalrymple, any to act as trustee

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on this 28 day of December, 2021, by  
 Greg Garza, Trustee.

  
 Notary Public Signature



**NAME AND ADDRESS OF TRUSTEE:**

Gregory S. Cagle, and/or Adam Pugh, and/or Greg P. Garza, and/or Kevin Slater, and/or Kathleen Kilanowski, and/or Shawna Dalrymple, any to act as trustee

CAGLE PUGH

4301 Westbank Drive, Building A, Suite 150,  
 Austin, Texas 78746

## EXHIBIT "A"

PROPERTY DESCRIPTION

ADDRESS: 2109 MORLEY DR UNIT 4, AUSTIN, TEXAS 78752

UNIT 4, BUILDING MM, OLD TOWN A CONDOMINIUM PROJECT, A CONDOMINIUM PROJECT ESTABLISHED ACCORDING TO THE CONDOMINIUM DECLARATION RECORDED IN VOLUME 2, PAGE 71, AMENDED IN VOLUME 3, PAGE 204, VOLUME 3, PAGE 204, VOLUME 3, PAGE 239, VOLUME 3, PAGE 362, VOLUME 4, PAGE 332, VOLUME 4, PAGE 578, VOLUME 5, PAGE 236, VOLUME 5, PAGE 368, VOLUME 6, PAGE 304, VOLUME 8972, PAGE 596, REFILED IN VOLUME 8104, PAGE 64 CONDOMINIUM RECORDS AND VOLUME 12130, PAGE 125, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. TOGETHER WITH AN UNDIVIDED PERCENTAGE INTEREST IN THE GENERAL COMMON ELEMENTS OF SUCH CONDOMINIUM PROJECT APPURTENANT TO SUCH UNIT AS SET FORTH IN THE CONDOMINIUM DECLARATION.



FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*  
Dana DeBeauvoir, County Clerk  
Travis County, Texas