

Notice of Foreclosure Sale

October 8, 2020

Deed of Trust ("Deed of Trust"):

Dated: April 13, 2017

Grantor: Robert David Fitzpatrick and Laura Patricia Gonzalez

Trustee: William R. Wepfer

Lender: William L. Beard, Individually and as Independent Executor of the Estate of Lucile Silvey Garner and Ms. Lucy Limited

Recorded in: Document Number 20170001177, Book 627, Page 2219 of the real property records of Willacy County, Texas

Legal Description: BEING 5.01 ACRES OF LAND out of Lot 17, Block 1, Raymond Town & Improvement Company Subdivision, Willacy County, Texas, recorded in Volume 1, Page 575, Transcribed Records from Cameron County to Willacy County, Texas; said 5.01 Acres of land being more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of Lot 17, Block 1, being on the centerline of U.S. Business 77 (having 80 feet of apparent right of way);
THENCE along the West boundary of Lot 17, Block 1, SOUTH 06 DEG. 50 MIN. 32 SEC. WEST a distance of 300.68 FEET to a point, for the Northwest corner and POINT OF BEGINNING of the tract herein described;

THENCE leaving the West boundary of Lot 17, Block 1, NORTH 89 DEG. 11 MIN. 32 SEC. EAST, at a distance of 40.36 feet pass an iron rod with plastic cap stamped "MOORE 6370" set on the East right of way of U.S. Business 77, a total distance of 751.13 FEET to an iron rod with plastic cap stamped "MOORE 6370" set, for the Northeast corner of the tract herein described;

THENCE SOUTH 00 DEG. 48 MIN. 28 SEC. EAST a distance of 553.00 FEET to an iron rod with plastic cap stamped "MOORE 6370" set, for the Southeast corner of the tract herein described;

THENCE SOUTH 89 DEG. 11 MIN. 32 SEC. WEST, at a distance of 785.04 feet pass an iron rod with plastic cap stamped "MOORE 6370" set on the East right of way of U.S. Business 77, a total distance of 825.40 FEET to a point on the West boundary of Lot 17, Block 1, being on the centerline of U.S. Business 77, for the Southwest corner of the tract herein described;

THENCE along the West boundary of Lot 17, Block 1 and the centerline of U.S. Business 77, NORTH 06 DEG. 50 MIN. 32 SEC. EAST a distance of 557.97 FEET to the POINT OF BEGINNING; Containing 10.01 Acres of land within these metes and bounds.

SAVE AND EXCEPT 5.00 ACRES OF LAND out of Lot 17, Block 1, Raymond Town & Improvement Company Subdivision, Willacy County, Texas, recorded in Volume 1, Page 575, Transcribed Records from Cameron County to Willacy County, Texas, conveyed to Gaston Sanchez and Rosa I. Garcia under General Warranty Deed recorded under Document #2018-0001940, Official Public Records of Willacy County, Texas; said 5.00 Acres of land being more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of Lot 17, Block 1, being on the centerline of U.S. Business 77 (having 80 feet of apparent right of way);

THENCE along the West boundary of Lot 17, Block 1, SOUTH 06 DEG. 50 MIN. 32 SEC. WEST a distance of 586.22 FEET to a point, for the Northwest corner and POINT OF BEGINNING of the tract herein described;

THENCE leaving the West boundary of Lot 17, Block 1, NORTH 89 DEG. 11 MIN. 32 SEC. EAST at a distance of 40.36 feet pass an iron rod with plastic cap stamped "MOORE 6370" set on the East right of Way of U.S. Business 77, a total distance of 789.14 FEET to an iron rod with plastic cap stamped "MOORE 6370" set, for the Northeast corner of the tract herein described;

THENCE SOUTH 00 DEG. 48 MIN. 28 SEC. EAST a distance of 270.00 FEET to an iron rod with plastic cap stamped "MOORE 6370" set, for the Southeast corner of the tract herein described;

THENCE SOUTH 89 DEG. 11 MIN. 32 SEC. WEST, at a distance of 785.04 feet pass an iron rod with plastic cap stamped "MOORE 6370" set on the East right of way of U.S. Business 77, a total distance of 825.40 FEET to a point on the West boundary of Lot 17, Block 1, being on the centerline of U.S. Business 77, for the Southwest corner of the tract herein described;

THENCE along the West boundary of Lot 17, Block 1 and the centerline of U.S. Business 77, NORTH 06 DEG. 50 MIN. 32 SEC. EAST a distance of 272.42 FEET to the POINT OF BEGINNING; Containing 5.00 Acres of land within these metes and bounds.

Secures: Promissory Note ("Note") in the original principal amount of \$136,500.00, executed by Robert David Fitzpatrick and Laura Patricia Gonzalez ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, November 3, 2020

- Time:** The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 12:00 P.M. and not later than three hours thereafter.
- Place:** The foreclosure sale will be conducted in the area designated by the Willacy County Commissioners County pursuant to Section 51.002 of the Texas Property Code as the place where the foreclosure sales are to take place, or if no place is designated by the Commissioners County, the sale will be conducted at the place where the Notice of Substitute Trustee's Sale was posted.
- Terms of Sale:** The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that William L. Beard, Individually and as Independent Executor of the Estate of Lucile Silvey Garner and Ms. Lucy Limited's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, William L. Beard, Individually and as Independent Executor of the Estate of Lucile Silvey Garner and Ms. Lucy Limited, the owner and holder of the Note, has requested Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of William L. Beard, Individually and as Independent Executor of the Estate of Lucile Silvey Garner and Ms. Lucy Limited's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with William L. Beard, Individually and as Independent Executor of the Estate of Lucile Silvey Garner and Ms. Lucy Limited's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If William L. Beard, Individually and as Independent Executor of the Estate of Lucile Silvey Garner and Ms. Lucy Limited 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 William L. Beard, Individually and as Independent Executor of the Estate of Lucile Silvey Garner and Ms. Lucy Limited. 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 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (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.

Pursuant to section 51.0075(a) of the Texas Property Code, Trustee 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 Trustee.

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.

Travis Bence *ccb*

Bence and Associates, LLC
1014 E. Tyler Ste. A
Harlingen, Texas 78550
Tel: (956) 423-1021
Fax: (956) 423-1256

Posted +
FILED *11:03*
COUNTY COURT *am*
OCT 09 2020

SUSANA R. GARZA, CLERK
WILLACY COUNTY, TEXAS
BY: *Susana R. Garza*
DEPUTY