

FILED
AT 3:50 O'CLOCK P.M.
JAN 20 2021
AMY FINCHER
County Clerk, County DEPT at LAW
Angelina County, Texas
by VC

NOTICE OF FORECLOSURE SALE

STATE OF TEXAS §
 §
COUNTY OF ANGELINA §

Date: January 19, 2021

Deed of Trust: Deed of Trust (with Security Agreement and Assignments of Rents) dated November 16, 2007 (as variously amended, the "Deed of Trust")

Grantor: AMPM Enterprises, Inc.

Original Trustee: Don Gwin of Dallas County, Texas

Substitute Trustee: Doug Skierski of Dallas County, Texas

Lender: 3889 Highway 69 North SBL LLC, as assignee of Pacific Western Bank, successor by merger to CapitalSource Bank, as endorsee, successor and assignee of MainStreet Lender Conventional, LLC, a Delaware limited liability company (hereinafter, "Lender")
2 Wisconsin Circle, 9th Floor, Chevy Chase, Maryland 20815

Recorded in: Instrument No. 2007-00238118 of Real Property Records of Angelina County, Texas

Secures: One or more Promissory Notes secured by Deed of Trust (as variously modified and amended collectively, the "Note") dated November 16, 2007, made by Borrower payable to the order of Lender in the original, aggregate principal amount of \$1,200,000.00.

Property: All real property, improvements and personal property described as collateral in the Deed of Trust. The Legal description of the real property is also, for the sake of convenience, described on **Exhibit A** attached hereto and made a part hereof for all purposes; however, the description of the real property, improvements and personal property in the Deed of Trust will control to the extent of any conflict or any deficiency in such description contained in this Notice of Foreclosure Sale, it being the intent of Lender that the "Property" to be sold shall include all collateral described in the Deed of Trust.

Foreclosure Sale:

- Date:** Tuesday, March 2, 2021
- Time:** The sale of the Property ("Foreclosure Sale") will take place between the hours of 10:00 a.m. and 4:00 p.m. The earliest time at which the Foreclosure Sale will begin is 10:00 a.m.
- Place:** Angelina County Courthouse
215 East Lufkin Avenue, 1st. Floor, Lufkin, Texas
Commissioners courtroom in the annex building
- 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 Lender's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "AS IS, WHERE 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 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 trustee or any substitute trustee.

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, Lender, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with the Lender's rights and remedies under the Deed of Trust and Section 9.604 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, the Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Lender 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

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that they remain in force and effect and have not been subordinated to 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 section 51.0075(a) of the Texas Property Code, the Substitute 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 the Substitute 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.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.



Doug Skierski
Attorney for 3889 Highway 69 North SBL LLC

Therefore, notice is given that on and at the Date, Time and Place of Sale described above, Substitute Trustee will sell the Property by public sale to the highest bidder for cash in accordance with the Deed of Trust.

SUBSTITUTE TRUSTEE:



Doug Skierski, not individually but
solely in his capacity as Substitute
Trustee

STATE OF TEXAS §
COUNTY OF DALLAS §

The foregoing instrument was acknowledged before me on January 19, 2021, by Doug Skierski, as Substitute Trustee.



[seal]

Kristin H. Jain

Notary Public

Kristin H. Jain

Printed Name

EXHIBIT A

Being all that certain tract or parcel of land lying and situated in Angelina County, Texas, out of the V. MICHELLI SURVEY, ABSTRACT NO. 29 and the JACINTO MAGNO SURVEY (Magano?), Abstract No. 25 and being all of that certain 4.22 acre tract described in a deed from Regina Malnar to Jillendra C. Patel dated May 22, 1997 and recorded in Volume 1106 on Page 755 of the Real Property Records of Angelina County, Texas, to which reference is hereby made for any and all purposes and the said tract or parcel being described by metes and bounds as follows, to-wit:

BEGINNING at the South corner of the aforesaid referred to 4.22 acre tract, a ½" pipe found in the Northwest margin of County Road No. 41 (approximately 26 feet from the existing centerline) and the Northeast right-of-way line of St. Louis Southwestern Railroad (50 feet from centerline), said pipe witnessed by a concrete monument found being S 47 deg. 01' 42" E 51.83 feet and a 36" Red Oak (old) bearing N 12 deg. 48' W 21.9 feet;

THENCE, N 46 deg. 44' 00" W (called N 46 deg. 44' 00" W) with the Southwest boundary line of the said 4.22 acre tract and the Northeast right-of-way line of the said St. Louis Southwestern Railroad (100 feet right-of-way), at 366.61 feet pass on line a ½" pipe, at 390.76 feet pass a 1" pipe found for reference, at 420.76 feet (called 420.76 feet) the West corner of the said 4.22 acre tract, a point for corner in the centerline of that certain 0.5170 acre Drainage Easement described in a deed from Mrs. J. B. Harrison to State of Texas dated February 1, 1982 and recorded in Volume 527 on Page 653 of the Deed Records of Angelina County, Texas, said point witnessed by a ½" pipe (at a fence corner) bearing N 45 deg. 42' 31" W 530.07 feet;

THENCE, two calls with the Northwest boundary line of the said 4.22 acre tract and the centerline of the said Drainage Easement and the existing centerline of a ditch as follows;

- (1) N 70 deg 02' 44" E 190.91 feet, a point for corner;
- (2) N 67 deg. 41' 19" E, at 366.00 feet the North corner of the said 4.22 acre tract, a point for corner in the Southwest right-of-way line of U.S. Highway No. 69 (150 feet wide right-of-way) a point for corner witnessed by a ½" pipe bearing N 45 deg. 01' 29" W 646.06 feet and a concrete right-of-way monument bearing N 45 deg. 01' 29" W 1334.58 feet;

THENCE, S 45 deg. 01' 29" E with the Northeast boundary line of the said 4.22 acre tract and the Southwest right-of-way line of the said U.S. Highway No. 69 (approximately 80 feet from the existing centerline), at 21.68 feet pass on line a ½" pipe found for reference, at 318.59 feet the East corner of the said 4.22 acre tract, a ½" pipe found for corner in the Northwest margin of the aforesaid County Road No. 41 (approximately 22 feet from the existing centerline), said pipe witnessed by a concrete right-of-way monument bearing S 45 deg. 01' 29" E 1130.68 feet;

THENCE, S 58 deg. 32' 54" W with the Southeast boundary line of the said 4.22 acre tract and the Northwest margin of the said County Road No. 41 (Stubblefield Road), at 512.31 feet the point and place of beginning and containing 4.22 acres of land, more or less.

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AMPM Enterprises, Inc./ 3889 Highway 69 North SBL LLC

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