

FILED  
AT Q. A. G. O'ROCK Q. AB

DEC 12 2024

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

Adrian Lawson  
ADRIAN LAWSON, MADISON COUNTY CLERK

**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.**

STATE OF TEXAS           §  
  §  
COUNTY OF MADISON   §

WHEREAS, on November 12, 2014 executed a Deed of Trust (the "Deed of Trust") conveying to Kirk L. Lee, Trustee, certain real property more particularly described in Exhibit A, which is attached hereto and incorporated herein by reference, together with all improvements, fixtures and personal property located thereon or used in connection therewith and certain other personal property as more fully described in the Deed of Trust (all of the real and personal property covered by the Deed of Trust is hereinafter referred to as the "Property"), which Deed of Trust is recorded in Document Number 90195 of the Real Property Records of Madison County, Texas; Assignment of Rents recorded in Document Number 90196 of the Real Property Records of Madison County, Texas; and

WHEREAS, the Deed of Trust secures, among other things, that certain indebtedness evidenced by that certain Promissory Note (as amended, the "Note") dated November 12, 2014 executed by L & BS Investments, LLC payable to Guaranty Bank & Trust, N.A. in the original principal amount of \$300,000.00 (the Note and all other obligations owing to Holder under the Deed of Trust are hereinafter called the "Indebtedness"); and

WHEREAS, Guaranty Bank & Trust, N.A. ("Holder") has all interest in, to and under the Note and Deed of Trust and in and to all other indebtedness secured by the Deed of Trust; and

WHEREAS, the undersigned Donna Hughes, whose address is 100 West Arkansas, Mt. Pleasant, Texas 75455, has been appointed Substitute Trustee in the place of said original Trustee, upon the contingency and in the manner authorized by said Deed of Trust; and

WHEREAS, default has occurred pursuant to the provisions of the Deed of Trust, the Indebtedness is now wholly due, and Holder, being the owner and holder of said Indebtedness has requested the undersigned to sell the Property to satisfy the Indebtedness;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on **Tuesday, January 7, 2025**, at **10:00 a.m.**, or within three hours after that time, the undersigned will sell the Property at the Madison County Courthouse, Madisonville, Texas, at the place designated by the Madison County Commissioner's Court in Madison County, Texas, 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.

Pursuant to Section 51.009 of the Texas Property Code, the Property will be sold in "as is, where is" condition, without any 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.

Pursuant to Section 51.0075 of the Texas Property Code, the 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 Substitute Trustee.

The real property and personal property encumbered by the Deed of Trust will be sold at the sale in accordance with the provisions of the Deed of Trust and as permitted by Section 9.604(a) of the Texas Business and Commerce Code.

In the event that the sale of the Property is set aside for any reason, the purchaser shall be entitled only to a refund of sums paid. The purchaser shall have no other recourse against Grantor, Holder, any Trustee or substitute Trustee, or Holder's attorney.

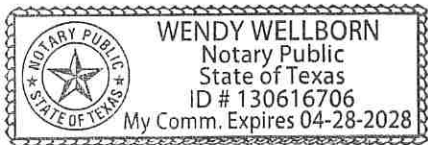
WITNESS my and this 12 day of December, 2024.

Donna Hughes  
Name: Donna Hughes  
Substitute Trustee  
Address: 100 West Arkansas Street  
Mt. Pleasant, Texas 75455  
Phone: 903-572-9881

THE STATE OF TEXAS

COUNTY OF TITUS

This instrument was acknowledged before me on the 12 day of December, 2024, by Donna Hughes, Substitute Trustee, in the capacity therein stated.



Wendy Wellborn  
Notary Public in and for the State of Texas

## EXHIBIT A

FIELD Notes of a 90.617 acres tract or parcel of land lying and being situated in the David Wyatt Survey, A-242 and the A. Hunley Survey, A-176, Madison County, Texas, and being part of the called 184.9 acres tract described in the Executors Decd recorded in Volume 404, Page 47, of the Official Records of Madison County, Texas, and being more particularly described in the Deed of Trust recorded in Volume 19, Page 234, of the Deed of Trust Records of Madison County, Texas, said 90.617 acres tract being more particularly described as follows:

COMMENCING at a 5/8-inch iron rod found marking the northwest corner of the called 184.9 acres tract, said iron rod marking the northeast corner of the Patricia Harris 23.67 acres tract (FIRST TRACT - 418/265), said iron rod being located in the southeast right-of-way line of State Highway No. 21, said iron rod marking the northwest corner of the 34.890 acres TRACT I out of the called 184.9 acres tract and surveyed on this date;

THENCE N 66° 13' 05" E along the northwest line of the called 184.9 acres tract, same being the northwest line of the TRACT I, same being the southeast right-of-way line of State Highway No. 21, for a distance of 615.24 feet to a 1/2-inch iron rod set for the PLACE OF BEGINNING of the herein described tract said iron rod marking the northeast corner of the TRACT I;

THENCE N 66° 13' 05" E along the northwest line of the called 184.9 acres tract, same being the southeast right-of-way line of State Highway No. 21, for a distance of 471.53 feet to a 1/2-inch iron rod set for corner, said iron rod marking the northwest corner of the 58.617 acres TRACT J out of the called 184.9 acres tract and surveyed on this date;

THENCE along the southwest lines of the TRACT J for the following calls:

S 20° 12' 19" E for a distance of 221.92 feet to a 1/2-inch iron rod set for angle point;

S 84° 22' 32" E for a distance of 174.16 feet to a 1/2-inch iron rod set for angle point;

S 15° 38' 50" E for a distance of 367.77 feet to a 1/2-inch iron rod set for angle point;

S 79° 53' 12" E for a distance of 2,704.39 feet to a 1/2-inch iron rod set for corner in the southeast line of the called 184.9 acres tract, same being the northwest line of the O. W. Reynolds 139 2/3 acres tract (TRACT ONE - 522/33), said iron rod marking the southeast corner of the TRACT J;

THENCE S 08° 11' 52" W along the southeast line of the called 184.9 acres tract, same being the northwest line of the Reynolds 139 2/3 acres tract, for a distance of 1,800.67 feet to a 5/8-inch iron rod found for corner marking the southwest corner of the Reynolds 139 2/3 acres tract and a northwest corner of the O. W. Stillwagon 465.7 acres tract (189/473), said iron rod being located in the corner line of the Wyatt Survey and the Hunley Survey;

THENCE S 11° 15' 43" W along the southeast line of the called 184.9 acres tract, same being a northwest line of the Stillwagon 465.7 acres tract, for a distance of 245.43 feet to a 1/2-inch iron rod set at a fence corner for corner, said iron rod marking the southeast corner of the called 184.9 acres tract and an interior ell corner of the Stillwagon 465.7 acres tract;

THENCE N 80° 31' 53" W along the southwest line of the called 184.9 acres tract, same being a northeast line of the Stillwagon 465.7 acres tract, for a distance of 2,348.94 feet to a 1/2-inch iron rod set for corner, said iron rod marking the southeast corner of the TRACT J;

THENCE along the northeast lines of the TRACT L for the following calls:

N 34° 50' 00" W for a distance of 1,200.41 feet to a set 1/2-inch iron rod for angle point;

N 07° 30' 31" W for a distance of 457.15 feet to a set 1/2-inch iron rod for angle point;

N 59° 59' 00" W for a distance of 123.66 feet to a set 1/2-inch iron rod for angle point;

N 21° 37' 49" W for a distance of 223.74 feet to the PLACE OF BEGINNING containing 90.617 acres of land, more or less.

LESS AND EXCEPT:

EXHIBIT A

County: Madison  
Highway: State Highway No. 21 (US 190)  
Limits: From Brazos County Line to 1.1 miles west of FM 39  
RCSJ: 0117-03-034  
Station: 2055+74.61 to 2060+43.26

Page 1 of 4  
May, 2019  
Parcel 50

Property Description of Parcel 50

**BEING** a 1.5011 acre (65,388 square foot) tract of land situated in the David Wyatt Survey, Abstract No. 242, Madison County, Texas, and being a portion of that certain a called 90.617 acre tract of land described as Tract Three, in the Warranty Deed to L&BS Investments LLC as recorded, executed November 29, 2012 and recorded in Volume 1219, Page 57, of the Deed Records of Madison County, Texas (D.R.M.C.T.) and being more particularly described by metes and bounds as follows:

**COMMENCING** at a 1/2 inch iron rod found with cap stamped "MLR 4089" for an angle point in the southwesterly line of said a called 90.617 acre tract of land said point also being an angle point in a called 34.800 acre tract of land as described in an Warranty Deed with Vendor's Lien from Penny LaNelle Schrock and Paul Denman Robbins to Ivan M. Olson and wife, Candy Olson, executed May 23, 2002 and recorded in Volume 616, Page 87, D.R.M.C.T.

**THENCE** North 23° 53' 35" West, along the common most westerly southwest line of said called 90.617 acre L&BS Investments tract and most northerly northeast line of said called 34.800 acre Olson Tract, a distance of 82.66 feet to a 5/8 inch iron rod with a 2 inch aluminum cap stamped TxDOT set on the proposed southeasterly Right-of-Way (R.O.W.) line of State Highway No. 21 (US 190) (variable width R.O.W.), for the **POINT OF BEGINNING** at Station 2055+74.61, 132.00 feet right, and having a Texas Coordinate System, NAD83 (2011), Central Zone (4203), surface coordinate of North 10,315,722.63, East 3,609,251.55;

- 1) **THENCE**, North 23 degrees 53 minutes 35 seconds West, continuing along the common most westerly southwest line of said called 90.617 acre L&BS Investments tract and most northerly northeast line of said called 34.800 acre Olson Tract, a distance of 139.45 feet to the most westerly corner of said called 90.617 acre L&BS Investments tract, common to the most northerly corner of said called 34.800 acre Olson tract, said point being in the existing southeasterly right-of-way line of State Highway No. 21 (US 190) (a variable width right-of-way) (no deed of record found);
- 2) **THENCE**, North 63 degrees 50 minutes 37 seconds East, along the common northwesterly line of said called 90.617 acre L&BS Investments tract and said existing southeasterly right-of-way line of said State Highway No. 21 (US 190), a distance of 471.40 feet to a 1/2 inch capped iron rod found for the most northerly northwest corner of said called 90.617 acre L&BS Investments tract common to the most westerly corner of a called 58.617 acre tract of land described in the Order on Partition, Cause No. 96-7994-012-10, Styled as Penny Lanelle Schrock VS Paul Denman Robbins as recorded in Volume 621, Page 315 D.R.M.C.T.
- 3) **THENCE**, South 22 degrees 44 minutes 27 seconds East, departing said common line and along the common most northerly east line of said called 90.617 acre L&BS Investments tract and most northerly west line of said called 58.617 Robbins tract, a distance of 139.16 feet a 5/8 inch iron rod with a 2 inch aluminum cap stamped TxDOT set in said southeasterly proposed southeasterly right-of-way line of said State Highway No. 21 (US 190);
- 4) **THENCE**, South 63 degrees 47 minutes 28 seconds West, departing said common line, across said called 90.617 acre L&BS Investments tract and along said southeasterly proposed right-of-way line of said State Highway No. 21 (US190), a distance of 468.62 feet to the **POINT OF BEGINNING** and containing 1.5011 acres (65,388 square feet) of land.

EXHIBIT A

County: Madison  
Highway: State Highway No. 21 (US 190)  
Limits: From Brazos County Line to 1.1 miles west of FM 39  
RCSJ: 0117-03-034  
Station: 2055+74.61 to 2060+43.26

Page 2 of 4  
May, 2019  
Parcel 50

Property Description of Parcel 50

The Basis of Bearings is the Texas State Plane Coordinate System of 1983, Central Zone (4203), North American Datum (NAD 83) 2011 Adjustment, Epoch (2010.0). All distances and coordinates shown are surface and may be converted to grid by dividing by a combined scale factor of 1.00012. Unit of measure is US Survey Foot.

The Station and Offset information refers to State Highway No. 21 Reconstruction Baseline described in the Project Schematic dated January 2017; Control-Section-Number 0117-03-034.

I, Brian K. Kidd, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my direction or supervision.

(%) The monument described in this call was unable to be set due to lack of Right of Entry.

A parcel plat of even date was prepared in conjunction with this property description.

Access to and from the transportation facility may be permitted in accordance with Access Management Manual guidelines.

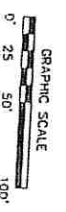
Brian Kidd 5/17/2019

Brian K. Kidd  
Registered Professional Land Surveyor  
Texas No. 6494

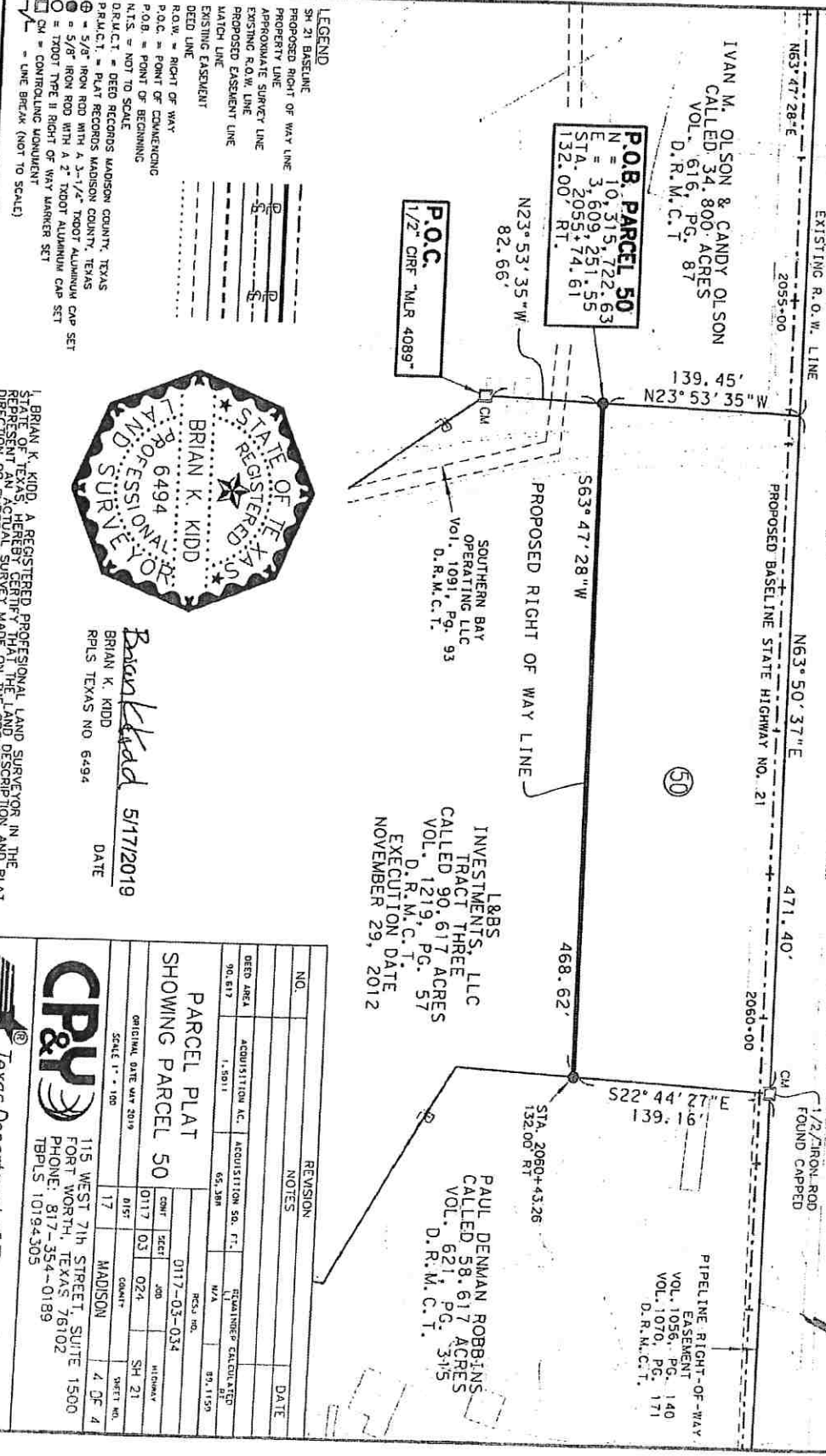


CP&Y, Inc.  
115 West 7<sup>th</sup> Street, Ste. 1500  
Fort Worth, Texas 76102  
TBPLS Firm Registration No. 10194305

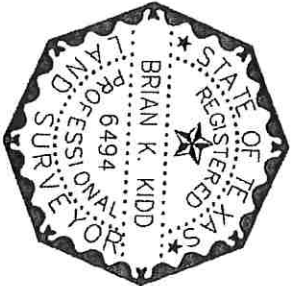
EXHIBIT A  
**DAVID WYATT SURVEY**  
**ABSTRACT NO. 242**



STATE HIGHWAY NO. 21 (US 190)  
 (VARIABLE WIDTH RIGHT-OF-WAY)  
 NO RECORDING INFO FOUND



FIRM REGISTRATION CERTIFICATE NO. 10194305



*Brian Kidd*  
 BRIAN K. KIDD  
 RPLS TEXAS NO. 6494  
 DATE 5/17/2019

I, BRIAN K. KIDD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THE LAND DESCRIPTION AND PLAT DIRECTION OR SUPERVISION MADE ON THE GROUND UNDER MY

NO.	REVISION	NOTES	DATE
01			
02			
03			
04			
05			
06			
07			
08			
09			
10			
11			
12			
13			
14			
15			
16			
17			

DEED AREA	ACQUISITION AC.	ACQUISITION SQ. FT.	REMAINING CALCULATED
90.617	1.5011	65,398	90,115.9

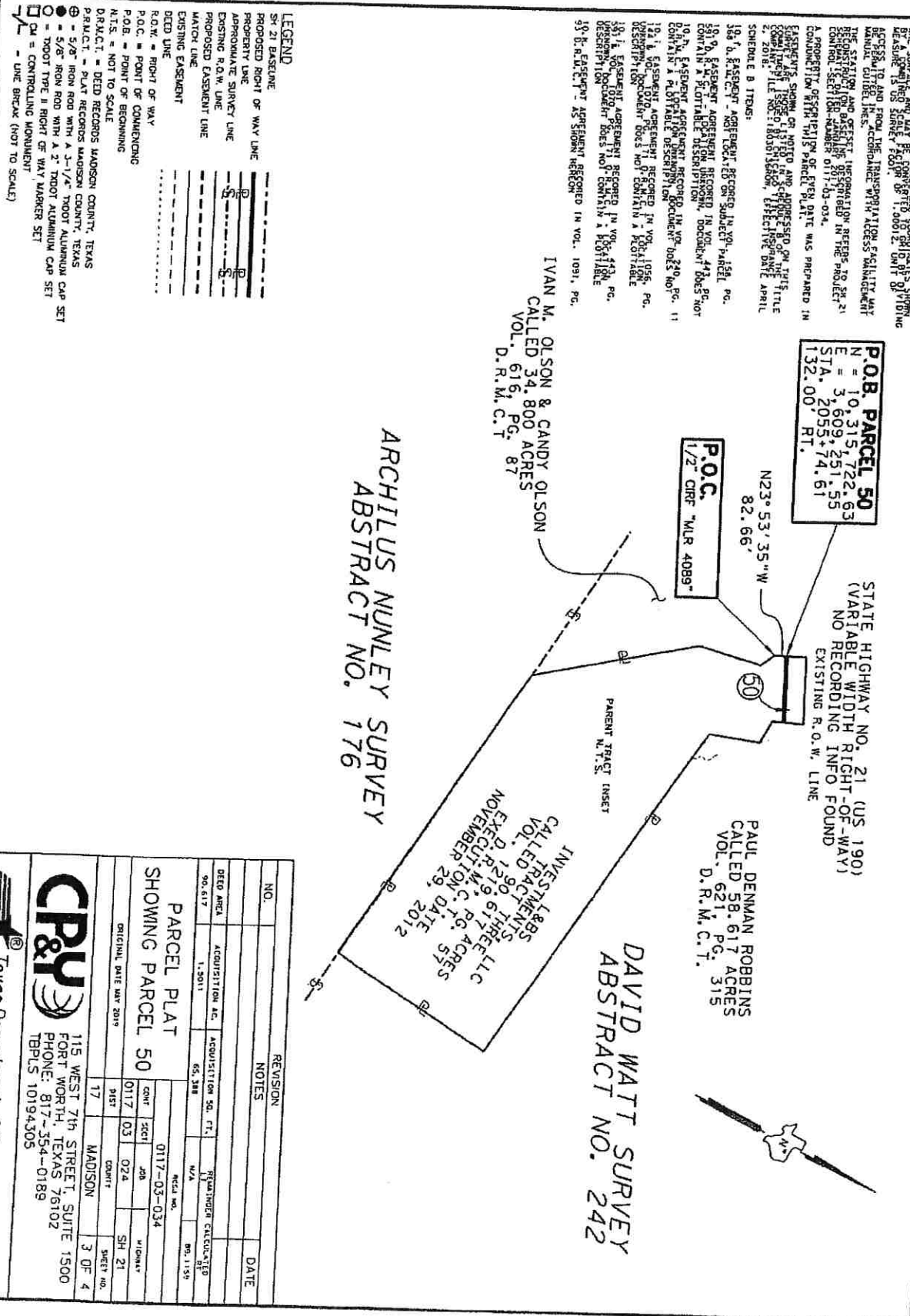
PARCEL PLAT			
SHOWING PARCEL 50			
ORIGINAL DATE MAY 2019	SCALE 1" = 100'	RECS NO.	0117-03-034
COMT	SECT	400	HIWAY
0117	03	024	SH 21
DIRT	COUNT	MADISON	4 OF 4

**CP&Y**  
 Texas Department of Transportation  
 115 WEST 7th STREET, SUITE 1500  
 FORT WORTH, TEXAS 76102  
 PHONE: 817-354-0189  
 TBPIS 10194305

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**NOTES:**  
 THE BASIS OF RECORDS IS THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983. THE TEXAS STATE PLANE COORDINATE SYSTEM DATA IS BASED ON THE 1983 EARTH SURFACE AND THE 1983 GEOID. THE 1983 GEOID IS THE MEASURE OF SEA LEVEL. THE 1983 GEOID IS THE MEASURE OF SEA LEVEL. THE 1983 GEOID IS THE MEASURE OF SEA LEVEL. THE 1983 GEOID IS THE MEASURE OF SEA LEVEL.

**EXHIBIT A**



**P.O.B. PARCEL 50**  
 N = 10° 31' 57.22" E  
 STA. 2055+74.61  
 132.00' RT.

**P.O.C. 1/2" CIRC "MLR 4089"**

IVAN M. OLSON & CANDY OLSON  
 CALLED 34.800 ACRES  
 VOL. 616, PG. 87  
 D.R.M.C.T.

ARCHILLUS NUNLEY SURVEY  
 ABSTRACT NO. 176

STATE HIGHWAY NO. 21 (US 190)  
 (VARIABLE WIDTH RIGHT-OF-WAY)  
 NO RECORDING INFO FOUND  
 EXISTING R.O.W. LINE

PAUL DENMAN ROBBINS  
 CALLED 58.617 ACRES  
 VOL. 621, PG. 315  
 D.R.M.C.T.

DAVID WATT SURVEY  
 ABSTRACT NO. 242

INVESTMENTS L&BS  
 TRACT 90, THREE-LLC  
 VOL. 1219, 617 ACRES  
 EXECUTED M.C.T. PG. 57  
 NOVEMBER 29, 2012

- LEGEND**
- SPT 21 BASELINE
  - PROPOSED RIGHT OF WAY LINE
  - PROPERTY LINE
  - APPROXIMATE SURVEY LINE
  - EXISTING R.O.W. LINE
  - PROPOSED EASEMENT LINE
  - MATCH LINE
  - EXISTING EASEMENT
  - DEED LINE
  - R.O.W. = RIGHT OF WAY
  - P.O.C. = POINT OF COMMENCING
  - P.O.B. = POINT OF BEGINNING
  - N.T.S. = NOT TO SCALE
  - D.R.M.C.T. = DEED RECORDS MADISON COUNTY, TEXAS
  - P.R.M.C.T. = PLAT RECORDS MADISON COUNTY, TEXAS
  - = 5/8" IRON ROD WITH A 3-1/4" TROTT ALUMINUM CAP SET
  - = 5/8" IRON ROD WITH A 2" TROTT ALUMINUM CAP SET
  - = TROTT TYPE II RIGHT OF WAY MARKER SET
  - = CONTROLLING MONUMENT
  - - - = ONE BRICK (NOT TO SCALE)

FIRM REGISTRATION CERTIFICATE NO. 10194305

NO.	REVISION		DATE
	NOTES		
90.617	ACQUISITION AC.	ACQUISITION SQ. FT.	
	1,2011	65,388	
		N/A	89,159
PARCEL PLAT			
SHOWING PARCEL 50			
ORIGINAL DATE MAY 2019			
	COUNT	SECT	W/BLK#
17	03	02A	SH 21
	COUNT		SHEET NO.
	17	MADISON	3 OF 4
115 WEST 7th STREET, SUITE 1500 FORT WORTH, TEXAS 76102 PHONE: 817-354-0189 TBPLS 10194305			

