

FILED
AT 3:10 O'CLOCK P M

DEC 03 2021

AMY FINCHER
County Clerk, County Court at Law
Angelina County, Texas
By ST

AMENDED NOTICE OF TRUSTEE'S SALE

Date: January 4, 2022
Trustee: Jeff S. Chance
Mortgagee: Dude Development, Ltd., a Texas limited partnership
Note: August 31, 2016 in the original principal amount of \$1,560,000.00

Deed of Trust

Date: August 31, 2016
Grantor: Mesa Tidwell Shopping Center, LLC, a Delaware limited liability company
Mortgagee: Dude Development, Ltd., a Texas limited partnership

Recording information: Deed of trust recorded in Instrument Number 201600343531 in the Official Public Records of Angelina County, Texas.

Property: The real property located in Angelina County, Texas described in the attached **Exhibit "A"**.

County: Angelina County, Texas

Date of Sale
(first Tuesday of month): January 4, 2022

Time of Sale: 10:00 a.m.

Place of Sale: Angelina County Courthouse Annex Building, 606 East Lufkin Avenue, Lufkin, Angelina County, Texas in the hallway outside of the Commissioners' Courtroom adjacent to the atrium.

Mortgagee has appointed Jeff S. Chance as Trustee under the Deed of Trust. Mortgagee has instructed Trustee to offer the Property for sale toward satisfaction of the Note.

Notice is given that on the Date of Sale, Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash. The earliest time the sale will occur is the Time of Sale, and the sale will be conducted no later than three hours thereafter.

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 Mortgagee. 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 to Chance Law Firm, PLLC, 517 South First Street, Lufkin, Texas 75901.



Jeff S. Chance, Trustee

EXHIBIT "A"

Being that certain tract or parcel of land situated in the C.H. McClung Survey, A-474, Angelina County, Texas and being a part or portion of that called 2.011 acre tract of land described in a Special Warranty Deed from Jesse O. Morgan, Jr., et al, to Skywalker Family Limited Partnership, dated June 6, 1997 and recorded in Volume 1108, Page 63 of the Real Property Records, Angelina County, Texas (RPRACT) and to which reference is hereby made for any and all purposes and being more particularly described by metes and bounds as follows, to wit:

BEGINNING at ½ inch iron rod found in the northerly right-of-way (ROW) line of State Highway Loop 287 (South Medford Drive—200 ROW) for the southwest corner of the referenced tract, same being the southeast corner of Lot 4, Medford Square, an addition to the City of Lufkin as the same appears on the Official Map or Plat of said addition, as recorded in Cabinet C, Slide 56-B of the Map and Plat Records, Angelina County, Texas and from which a concrete ROW monument found bears S67°08'48"W 759.86 feet;

THENCE N22°16'24"W, along the common line of the referenced tract and said Lot 4, 99.51 feet to a ½ inch iron rod set for the southwest corner of that called 0.432 acre tract of land described in a Special Warranty Deed from Skywalker Family Limited Partnership to Simon W. Henderson III, et al, dated April 27, 1998 and recorded in Volume 1150, Page 48, RPRACT;

THENCE Easterly, Northerly and Westerly along the limits of said Henderson 0.432 acre tract as follows:

N67°17'17"E 147.98 feet to a "V" cut set in concrete for angle point,

N34°36'52"E 39.94 feet to point at the southeast corner of a brick wall for angle point,

N22°44'12"W 84.32 feet to a "X" cut set in concrete for corner, and

S67°17'17"W 180.75 feet to a ½ inch iron rod set in the westerly line of the referenced tract, same being the easterly line of said Lot 4, for the northwest corner of said Henderson 0.432 acre tract;

THENCE Northerly and Easterly, along the westerly and northerly line of the referenced tract, same being the easterly and southerly line of said Lot 4 as follows:

N22°16'24"W 44.53 feet to a ½ inch iron rod set for corner (replacing a ½ inch iron pipe found damaged), and

N67°05'47"E 350.35 feet to a ½ inch iron rod set in the westerly line of that called 2.664 acre tract of land described in a Quitclaim Deed from E. O'Neal Dubberly to Accountants Office Investments, dated June 5, 1982 and recorded in Volume 534, Page 888, RPRACT, for the northeast corner of the referenced tract, same being the east most southeast corner of said Lot 4;

THENCE S22°16'24"E, along the common line of the referenced tract and said Accountants Office Investments tract, 250.22 feet to a ½ inch iron rod found in the northerly ROW line of State Highway Loop 287 for the southeast corner of the referenced tract, same being the southwest corner of said Accountants Office Investments tract;

THENCE S67°08'48"W, along the northerly ROW line of State Highway Loop 287, 350.35 feet to the Point of Beginning and containing 1.579 acres of land, more or less.

Together with the easements, rights and obligations of Dude Development, Ltd., as the successor in interest and title of Skywalker Family Limited Partnership, as set forth in that one certain Reciprocal Easement Agreement, Plan of Development, Covenants, Restrictions and Right of First Refusal, as referenced in Memorandum thereof dated April 27, 1998 and of record in Volume 1150, Page 39, et seq., and in Volume 1241, Page 13, et seq., both of the Official Records of Angelina County, Texas, and as amended by a Release of Right of First Refusal dated September 29, 2009 and of record under Instrument No. 2009-00261030 of the Official Records of Angelina County, Texas, to which references are hereby made for descriptive and any and all other purposes.