

AUG 14 2023

Notice of Substitute Trustee's Sale

By Deputy: mmmm

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, subject to the terms and conditions set forth in this Notice, 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 set forth in this Notice.

1. *Property to Be Sold.* The Property to be sold, including improvements (collectively, the "Property"), is described as follows:

Legal Description of the Property:

See Exhibit A

2. *Security Document Creating Lien That Is the Subject of Sale.*

Deed of Trust dated September 12, 2022, executed by Danna J. Kreig to Eric A. McNeese, Trustee for the benefit of Lake Brownwood Sandy Beach, Inc. and filed in the Official Public Records of Brown County, Texas on September 14, 2022, as Instrument No. 2206068 (the "Deed of Trust")

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: September 5, 2023

Time: The sale will begin no earlier than 1:00 p.m. or no later than three hours thereafter.

Place: Brown County Courthouse at 200 S. Broadway Street, Brownwood, Texas, at the following location: Front steps outside the south entrance of the courthouse, or as otherwise designated by the Brown County Commissioner's Court pursuant to section 51.002 of the Texas Property Code.

The Beneficiary reserves the right to postpone, withdraw, or reschedule the sale for another day. In the event that the sale is postponed or rescheduled, notice of the date of any rescheduled Substitute Trustee's Sale will be reposted and re-filed in accordance with the posting and filing

requirements of the Texas Property Code. The reposting or re-filing may be after the date originally scheduled for this sale.

4. *Terms of Sale.* The sale will be conducted as a public auction to the highest bidder for cash, subject to permitting the Beneficiary to have its bid(s) credited to the amounts owing under the terms of the Note (as hereafter described) that is secured by the Deed of Trust.

Those desiring to purchase the Property will need to demonstrate their immediate ability to pay by cash (which may be by cashier's check) at the time that the Property is sold.

The 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 sale will necessarily be made subject to all 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. The sale shall not cover any part of the Property that has been released of public record from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable Property records to determine the nature and extent of such matters, if any.

Pursuant to the Deed of Trust, the Beneficiary has the right to direct the Trustee or Substitute Trustee to sell the Property in one or more parcels and/or to sell all or only part of the Property.

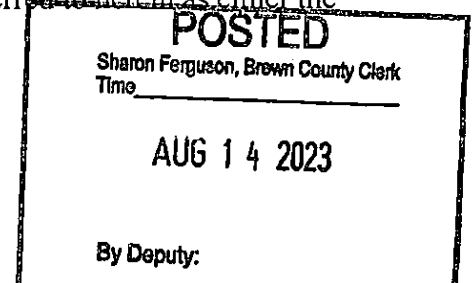
Pursuant to section 51.009 of the Texas Property Code, the Property will be sold in "as is" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to section 51.0075 of the Texas Property Code, the undersigned, as Substitute Trustee, reserves the right to set reasonable conditions (in addition to the conditions set forth herein) 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.

5. *Type of Sale.* The sale is a non-judicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust.

6. *Obligations Secured.* The Deed of Trust dated September 12, 2022, including all extensions, modifications, and renewals thereof provides that it secures the payment of the indebtedness and obligations therein described including, but not limited to the Promissory Note in the original principal amount of \$457,639.74 made payable to the order of Lake Brownwood Sandy Beach, Inc. Lake Brownwood Sandy Beach, Inc. is the current owner and holder of the aforementioned Note and Deed of Trust and is the beneficiary identified therein.

7. *Trustee/Substitute Trustee.* The undersigned has been appointed by the Beneficiary as Substitute Trustee under the terms of the Deed of Trust and may be referred to herein as either the "Trustee" or "Substitute Trustee".

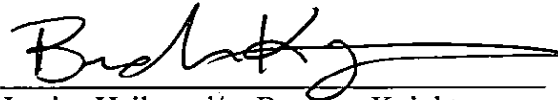


8. *Default and Request to Act.* Default has occurred in the payment of indebtedness due under the aforementioned Note that is secured by the Deed of Trust. As a result, all of the unpaid balance of principal and accrued interest upon, the Note is now due and payable, along with all costs and expenses (including attorney's fees) that have been incurred by the Beneficiary and that are secured by the Deed of Trust. The Beneficiary has requested the Substitute Trustee under the Deed of Trust, to conduct this sale, the proceeds of such sale to be applied in accordance with the terms of the Deed of Trust. Notice is hereby given that before the sale, the Beneficiary may appoint another person substitute trustee to conduct the sale.

THEREFORE, at the date, time and place set forth above, the appointed Substitute Trustee will sell the Property (including any improvements) at public auction to the highest bidder for cash (subject to the right of the Beneficiary to have its bid(s) credited to the amounts due under the Note) pursuant to the terms of the Deed of Trust and applicable law.

Questions concerning the sale may be directed to the undersigned.

Dated: August 14, 2023.



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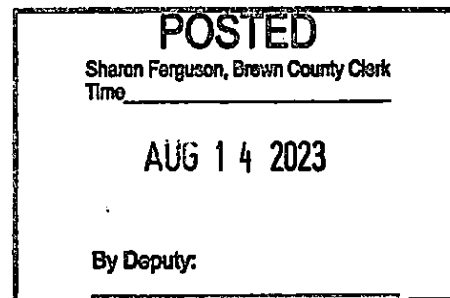


EXHIBIT A

TRACT ONE:

FIELD NOTE DESCRIPTION OF A 4.027 ACRE TRACT OF LAND BEING OUT OF AND A PART OF THE JOSEPH LEWIS SURVEY, ABTRACT 1075 SITUATED IN BROWN COUNTY, TEXAS AND BEING A PART OF THE REMAINDER OF THAT THAT 58.91 ACRE TRACT CONVEYED TO LAKE BROWNWOOD SANDY BEACH, INC. BY DEED RECORDED AT VOLUME 1632 PAGES 959 & 965 OF THE BROWN COUNTY OFFICIAL PUBLIC RECORDS; SAID 4.027 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a pipe post found on the approximate original 1425 elevation of Lake Brownwood as the Southeast corner of that tract conveyed to Mercy Capital Investments, LLC by deed recorded as Instrument No. 2107880 of the Official Public Records of Brown County, Texas and a Southwest corner of that 58.91 acre tract conveyed to Lake Brownwood Sandy Beach, Inc. by deeds recorded at Volume 1632 Pages 959 & 965 of the Brown County Official Public Records and the Southwest corner of the herein described tract;

THENCE, along a cable fence with pipe post in concrete as the approximate East line of said Mercy Tract and the West line hereof the following 11 courses: N5°33'12"E, 373.86 feet; N5°46'01"E, 178.46 feet; N°20'27"E, 130.43 feet; N2°10'47"E, 58.51 feet; N2°35'35"W, 25.92 feet; N10°29'21"W, 47.76 feet; N1°57'19"E, 44.66 feet; N4°20'07"E, 38.33 feet; N27°12'57"E, 34.73 feet; and N73°19'00"E, 51.75 feet to a pipe post in the Southern line of Beach Club Road and Bull Run Road for the North corner hereof;

THENCE, along the approximate Western line of Bull Run Road marked by pipe post in concrete as now used on the ground the following 7 courses, S62°03'24"E, 26.23 feet; S39°35'58"E, 51.34 feet; S25°08'31"E, 56.56 feet; S22°42'29"E, 63.60 feet; S8°52'37"E, 59.56 feet; S5°54'01"E, 67.66 feet and S1°03'15"E, 459.44 feet to an iron rod set for angle hereof;

THENCE, S16°10'45"W, 179.37 feet to a pipe post on the approximate original 1425 elevation of Lake Brownwood as the Southeast corner hereof;

THENCE, along said 1425 elevation S84°21'04"W, 202.77 feet to the POINT OF BEGINNING and calculated to contain 4.027 acres therein.

TRACT TWO: Easement

A 30' wide road easement being 0.515 acres of Land Brown County, Texas, and being out of the Joseph Lewis Survey 43, Abstract 1075, 0.417 acres of said 0.515 acre being a part of that 58.91 acre tract of land described in the deed from Kenneth Dale Kelly to Frances Evelyn Kelly dated August 11, 1993 and recorded in Volume 1143, Page 851, Brown County, Real Property Records, and 0.098 acres of said 0.515 acres being a part of the tract of land described in deed from Joe Dan Weedon and Bettie J. Weedon to The Weedon Family Trust dated June 30, 1994 and recorded in Volume 1170, page 308, Brown County Real Property Records.

POSTED

Sharon Ferguson, Brown County Clerk
Time

AUG 14 2023

By Deputy:

BEGINNING at a rail road spike set in the centerline of the pavement of County Road #594, said spike being located 145.93' N76°32'19"E of a 1/2" iron stake found at the northwest corner of the 28.22 acre tract referenced in said deed recorded in Volume 1143, Page 851. Said beginning point is also located 1367.03' S64°37'04"E of a 3/8" iron stake found at the northwest corner of the said 58.91 acre tract, and is also located 41.33' S47°42'03"E of a spike found at an easterly corner of the said 58.91 acre tract: Said beginning point is also located 15,936.59' S57°11'59"W of the USGS monument named Brown (PID: CA1038), said monument being located in the Lake Brownwood State Park.

THENCE along the centerline of this 30' wide road easement as follows:

S86°51'13"W 458.47', at 142.06' passing the east line of the said 58.91 acre tract, continuing to a rail road spike set in the center of the pavement;

S81°52'48"W 142.41' to a rail road spike set in the center of the pavement; and S76°36'56"W 144.84', at 82.46' passing the southeast corner of a simultaneously surveyed 0.330 acre tract, continuing along the south line of said 0.330 acre tract to a rail road spike set for a corner of said 0.330 acre tract and the terminus of this road easement

TRACT THREE:

All roadways shown as 30-Foot Wide Easements on Plats recorded in Volume 4, Page 298, Plat Record of Brown County, Texas and Volume 1361, Page 429, Real Property Records of Brown County, Texas, and recorded at Volume 1421, Page 973, Volume 1354, Pages 726 and 745 of the Real Property Records of Brown County, Texas.

THERE IS RESERVED AND EXCEPTED from the herein conveyed land and this conveyance, for the benefit of Grantor, its Successors and assigns, all oil, gas, and other minerals in and under the Property, including all easements owned or held by any lessee or mineral owner on, over, or across the Property for the purpose of producing or transporting any of the oil, gas and other minerals together with the right of ingress and egress.

POSTED
Sharon Ferguson, Brown County Clerk
Time _____
AUG 14 2023
By Deputy: _____