

Notice of Foreclosure Sale

July 25, 2019

AT 12 O'CLOCK P M
JUL 31 2019
AMY FINCHER
County Clerk, County of Jasper, Texas
By _____
Angellina County, Texas

Deed of Trust-Security Agreement-Financing Statement (First Lien) ("Deed of Trust")

Dated: November 24, 2014

Grantor: Ehler Investments Limited Liability Company

Trustee: Robyn Gillespie

Lender: Lloyd Gillespie

Recorded in: Vol. 1020, Page 777, Official Public Records of Jasper County, Texas and Document Number 2019-00383921, Official Public Records of Angelina County, Texas

Legal Description:

TRACT ONE:

Being that 313.982 acres of land, more or less, in Jasper County, Texas known as Tract Three of the Jasper County Blue Hole Property, as described in Exhibit A which is attached hereto and incorporated herein by reference for descriptive purposes.

TRACT TWO:

Being that 99.281 acres of land, more or less, in Jasper County, Texas known as Tract Eight of the Jasper County Blue Hole Property, as described in Exhibit A which is attached hereto and incorporated herein by reference for descriptive purposes.

Secures: Promissory Note ("Note") in the original principal amount of \$1,868.390.00, executed by Jody Michael Ehler as Sole Member/Manager of Ehler Investments Limited Liability Company ("Borrower") and payable to the order of Lender

Modifications and Renewals: Modification and Extension Agreement dated May 6, 2019 recorded at Vol. 1162, Page 14, Official Public Records of Jasper County, Texas and recorded at Document Number 2019-00383509, Official Public Records of Angelina County, Texas (as used herein, the terms "Note" and "Deed of Trust" mean the note and Deed of Trust

DEBBIE NEWMAN, COUNTY CLERK
JASPER COUNTY, TEXAS

FILED JUL 26 2019

By Rene Larson
DEPUTY

as so modified, renewed, and/or extended)

Property: The real property, improvements, and personal property 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 November 24, 2014, and executed by Jody Michael Ehler in favor of Lender.

Trustee: Robyn Gillespie

Trustee's Address: PO Box 633210
Nacogdoches, Texas 75963

Foreclosure Sale

Date: September 3, 2019

Time: The sale of the Property will be held between the hours of 10:00 a.m. and 4:00 p.m. local time; **the earliest time at which the Foreclosure Sale will begin is 10:00 a.m. and not later than three hours thereafter.**

Place: At the steps at the south entrance of the courthouse annex building of the Jasper County Courthouse, located at 121 N. Austin in Jasper, Jasper County, Texas, as designated by Order of the County Commissioners Court.

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.

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 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 personal property described in the Deed of Trust in accordance with Lender'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, 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 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. 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 or 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.



Robyn Gillespie, Trustee

cc: VIA REGULAR US MAIL AND
VIA CERTIFIED MAIL NO.
9414 726 9904 2137 2594 17
RETURN RECEIPT REQUESTED

Ehler Investments Limited Liability Company
4417 103rd Street
Lubbock, Texas 79424

VIA REGULAR US MAIL AND
VIA CERTIFIED MAIL NO.
9414 7266 9904 2137 2594 24
RETURN RECEIPT REQUESTED

Jody Michael Ehler
4417 103rd Street
Lubbock, Texas 79424

DESCRIPTION TO A 313.982 ACRE TRACT
JOSEPH CONN SURVEY, ABSTRACT NO. 92 (JASPER COUNTY)
JOSEPH CONN SURVEY, ABSTRACT NO. 686 (ANGELINA COUNTY)
JASPER COUNTY, TEXAS

Being a tract of land lying and being situated within the Joseph Conn Survey A-92, Jasper County, the Joseph Conn Survey A-686, Angelina County, Texas and being a part or portion of that certain called 757.24 acre tract from Wiergate Lumber Company, Inc. to 2007 Blue Hole Partners, Ltd. Dated March 27, 2008 and recorded in Volume 819, Page 332 of the Official Records of Jasper County Texas (ORJCT), and a part or portion of that certain called 863.89 acre tract from Crown Pine Timber 1, L.P. to 2007 Blue Hole Partners, Ltd. dated December 4, 2008 and recorded in Volume 839, Page 654 ORJCT, and being described by metes and bounds as follows, to wit:

BEGINNING at Pine Knot found for the northwest corner of the referenced 863.89 acre tract, in the easterly line of a called 8,372 acre tract described in a Deed as Tract A1a-I,II from Kirby Lumber Co. et al to the United States of America, dated December 27, 1935 and recorded in Volume 63, Page 1 of the Deed Records of Jasper County, Texas (DRJCT), also being the southwest corner of a called 174.34 acre tract as described in a Deed from Carl Ray Polk, Jr. et ux to the United States of America, and recorded as Document No. 2013-00307448 of the Official Public Records of Angelina County, Texas (OPRACT) and from which a 3/8-inch iron rod found bears S 58°11'36" W 0.28 feet, and a 10-inch pine, United States Bearing Tree (USBT) bears N 80°57'W 14.7 feet, an 8-inch pine USBT bears S 24°57' W 27.2 feet, an 11-inch pine USBT bears N 11°29' E 48.8 feet, a 15-inch pine X found bears N 71°55' E 11.1 feet, and a 16-inch pine X found bears S 38°40' E 37.5 feet;

THENCE N86°27'17"E with the common line of the 863.89 acres and the 174.34 acre tract, pass on line at 2325.11 feet a 1/2-inch iron rod found in the center of County Road No. 16 (Roland Marshall Road), and continuing for a total distance of 2962.48 feet, to a 1/2-inch iron rod found for the northwest corner of a 166.000 acre tract (surveyed July 25, 2014 - no recording information available at this time);

THENCE S26°17'20"E 4526.52 feet, with the west line of the 166.000 acre tract and the east line of the herein described tract, to a 2-inch iron pipe found for an angle point of the 166.000 acres and this tract, also being the northwest corner of a called 7.71 acre tract described in a Deed from Ray McCalip to James D. Bean dated June 30, 1977 and recorded in Volume 296, Page 502 (DRJCT);

THENCE S02°56'06"E 567.60 feet with the west line of the 7.71 acre tract to a 1/2-inch iron rod found for the southwest corner of the 7.71 acre tract also being the northwest corner of a called 4.94 acre tract described in a Deed from T.L. Bean et ux to Dennis Mott et ux dated March 16, 2000 and recorded in Volume 555, Page 30 ORJCT, same also being a common corner of the referenced 863.89 and 757.24 acre tracts;

THENCE S2°44'02"E 28.13 feet, to a 1/2-inch iron rod set in the center of an existing gravel road for the southeast corner of this tract;

THENCE with the centerline of the existing road with the following calls:

1. S50°34'09"W 16.09 feet;
2. S49°39'31"W 41.76 feet;
3. S54°04'12"W 53.47 feet;
4. S58°22'58"W 161.35 feet;
5. S54°33'29"W 162.84 feet;
6. S56°34'39"W 107.89 feet;
7. S62°58'14"W 152.92 feet;
8. S76°45'26"W 76.04 feet;
9. S85°54'00"W 47.88 feet;
10. N85°18'30"W 57.86 feet;
11. N79°14'18"W 53.13 feet,
12. N76°34'39"W 114.27 feet, to a 1/2-inch iron rod set in the centerline of said road;
13. S67°37'26"W 671.99 feet, to a to a 1/2-inch iron rod set in the easterly line of the Common Area of the Blue Hole 15.997 acre tract (surveyed August 25, 2014 - no recording information available at this time);

THENCE in a northerly direction with the easterly lines of the Common Area of the Blue Hole 15.997 acre tract as follows:

JASPER COUNTY BLUE HOLE PROJECT
TRACT THREE

1. N30°24'01"W 21.99 feet, to a 1/2-inch iron rod found;
2. N20°00'32"E 34.51 feet, to a 1/2-inch iron rod found;
3. N45°48'56"W 129.17 feet, to a 1/2-inch iron rod found;
4. S61°12'14"W 43.74 feet, to a 1/2-inch iron rod found;
5. N29°54'45"W 107.43 feet, to a 1/2-inch iron rod found;
6. N54°30'15"E 297.89 feet, to an 8-inch pine for corner;
7. N47°03'41"E 112.73 feet to a 1/2-inch iron rod found;
8. N37°50'14"W 346.22 feet to a 1/2-inch iron rod found;
9. S52°09'46"W 50.00 feet to a 1/2-inch iron rod found;
10. N65°37'05"W 90.14 feet to a 1/2-inch iron rod found;
11. N22°49'07"W 177.43 feet to a 1/2-inch iron rod found;
12. N56°17'56"W 93.22 feet to a 1/2-inch iron rod found;
13. N36°49'15"W 131.82 feet to a 1/2-inch iron rod found;
14. N73°12'28"W 76.84 feet to a 1/2-inch iron rod found;
15. S10°49'59"W 51.82 feet to a 1/2-inch iron rod found;
16. S54°51'02"W 68.69 feet to a 1/2-inch iron rod set;

THENCE N45°33'52"W, leaving the common area and severing the referenced 863.89 and 757.24 acre tracts, at 2107.19 feet cross the centerline of County Road No. 16 (Roland Marshall Road) and continuing for a total distance of 2133.01 feet, to a 1/2-inch iron rod set for the southern corner of a 0.996 acre tract " save and except" from the referenced 863.89 acre tract, in the westerly line of a fifty foot road easement of said road (easement surveyed August 25, 2014 no recording information available at this time);

THENCE N29°48'49"E 208.33 feet, with southeasterly line of the called 0.996 acre tract and the westerly line of the said 50 foot road easement along County Road No. 16, to a 1/2-inch iron rod set for corner;

THENCE N60°11'10"W 208.33 feet, with the called 0.996 acre tract to a 1/2-inch iron rod set for corner;

THENCE N63°17'50"W 347.27 feet, severing again the 863.89 acre tract, to a 1/2-inch iron rod set for corner;

THENCE N36°38'32"W, 552.96 feet, to a 1/2-inch iron rod set for corner;

THENCE N40°01'36"W 932.02 feet, to a 1/2-inch iron rod set for corner in the west line of the referenced 863.89 acre tract and the east line of the aforesaid 8,372 acre tract;

THENCE N02°40'22"W 996.41 feet, with the common line of 863.89 and 8,372 acre tracts to the POINT OF BEGINNING and containing an area of 313.982 acres (13,677,067 square feet) of which 8.17 acres lies within the roadways herein referred to as shown on plat of survey of even date herewith.

Bearings are based on the easterly north line of a called 863.89 acre tract described in a deed to 2007 Blue Hole Partners, LTD in Volume 839, Page 654 ORJCT – N87°13'52"E

This description was prepared from a survey made on the ground under my supervision.

1/2-inch iron rods set have a plastic cap that bears Goodwin – Lasiter

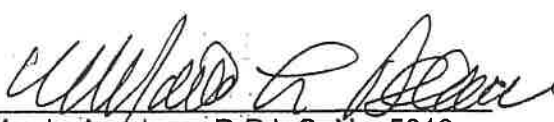

Morrie Apodaca, R.P.L.S. No. 5613
Lufkin, Texas September 30, 2014
Goodwin – Lasiter – Strong
1609 S. Chestnut St., Suite. 202
Lufkin, Texas 75901
TBPLS Firm No. 10110900



EXHIBIT "A"

JASPER COUNTY BLUE HOLE PROPERTY
TRACT EIGHT

DESCRIPTION TO A 100.446 ACRE TRACT
SAVE AND EXCEPT A 1.165 ACRE TRACT
JOSEPH CONN SURVEY, ABSTRACT NO. 92
NATHAN BOUTON SURVEY, ABSTRACT NO. 69
JASPER COUNTY, TEXAS

Being a tract of land lying and being situated within the Joseph Conn Survey A-92, and the Nathan Bouton Survey A-69 Jasper County, Texas and being a part or portion of that certain called 757.24 acre tract from Wiergate Lumber Company, Inc. to 2007 Blue Hole Partners, Ltd. Dated March 27, 2008 and recorded in Volume 819, Page 332 of the Official Records of Jasper County Texas (ORJCT) and a part or portion of that certain called 863.89 acre tract from Crown Pine Timber 1, L.P. to 2007 Blue Hole Partners, Ltd. dated December 4, 2008 and recorded in Volume 839, Page 654 ORJCT and being described by metes and bounds as follows, to wit:

COMMENCING at a 1/2-inch iron rod found for the easterly northeast corner of a 200.002 acre tract, and the southwesterly line of the Common Area of the Blue Hole 15.997 acre tract (both surveyed August 25, 2014 – no recording information available at this time);

THENCE S75°51'43"E 85.00 feet to a 1/2-inch iron rod found in the southerly line;

THENCE N66°42'01"E 79.74 feet, to a 1/2-inch iron rod found for the POINT OF BEGINNING;

THENCE N10°31'20"E 133.89 feet, along the southeasterly line of the Common Area of the Blue Hole, to a 1/2-inch iron rod found for corner;

THENCE N88°46'31"E 804.23 feet, to a 1/2-inch iron rod set in the center of a gravel roadway, for an angle point;

THENCE S58°31'25"E 4548.82 feet, to a 1/2-inch iron rod set in the westerly Top Bank of the Neches River;

THENCE along the westerly Top Bank of the Neches River with the following calls:

1. S18°41'15"E 40.00 feet;
2. S08°14'54"E 161.94 feet;
3. S03°14'24"E 107.94 feet, to a 1/2-inch iron rod set for the southeast corner of this tract;

THENCE N89°08'58"W 1929.73 feet, leaving the Top Bank of the Neches River, to a 1/2-inch iron rod set for an angle point of the herein described tract;

THENCE N48°24'28"W 3771.45 feet, and severing the 863.89 acre and 757.24 acre tracts, to the POINT OF BEGINNING and containing 100.446 acres (4,375,413 square feet), of which 0.77 acre lies in the existing roadway all as shown on the plat of survey of even date herewith.

Save and Except a 1.165 acre tract described as follows:

Being a tract of land lying and being situated within the Joseph Conn Survey A-92, Jasper County, Texas and being a called 1.00 acre tract described as Tract Two, (save and except) in a Release of Liens and Claims Document from Dennis Roy Mott to Wiergate Lumber Company, Inc., dated September 28, 2007 and recorded in Volume 800, Page 77 of the Official Records of Jasper County Texas, also being Tract 2, Save and Except in a Deed from Jaquelin Martin et al to Wiergate Lumber Company dated September 13, 1963 and recorded in Volume 174, Page 274 of the Deed Records of Jasper County, Texas (DRJCT), and being described by metes and bounds as follows, to wit:

BEGINNING at a 1/2-inch iron rod set, in the easterly line of the Joseph Conn Survey, for the southeast corner of the recognized 1.00 acre tract from which a Pine Knot found for the southeast corner of that certain called 757.24 acre tract from Wiergate Lumber Company, Inc. to 2007 Blue Hole Partners, Ltd. Dated March 27, 2008 and recorded in Volume 819, Page 332 (ORJCT) bears S02°24'13"E 1920.86 feet;

THENCE N84°38'59"W 242.83, to a 1/2-inch iron rod set for southwest corner of the recognized 1.00 acre tract;

THENCE N04°24'14"W 208.33 feet, to a 1/2-inch iron rod set for the northwest corner of the recognized 1.00 acre tract;

EXHIBIT "A"

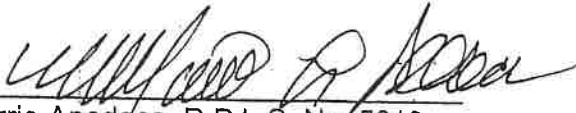
JASPER COUNTY BLUE HOLE PROPERTY
TRACT EIGHT

THENCE S84°54'12"E 250.02 feet, to a 1/2-inch iron rod set for the northeast corner of the recognized 1.00 acre tract;

THENCE S02°24'13"E 208.33 feet, to the POINT OF BEGINNING and containing an area of 1.165 acre (50,749 square feet), and leaving a net area of 99.281 (4,324,664 square feet) all as shown on the accompanying plat of survey of even date herewith.

This description was prepared from a survey made on the ground under my supervision.

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Morrie Apodaca, R.P.L.S. No. 5613
Lufkin, Texas September 30, 2014



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