

**Notice of Trustee's Sale
and Appointment of Substitute Trustee**

June 10, 2024

**Rudy Perez and Elizabeth Perez
709 Tank St
Lockhart, Texas 78644**

Deed of Trust ("Deed of Trust") Information:

Recorded On: **April 9, 2012**

Grantor: **Rudy Perez and Elizabeth Perez**

Original Trustee: **Ryan Coggin**

Beneficiary: **HB Equity, LLC further transferred via Assignment of Notes and Liens to Homestead Opportunity Fund, LP**

Recorded in: **Deed of Trust recorded as Instrument Number 121877 of the real property records of Caldwell County, Texas. Assignment of Notes and Liens recorded as Instrument Number 122056 of the real property records of Caldwell County, Texas.**

Legal Description:

SEE ATTACHMENT 'A'

Property: **709 Tank St, Lockhart, Texas 78644**

Substitute Trustee: **Crystal Brough**

Substitute Trustee's
Address: **3810 Medical Parkway, Ste 132, Austin, Texas 78756**

Foreclosure Sale ("Foreclosure Sale") Information:

Date of Sale: **July 2, 2024**

Time: **The sale of the Property will be held between the hours of 10:00 a.m. and 1:00 p.m. local time; the earliest time at which the Foreclosure Sale will begin is 10:00am and not later than three hours thereafter.**

Place: **The foreclosure sale will be conducted in the area designated by the Caldwell County Commissioners Court for sales of property under Tex. Prop. Code §51.002 in Caldwell County, Texas, or if no place is designated by the Commissioners Court, the sale will be conducted at the place whether the Notice**

of Trustee's Sale was posted.

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 Homestead Opportunity Fund, LP bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the performance of the obligations of the Deed of Trust and such default has not been cured. Because of that default, Homestead Opportunity Fund, LP, the Beneficiary under said assigned Deed of Trust, has requested the Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Homestead Opportunity Fund, LP election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Homestead Opportunity Fund, LP rights and remedies under the Deed of Trust and Assignment and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date of Sale, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Homestead Opportunity Fund, LP 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 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.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) 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 BENEFICIARY.

Mark J Brough

Mark J Brough – General Partner of Homestead Opportunity Fund, LP

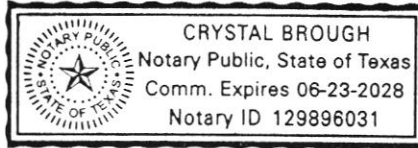
STATE OF TEXAS)
COUNTY OF TRAVIS)

Before me, the undersigned notary public, on this day personally appeared **Mark J Brough**, on behalf of Homestead Opportunity Fund, LP , known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 10 day of June, 2024.

Crystal Brough

Notary Public, State of Texas





Attachment A

BEING 0.25 acres of land; being out of and a part of the Byrd Lockhart Survey, Abstract No. 17, City of Lockhart, Caldwell County, Texas; and being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes.

This conveyance is expressly made and accepted subject to the following:

1. Right of way for sewer line dated April 10, 1950 from Juan Escobedo and Bernanda Escobedo to City of Lockhart, recorded in Volume 236 at Page 502, Caldwell County Deed Records.
2. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject property.
3. ~~Rights of parties in possession under a written lease.~~
4. Subject property lies within the boundaries of Plum Creek Conservation District and may be subject to standby fees and tax assessments by said district.
5. Visible, apparent and/or unrecorded easements over or across the subject property.
6. Any portion of the subject premises which falls within the boundaries of any road or roadway.