

NOTICE OF SALE BY TRUSTEE AND SUBSTITUTE TRUSTEE

THE STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF ROBERTSON

THAT, WHEREAS, CHRISTINE LOPEZ (“Borrower”) became indebted to KELLER BAY FUNDING, LLC (“Lender”), as evidenced by that certain real estate lien note (the “Note”), dated April 5, 2022, in the original principal amount of NINETY-FIVE THOUSAND AND NO/100 DOLLARS (\$95,000.00), executed and delivered by Borrower to the order of KELLER BAY FUNDING, LLC, as payee, bearing interest and being due and payable as therein provided; and

WHEREAS, the indebtedness evidenced by the Note (the “Indebtedness”) is secured by, among other items, that certain Deed of Trust (the “Deed of Trust”) dated of even date with the Note, executed by Borrower, to SARA E. DYSART, Trustee, for the benefit of Lender, said Deed of Trust being filed for record and recorded under Clerk’s Document No. 2022-20221272, of the Official Public Records of Robertson County, Texas, covering the Real Property described as follows, to-wit:

Being a tract of land containing 42.83 acres in the John Trudoe Survey, A-346, Robertson County, Texas, being the same tract as recorded in Vol. 864, Page 321, of the Robertson County Official Records (R.C.O.R.). All bearings of this survey are referenced to the Texas State Plane Coordinate System, Central Zone, NAD83(2011) Epoch 2010, and boundary referenced to 1/2", 5/8" and 3/8" iron rods found and referred to in the previously recorded deed, and as surveyed on the ground on March 15th of 2022. This description is also referred to the plat prepared by ATM Surveying, Project No. 2022- 04026, and being more particularly described by metes and bounds on Exhibit “A” attached hereto and made a part hereof.

along with any and all appurtenances, improvements, fixtures and personal property of any kind located thereon or pertaining thereto, including, without limitation, any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other facilities to the extent same pertain to or benefit all or any portion of the Property, including, without limitation, all reservations of or commitments or letters covering any such use in the future, whether now owned or hereafter acquired, and any leases and rents relating thereto, which are described therein (all of which is hereinafter referred to as the “Premises”)

Filed for Record in:
Robertson County
On: Aug 12, 2024 at 12:12P
By: Lacy Fechner

I, undersigned, County Clerk, do hereby certify that the above notice was duly posted on 12th day of August, 2024 at 12:12 am/pm
Stephanie M. Sanders, Robertson County Clerk
by: Lacy Fechner

WHEREAS, to the full extent the Deed of Trust or any other security agreement held by Lender covers both real and personal property, including, without limitation, any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other utility facilities to the extent same pertain to or benefit all or any portion of the Property, including, without limitation, all reservations of or commitments or letters covering any such use in the future, any of said personal property which is part of the Premises or which is otherwise covered by a lien or security interest in favor of Lender will be hereinafter included in the definition of Premises as used herein and sold at public sale, hereinafter described, pursuant to Section 9.501(d) of the Texas Uniform Commercial Code;

WHEREAS, **KELLER BAY FUNDING, LLC** ("Beneficiary") is the current holder and owner of the Deed of Trust and the note secured thereby;

WHEREAS, there may be certain leases, rental agreements, easements and/or other matters (collectively, the "Other Matters") covering and/or affecting the Premises currently in existence;

WHEREAS, the liens securing the payment of the Indebtedness may be senior and superior to one or more of the Other Matters and junior and inferior to one or more of the Other Matters;

WHEREAS, with respect to the liens securing the payment of the Indebtedness, which are senior to the Other Matters and may not so subordinate liens to one or more of the Other Matters;

WHEREAS, in the event Lender/Beneficiary chooses to subordinate its liens securing the Indebtedness of any Other Matters, such decision will be announced at the foreclosure sale;

WHEREAS, default has been made in the payment of the Note and the Indebtedness, and the Note is now unpaid, delinquent and in default;

WHEREAS, Lender/Beneficiary has given all required notices to Borrower and any and all other necessary parties with regard to the defaulted Indebtedness or such notices to such other necessary parties have been waived;

WHEREAS, pursuant to the authority granted in the Deed of Trust, Lender/Beneficiary has appointed **PETE FLOREZ, RICHARD H. HESTER, KELLY GODDARD, FLORENCE ROSAS AND DAVID GARVIN**, to act jointly or separately as Substitute Trustee along with **SARA E. DYSART**, Trustee, under the Deed of Trust pursuant to a duly authorized and executed appointment document;

WHEREAS, Lender/Beneficiary has requested the undersigned to enforce the liens of the Deed of Trust by sale of the Premises in the manner set forth under the terms of the Deed of Trust and pursuant to the laws of the State of Texas and has instructed the undersigned to offer the Property for sale toward the satisfaction of the Note; and

WHEREAS, the undersigned Trustee and/or Substitute Trustee, acting upon the request of said Lender/Beneficiary, by these presents is hereby posting, filing, and giving notice of foreclosure of the Deed of Trust and the lien thereto in accordance with applicable Texas law and the terms and provisions of the Deed of Trust.


NOW, THEREFORE, I, the undersigned, SARA E. DYSART and/or PETE FLOREZ, RICHARD H. HESTER, KELLY GODDARD, FLORENCE ROSAS, AND DAVID GARVIN, acting jointly or separately as Trustee or Substitute Trustee, do hereby give notice that after due publication of this notice as required by law and the Deed of Trust, I will sell the Premises at public venue, to the highest bidder or bidders, for cash, which sale will begin no earlier than 10:00a.m. and not later than 1:00p.m. on the first Tuesday in September next, the same being September 3, 2024 at the County Courthouse in Robertson County, Texas, in the area where foreclosure sales are to take place as designated by the Commissioner's Court of said county, said designation having been recorded in the Official Public records of said county.

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.

THERE WILL BE NO WARRANTY RELATING TO TITLE, POSSESSION, QUIET ENJOYMENT, OR THE LIKE
FOR THE PERSONAL PROPERTY IN THIS DISPOSITION.

THE ADDRESS OF SARA E. DYSART, TRUSTEE AND PETE FLOREZ, RICHARD H. HESTER, KELLY GODDARD, FLORENCE ROSAS AND DAVID GARVIN, SUBSTITUTE TRUSTEE, IS 206 PRIMERA DRIVE, SAN ANTONIO, TEXAS 78212. ALL INQUIRIES SHOULD BE SENT TO THIS ADDRESS.

EXECUTED on this the 12 day of August 2024.


Substitute Trustee. Pete Florez
Richard H. Hester
Kelly Goddard
Florence Rosas
David Garvin

AFTER FILING RETURN TO:
SARA E. DYSART
Attorney at Law
206 Primera Drive
San Antonio, Texas 78212

EXHIBIT "A"

Being a tract of land containing 42.83 acres in the John Trudoe Survey, A-346, Robertson County, Texas, being the same tract as recorded in Vol. 864, Page 321, of the Robertson County Official Records (R.C.O.R.). All bearings of this survey are referenced to the Texas State Plane Coordinate System, Central Zone, NAD83(2011) Epoch 2010, and boundary referenced to 1/2", 5/8" and 3/8" iron rods found and referred to in the previously recorded deed, and as surveyed on the ground on March 15th of 2022. This description is also referred to the plat prepared by ATM Surveying, Project No. 2022- 04026, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found for the north corner of this tract, also being the east corner of the Matthew B. and Lisa M. Hartnup called 50.00 acre tract, as recorded in Vol. 1317, Page 595 of the R.C.O.R., also being a point in the southwest right-of-way line of Thompson Road (40' R.O.W.);

THENCE South 33°06'51" East, a distance of 761.91 feet along the common line between this tract and said Thompson Road to a 5/8" iron rod found for the east corner of this tract, also being the north corner of the Jose G. and Matilde Lopez Salinas called 16.31 acre tract, as recorded in Vol. 777, Page 230 of the R.C.O.R., also from which a 5/8" iron rod with yellow plastic cap marked "CHEROKEE AGM" found bears S 57°23'33" W, a distance of 700.47 feet for reference;

THENCE South 57°31'34" West, a distance of 2450.03 feet along the common line between this tract and said Salinas tract, and then along the Matilde Lopez called 33.95 acre tract, as recorded in Vol. 490, Page 647 of the R.C.O.R., and then along the Danny and Janice Ann Phipps called 35.00 acre tract, as recorded in Vol. 1275, Page 674 of the R.C.O.R. to a 1/2" iron rod found for the south corner of this tract, also being a point in the northeast line of the Alfred J. Richings called 49.99 acre tract, as recorded in Vol. 898, Page 467 of the R.C.O.R.;

THENCE North 31° 52' 31" West, a distance of 766.39 feet along the common line between this tract and said Richings tract, and then along the Anita Jean Richmond called 53.55 acre tract, as recorded in Vol. 1039, Page 135 of the R.C.O.R. to a 1/2" iron rod found for the west corner of this tract, also being the south corner of the said Hartnup tract;

THENCE North 57°37'54" East, a distance of 2433.51 feet along the common line between this tract and said Hartnup tract to the PLACE OF BEGINNING containing 42.83 acres.