

**NOTICE OF FORECLOSURE SALE**

**FILED**  
**AT 1:57 O'CLOCK P.M.**  
**FEB 08 2019**  
AMY FINCHER  
County Clerk, County Court at Law  
Angelina County, Texas  
By     TW    

**DATE:** FEBRUARY 8, 2019

**DEED OF TRUST, SECURITY AGREEMENT AND FINANCING STATEMENT (“Deed of Trust”):**

**Dated:** FEBRUARY 8, 2018

**Grantor:** TENDERLEAF VILLAGE, A TEXAS NON-PROFIT CORPORATION

**Trustee:** JEFF “MARTY” BARNHILL

**Lender:** RON ROSE

**Recorded in:** Instrument Number: 2018-00362118 of the real property records of ANGELINA County, Texas

**Legal Description:** TRACT ONE: 15.22 acres, more or less, part of the Jose LaBaume Survey, Abstract No. 21, being situated in Angelina County, Texas and being more fully described in Exhibit "A" attached.

TRACT TWO: 3.996 acres, more or less, part of the Jose LaBawne Survey, Abstract No. 21, being situated in Angelina County, Texas and being more fully described in Exhibit "A" attached.

**Secures:** PROMISSORY NOTE (“Note”) in the original principal amount of \$1,343,604.89, executed by TENDERLEAF VILLAGE, A TEXAS NON-PROFIT CORPORATION, James Tran, President (“Borrower”) and payable to the order of Lender and all other indebtedness of Borrower to Lender

**Property:** The real property, including improvements, described in and mortgaged in the Deed of Trust, including the real property described in the attached Exhibit “A”, and all rights and appurtenances thereto

**Guaranty:** The Note and all other indebtedness of Borrower to Lender is guaranteed by a GUARANTY AGREEMENT dated FEBRUARY 8, 2018, and executed by JAMES TRAN, IVY TRAN, and MICHAEL FLEETWOOD in favor of Lender

Substitute Trustees: JAY YOUNGBLOOD and KEVIN RHYNE

Substitute Trustees'  
Address: 1001 ESE Loop 323, Ste. 450  
Tyler, Texas 75701

**Foreclosure Sale:**

Date: TUESDAY, MARCH 5, 2019

Time: **The sale of the Property will be conducted no earlier than 1:00 p.m. local time, and not later than three hours after that time by one of the Substitute Trustees.**

Place: **Angelina County Courthouse Annex located at 606 E. Lufkin Ave., Lufkin, Angelina County, Texas.**

Terms of Sale: **The Foreclosure Sale will be conducted by one of the Substitute Trustees 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.**

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/Beneficiary, 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/Beneficiary's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Lender/Beneficiary'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, one of the Substitute Trustees will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Lender/Beneficiary 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

Lender/Beneficiary. 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, 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 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.**

The Lender/Beneficiary of the Deed of Trust appointed and substituted me, the undersigned, as trustee under the Deed of Trust by a substitution dated February 8, 2019. As substitute trustee, I am vested with and succeed to all the powers and duties given to the original trustee.

Dated: February 8, 2019



JAY YOUNGBLOOD, Substitute Trustee  
1001 ESE Loop 323, Ste. 450  
Tyler, Texas 75701

## Exhibit A

### Tract One:

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas, out of the J. LABAUME SURVEY, ABSTRACT NO. 21 and being a part of portion of that certain 36.94 acre tract described in a deed from Brian D. Boudreau, et ux to Mark Tyson Ramsey, et ux dated December 4, 1998 and recorded in Volume 1184 on Page 114 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 a Southeast corner of the aforesaid referred to 36.94 acre tract and the Northeast corner of that certain 3.996 acre tract described in a deed from Robert & Janie Investments, Inc. to Michael K. Hudson, et ux dated January 26, 2000 and recorded in Volume 1246 on Page 305 of the Real Property Records of Angelina County, Texas, a 1/4" pipe found for corner in the West boundary line of that certain 17.14 acre tract described in a deed from Brian D. Boudreau, et ux to Mark T. Ramsey, et ux dated August 24, 1998 and recorded in Volume 1169 on Page 619 of the Real Property Records of Angelina County, Texas, said pipe witnessed by an oak bearing N 12° 12' 29" W 21.40 feet and a 1/2" pipe found for the Southeast corner of the said 3.996 acre tract and a Southwest corner of the said 17.14 acre tract bearing S 10° 04' 56" W 400.00 feet;

THENCE N 80° 16' 01" W with a South boundary line of the said 36.94 acre tract, the North boundary line of the said 3.996 acre tract, and the North boundary line of that certain 4.00 acre tract described in a deed from Robert & Janie Investments, Inc. to Lance W. Redd, et ux dated January 6, 2000 and recorded in Volume 1243 on Page 846 of the Real Property Records of Angelina County, Texas, at 936.23 feet pass on line a 1/2" rod found for the Northwest corner of the said 3.996 acre and the Northeast corner of the said 4.00 acre tract, at 870.83 feet the Southwest corner of the said 36.94 acre tract and the Northwest corner of the said 4.00 acre tract, a 1/4" pipe found for corner (near a fence corner) in the East boundary line of that certain 25.58 acre tract described in a deed from Robert & Janie Investments, Inc. to John Eldon Werner, II, et ux dated September 8, 1999 and recorded in Volume 1228 on Page 479 of the Real Property Records of Angelina County, Texas, said pipe witnessed by a railroad iron found for the Southwest corner of the said 4.00 acre tract and the Southeast corner of the said 25.58 acre tract bearing S 10° 04' 56" W 400.00 feet;

THENCE N 10° 04' 56" E with a West boundary line of the said 36.94 acre tract, the East boundary line of the said 25.58 acre tract, and in part with the East boundary of that certain 9.75 acre tract described in a deed from Ona Mae McDonald Fitch to John L. Fitch, et al dated May 25, 2001 and recorded in Volume 1410 on Page 60 of the Real Property Records of Angelina County, Texas, at 1287.63 feet pass on line a 1/4" pipe found for the Northeast corner of the said 25.58 acre tract and the Southeast corner of the said 9.75 acre tract, at 1360.06 feet the Northwest corner of the said 36.94 acre tract and the Southwest corner of that certain 20 acre tract described in a deed from Edmund Price Wlston, Jr. to Edgar Robert Casper, Jr., et ux dated November 28, 1995 and recorded in Volume 1036 on Page 285 of the Real Property Records of Angelina County, Texas, a 1" pipe found for corner (at a fence corner) witnessed by a railroad iron bearing N 09° 34' 06" E 577.62 feet;

THENCE S 80° 55' 08" E with the North boundary line of the said 36.94 acre tract and the South boundary line of the said 20 acre tract, at 522.72 feet a 1/2" pipe set for corner;

THENCE S 00° 30' 30" E, at 4 feet cross the centerline of a creek, at 19.0 feet pass on line a fence corner, at 295.43 feet a 1/4" pipe set for corner;

THENCE S 34° 28' 59" W 328.19 feet, a 1/2" pipe set for corner;

THENCE S 13° 16' 24" W 514.37 feet, a 1/4" pipe set for corner;

THENCE S 14° 49' 33" E 262.59 feet, a 1/4" pipe set for corner;

THENCE S 80° 16' 01" E, at 347.48 feet intersect an East boundary line of the aforesaid 36.94 acre tract and the West boundary line of the aforesaid 17.14 acre tract, a 1/4" pipe set for corner;

THENCE S 10° 04' 56" W with an East boundary line of the said 36.94 acre tract and the West boundary line of the said 17.14 acre tract, at 25.00 feet the point and place of beginning and containing 15.22 acres of land, more or less.

**Tract Two:**

BEING all that certain tract or parcel of land lying and situated in Angelina County, Texas out of the J. LAWSON SURVEY, ABSTRACT No. 20 and being a part or portion of that certain 0.250 acre tract of land described as TRACT No. 200 in a deed from Joe F. Drinkard, Jr. et al to Robert B. Janic Investments, Inc., dated April 10, 1990 and recorded in Volume 1148, on Page 577 of the Real Property Records of Angelina County, Texas in which reference is hereby made and the said part or portion being described by color and bounds as follows, to wit:

Commencing at the Northwest corner of the aforesaid referred to 0 acre tract, same being the Southwest corner of that certain 36.98 acre tract of land described in a deed to Jack Young Ramsey et al, dated December 3, 1908 and recorded in Volume 1194, on Page 114 of the Real Property Records of Angelina County, Texas; a 1/2" iron pipe found for corner on the East Boundary line of that certain 36.98 acre tract of land described in a deed to John Eldon Barnes, et al, dated September 8, 1994 and recorded in Volume 1720, on Page 470 of the Real Property Records of Angelina County, Texas;

THENCE S 80° 10' 01" E, (Bounds of Bearings, Vol. 1164, Pg. 114), with the North Boundary line of the said 0 acre tract (called S 80° E) and with the North Boundary line of the aforesaid 36.98 acre tract, or 433.00 feet, THE POINT AND PLACE OF BEGINNING, a 1/2" iron rod set for corner;

THENCE S 80° 10' 01" E, continuing with the North Boundary line of the said 0 acre tract and continuing with the South Boundary line of the said 36.98 acre tract, or 433.73 feet, the Northwest corner of the said 0 acre tract, same being the Southeast corner of the said 36.98 acre tract, a 1/2" iron pipe found for corner on the West Boundary line of that certain 17.14 acre tract of land described in a deed to Mark F. Sawyer et al, dated August 24, 1996 and recorded in Volume 1167, on Page 619 of the Real Property Records of Angelina County, Texas;

THENCE S 10° 04' 30" E, with the East Boundary line of the said 0 acre tract, (called S 10° N 400 feet) and with the West Boundary line of the aforesaid 17.14 acre tract, (called S 10° 04' 30" E), or 399.93 feet, the Southeast corner of the said 0 acre tract, same being the Southeast corner of the said 17.14 acre tract, a 1/2" iron pipe found for corner in County Book No. 274, said 1/2" iron pipe being approximately 8 feet North of the North Boundary line of that certain 10.000 acre tract of land described in a Contract of Sale and Purchase to Randy Lee Devill, dated November 7, 1981 and recorded in Volume 374, on Page 234 of the Real Records of Angelina County, Texas;

THENCE N 80° 16' 31" W, with the South Boundary line of the said 0 acre tract, (called N 80° W), or 433.21, a wire for corner in the aforesaid County Book No. 274, said point being approximately 7 feet North of the North Boundary line of that certain 10.000 acre tract of land described in a deed to Jack Kenneth Richardson, Jr. et al, dated January 9, 1910 and recorded in Volume 266, on Page 217 of the Real Property Records of Angelina County, Texas;

THENCE N 10° 04' 30" E, or 7.67 feet, pass on line a 1/2" iron rod set for reference corner, or 399.93 feet, the point and place of beginning and continuing S. 896.00 acres of land, copy of map.

Accepted for Filing in:  
Angelina County  
On: Feb 13, 2018 at 02:47P