

Filed this 13th day of Jan 2025
11:05A.M

TERESA RODRIGUEZ
COUNTY CLERK, CALDWELL COUNTY, TEXAS
By Reyna Mijares Deputy Reyna Mijares

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.

SUBSTITUTE TRUSTEE'S NOTICE OF FORECLOSURE SALE

WHEREAS, by Deed of Trust (With Security Agreement and Assignment of Rents) dated September 20, 2023, and recorded on September 22, 2023, as Document No. 2023-006061 of the Official Public Records of Caldwell County, Texas, as modified by subsequent Modification and Extension of Real Estate Lien and Note agreements (the "Deed of Trust"), **DEL LOCKHART VENTURES LLC** (the "Debtor") conveyed certain property situated in Caldwell County, Texas, to **Barry D. Johnson**, Trustee, for the benefit of **EQUITY SECURED INVESTMENTS, INC.** (the "Mortgagee"), to secure the indebtedness evidenced by that certain Promissory Note (the "Note") in the original principal amount of **NINE HUNDRED THOUSAND AND NO/100 DOLLARS (\$900,000.00)** dated September 20, 2023, which Note was executed by the Debtor to the Mortgagee, and to secure any and all other indebtedness described in the Deed of Trust;

WHEREAS, the Deed of Trust encumbers certain real property (the "Property") located in Caldwell County, Texas, described as follows:

142.19 acres of land, more or less, out of the J.P. Bell Survey, Abstract Number 41, Caldwell County, Texas, being that same tract of land conveyed to Del Lockhart Ventures LLC, a Texas limited liability company and described in deed recorded in Document No. 2022005441, Official Public Records, Caldwell County, Texas, and being more fully described by metes and bounds in **Exhibit "A-1"** attached hereto and incorporated herein as if set forth at length;

together with any and all improvements located thereon, all equipment and appliances attached thereto or used in connection therewith, all heating, plumbing, refrigeration, lighting fixtures, and articles of personal property attached to or used in and about the improvements, and the rights, privileges and appurtenances thereto belonging;

WHEREAS, in accordance with Texas Property Code, Section 51.0076, the undersigned, as attorney for Mortgagee, does hereby remove the original Trustee and all previous successor trustees and appoints in their stead Melissa Spinn Koelsch, Will Thornhill, and Hanna Lee whose address is c/o West, Webb, Allbritton, & Gentry, P.C., 1515 Emerald Plaza, College Station, Texas 77845, Tel: 979-694-7000, as Substitute Trustees, who shall hereafter exercise all powers and duties set aside to the original trustee under the said Deed of Trust; and

WHEREAS, default has occurred under the terms and provisions of the Deed of Trust, and the indebtedness evidenced by the Note and secured by the Deed of Trust is now wholly due, and the owner and holder of said indebtedness and the Note has requested the undersigned as Substitute Trustees to enforce the power of sale of the Deed of Trust by selling the Property;

NOW, THEREFORE, Melissa Spinn Koelsch, Will Thornhill, and Hanna Lee, the undersigned, hereby gives notice that the Substitute Trustee(s) herein described, will accordingly sell the Property at public auction to the highest bidder for cash (or as a credit against the

outstanding indebtedness due to the Mortgagee if purchased by the Mortgagee) outside the main entrance of the new Caldwell County Justice Center, located at 1703 S. Colorado St., Lockhart, Texas 78644, in the area designated by the commissioner's court of said county for foreclosure sales of real property as evidenced by a written instrument filed in the real property records of said county (or if no such area is so designated, then in the area where such sales are customarily held), beginning no earlier than 10:00 A.M., and in no event beginning later than three (3) hours thereafter, on February 4, 2025, after due posting and filing of this notice and after written notice of such sale having been given by certified mail to the Debtor and any other debtor who, according to the records of the Mortgagee, is obligated to pay the indebtedness described above.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted. The 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 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. The sale shall not cover any part of the property that has been released of public record from the lien of the Deed of Trust. Prospective bidders are strongly encouraged 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 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 Substitute Trustee(s) reserve 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 Substitute Trustee(s).

The sale is a nonjudicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by Debtor. The real property and personal property encumbered by the Deed of Trust will be sold at the sale in accordance with the provisions of the Deed of Trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

PROVIDED, HOWEVER, the Property is being sold subject to all matters that are prior or superior to the Deed of Trust.

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 MORTGAGEE OR MORTGAGE SERVICER.

DATED this 13th day of January 2025.

/s/ Melissa S. Koelsch

Melissa Spinn Koelsch, Substitute Trustee

/s/ Melissa S. Koelsch

Melissa Spinn Koelsch, Attorney

WEST, WEBB, ALLBRITTON & GENTRY P.C.

1515 Emerald Plaza

College Station, Texas 77845

Attorneys for Equity Secured Investments, Inc.

EXHIBIT "A-1"

BEING 142.19 ACRES IN THE J.P. BELL SURVEY, ABSTRACT NUMBER 41, CALDWELL COUNTY, TEXAS, AND BEING THE REMAINDER OF A CALLED 164.471 ACRE TRACT DESCRIBED TO PEGGY L.HOFF IN DEED RECORDED IN VOLUME 396, PAGE 696, OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS; SAID 142.19 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4 inch iron rod found for the northwest corner of said 164.471 acre remainder tract, same being the southwest corner of a called 12.161 acre tract, described to Howard McCall in Document Number 2019002437 Official Public Records Caldwell County Texas, [O.P.R.C.T.T.], and same being in the east right of way of Old Lytton Springs Road. a variable width right of way, no deed of record found:

Thence, S 47°08'43" E, 50.42 with the common line of said 164.471 acre remainder tract and said 12.161 acre tract, to a calculated point in center of Dry Creek;

Thence, with the centerline of Dry Creek, being the common line of said 164.471 acre remainder tract and said 12.161 acre tract. the following courses and distances:

1. N 63°24'23" E, 41.17 feet to a calculated point;
2. S 82°32'42" E, 140.80 feet to a calculated point;
3. S 88°17'46" E, 211.08 feet to a calculated point;
4. N 83°29'40" E, 58.86 feet to a calculated point;
5. N 70°12'20" E, 74.67 feet to a calculated point;
6. N 64°18'20" E, 236.00 feet to a calculated point;
7. N 61°05'09" E, 137.75 feet to a calculated point at the southwest corner of a called 20 acres to Paul Pittman, per Caldwell County Appraisal District, no deed of record found:

Thence, S75°52'49" E, 497.71 feet with the common line of said 20 acre Pittman tract and said 164.471 acre remainder tract, to a wire fence corner post, found for the northeast corner of said 164.471 acre remainder tract;

Thence, S00°19'49"E, 1365.29 feet partially with a west line of said 20 acre Pittman tract to said, and a west line of the remainder of a called 400 acre tract, described to Austin Pittman in Volume 86, Page 418 Deed Records Caldwell County Texas [D.R.C.C.T.], along a barbed wire fence, to a fence corner post, found for exterior corner of said;

Thence, with the common lines of said 164.471 acre remainder tract. and said 400 acre Pittman tract, along a barbed wire fence, the following courses and distances:

1. S 80°02'47"W, 446.59 feet to a fence corner post, found for an interior corner,
2. S19°55'06" W, 1929.62 feet to a fence corner post. found for the southeast corner of said 164.471 acre remainder tract,

3. S 79°28'05" W, 1477.64 feet to a fence corner post, found for the southwest corner of said 164.471 acre remainder tract, same being at the southeast corner of a called 7.868 acre tract described to Francisco Cortez in Volume 187. Page 188 [D.R.C.C.T.]

N 21°28'11" W, 201.80 feet with east line of said 7.868 acre tract, same being a west line of said 164.471 acre remainder tract, to a 1/2 inch iron rod with "6714" cap, set for an exterior ell corner of said 164.471 acre remainder tract, same being the southwest corner of a called 2.00 acre tract, described to Melissa Borchert in Document Number 202000519 [O.P.R.C.C.T.]:

Thence, with the south, east, and north lines of said 2.00 acre tract. the following courses and distances:

1. N 68°20'10" E, 295.16 feet to a 1/2 inch iron rod with "6714" cap, set far the southeast corner of said 2.00 acre tract,
2. N 21°39'50" W, 295.16 feet to a calculated point in a pand, far the northeast corner of said 2.00 acre tract,
3. S 68°20'10" W, 294.16 feet to a 1/2 inch iron rod with "6714" cap, set far the northwest corner of said 2.00 acre tract, same being in the east line of said 7.868 acre tract, and same being in a west line of said 164.471 acre remainder tract;

Thence, N 21°24'07" W, 694.82 feet with the east line of said 7.868 acre tract. the east line of a called 0.3287 acre tract, described to Richard Siman in Volume 44, Page 442 [D.R.C.C.T.], and the east line of a called 4.860 acre tract, described to Joseph Dixon in Document Number 2019004161 [O.P.R.C.C.T.], to a 6 inch cedar fence post, found for the southerly northwest corner of said 164.471 acre tract, same being the southerly southwest corner of a called 12.001 acre tract, described to Case & Carol Hollub in Document Number 2017002868 [O.P.R.C.C.T.], from which a 8 inch cedar fence post, found for the northeast corner of said 4.860 acre tract, same being an interior corner of said 12.001 acre tract, bears N 21°24'07" W, 154.88 feet;

Thence, with a south and east line of said 12.001 acre tract, same being the north line of said 164.471 acre remainder tract, the following courses and distances:

1. N 65°36'50" E, 475.55 feet to a 5/8 inch iron rod, found for the southeast corner of said 12.001 acre tract,
2. N 02°51'43" W, 141.77 feet to an iron rod with "Tri-County" cap, found in the east line of said 12.001 acre tract, same being the south corner of a called 3.456 acre tract, described to Case and Carol Hollub in Document Number 2017005171 [O.P.R.C.C.T.];

Thence, with the southeast and northeast line of said 3.456 acre tract and interior lines said 164.471 acre remainder tract, the following courses and distances:

1. N 31°13'55" E, 615.94 feet to an iron rod with "Tri-County" cap, found for the east corner of said 3.456 acre tract,

2. N 44°19'23" W, 413.53 feet to an iron rod with "Tri-County" cap, found for the northeast corner of said 3.456 acre tract, and same being in the south right of way of said Old Lytton Springs Road;

Thence, with the south right of way of Old Lytton Springs Road, same being a northwest line of said 164.471 acre remainder tract, along a barbed wire fence, the following course and distances:

1. N 45°43'13" E, 542.61 feet to a fence corner post, found for an angle point,
2. N 53°40'05" E, 361.18 feet to an iron rod with "Hinkle" cap, found for the west corner of a called 2.091 acre tract, described to William and Cassidy Blair in Document Number 2018006189 [O.P.R.C.C.T.], and same being an exterior ell corner of said 164.471 acre remainder tract;

Thence, with the southwest, southeast, northeast, and a north line of said 2.091 acre tract, being the common lines of said 164.471 acre remainder tract, the following courses and distances:

1. S 36°16'20" E, 250.39 feet to an iron rod with "Hinkle" cap, found for the south corner of said 2.091 acre tract,
2. N 53°45'01" E, 350.13 feet to an iron rod with "Hinkle" cap, found for the east corner of said 2.091 acre tract,
3. N 27°36'03" W, 221.51 feet to an iron rod with "Hinkle" cap, found for the northeast corner of said 2.091 acre tract,
4. S 75°25'45" W, 84.81 feet to 6 inch wood fence post, found for westerly northeast corner of said 2.091 acre tract, same being in the east right of way of said Old Lytton Springs Road;

Thence, with the east right of way of Old Lytton Springs Road, and along a barbed wire fence, and the northwest line of said 164.471 acre remainder tract, the following courses and distances:

1. N 27°59'33" E, 98.34 feet to a 1/2 inch iron rod with "6714" cap, set for the south corner of a called 0.127 acre tract, described to Caldwell County in Volume 349, page 237 [O.R.C.C.T.],
2. N 57°22'09" E, 55.49 feet to a 6" wood fence post, found for an exterior angle point of said 0.127 acre tract,
3. N 40°50'32" E, 61.53 feet to a 6" wood fence post found for an exterior angle point of said 0.127 acre tract,
4. N 07°48'39" E, 130.11 feet to an iron rod with "TXDOT" Aluminum cap; found for the north corner of said 0.127 acre tract,
5. N 26°28'11" E, 170.56 feet back to the POINT OF BEGINNING of the herein described tract, containing 142.19 acres.