

At 9:42 FILED o'clock A M
Date 11.8.24

NOTICE OF FORECLOSURE SALE

DATE OF SALE: December 3, 2024

SARAH VASQUEZ
County Clerk, Brewster County, TX
By [Signature] Deputy

Deed of Trust (Second Lien) ("Deed of Trust"):

Dated: March 16, 2023
Grantor: Jackson Wilbourn
Trustee: Zach Dean
Lender: MAVERICK BANK (f/k/a Fort Davis State Bank, by name change in March, 2024)
Recorded in: Document # 117010 of the real property records of Brewster County, Texas

Legal Description: 10.23 acres out of Section 115, Block 9, G.H. & S.A. Ry, Co., Surveys, Brewster County, Texas being all of that certain 9.99 acre tract described in Volume 298, Page 6234, Official Public Records of Brewster County, Texas, and more particularly described in **Exhibit "A"**, Metes and Bounds and **Exhibit "B"** survey by Kevin Mueller R.P.L.S. Lic# 5911, dated December 18, 2020, attached hereto and incorporated herein for all purposes; AND a 2015 Solitaire Model single-wide (17' X 76') manufactured home, an improvement that is permanently attached to the Property, Label/Seal No. NTA1645015 and Serial No. EMHTX19308

Secures: Promissory Note (2nd Lien) ("Note") in the original principal amount of \$64,000.00, executed by Jackson Wilbourn ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

Substitute Trustee: Jeff R. Lashaway or Chandler Patterson
Substitute Trustee's Address: Jeff R. Lashaway and Chandler Patterson: 920 Ave. Q, Lubbock, TX, 79401, Ph: Telephone (806) 763-0044

Foreclosure Sale:

Date: Tuesday, December 3, 2024

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 1:00 p.m. and not later than three hours thereafter.

Place: 201 W. Ave. E., Alpine, Brewster County, Texas: THE EAST DOOR OF THE COURTHOUSE OR AS DESIGNATED BY

THE COUNTY COMMISSIONER'S OFFICE or as designated by
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 MAVERICK BANK'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, MAVERICK BANK, 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 MAVERICK BANK's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with MAVERICK BANK'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, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If MAVERICK BANK 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 MAVERICK BANK. 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.

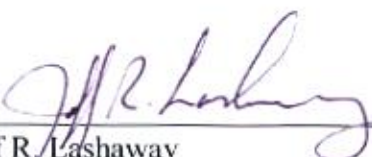
Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

Assert and protect your rights as a member of the armed forces of the United States.

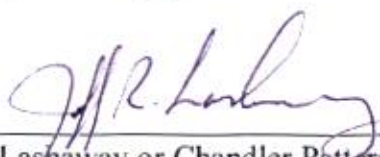
If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military 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 MORTGAGEE OR MORTGAGE SERVICER.

Executed the 7th day of November, 2024.



Jeff R. Lashaway
Boerner, Dennis & Franklin, PLLC
Attorney for Mortgagee



Jeff R. Lashaway or Chandler Patterson
Boerner, Dennis & Franklin, PLLC
P. O. Box 1738
LUBBOCK, TX 79408
Telephone (806) 763-0044
Telecopier (806) 763-2084

[ATTACH **EXHIBITS A and B** – Legal Description and Survey – 2 pages]

EXHIBIT *A*

SAW TOOTH SURVEY
FIRM NO. 10194432

SECTION 115, BLOCK 9, G.H. & S.A. RY. CO. SURVEYS
BREWSTER COUNTY, TEXAS

20-0290

10.23 ACRES

METES AND BOUNDS DESCRIPTION OF 10.23 ACRES OUT OF SURVEY NO. 115, BLOCK 9, G.H. & S.A. RY. CO. SURVEYS, BREWSTER COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 9.99 ACRE TRACT DESCRIBED IN VOLUME 298, PAGE 623, OFFICIAL PUBLIC RECORDS OF BREWSTER COUNTY, TEXAS, SAID 10.23 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found in the west right-of-way line of Old Marathon Road for the **POINT OF BEGINNING** and south corner of the herein described tract;

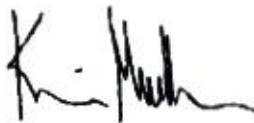
THENCE with the west line of said 9.99 acre tract, **N 24°37'31" W**, a distance of **905.64 feet** to a capped 1/2 inch iron rod [MUELLER] set in the south right-of-way line of Hwy 90 for the northwest corner of the herein described tract;

THENCE with the south line of said Hwy 90, **N 66°34'59" E**, a distance of **1,041.60 feet** to a capped 1/2 inch iron rod [MUELLER] set in the west right-of-way line of said Old Marathon Road for the northeast corner of the herein described tract;

THENCE with the west right-of-way line of said Old Marathon Road the follow two (2) courses:

- 1) **S 29°51'46" W**, a distance of **457.08 feet** to a capped 1/2 inch iron rod [MUELLER] set for an angle point, and
- 2) **S 22°38'57" W**, a distance of **911.10 feet** to the **POINT OF BEGINNING**, containing **10.23 ACRES** of land, more or less.

I, Kevin Mueller, do hereby certify that this description was prepared from a survey performed under my supervision during November 2020, and is true and correct to the best of my knowledge.



12-18-2020

KEVIN MUELLER
SAW TOOTH SURVEY
P.O. BOX 1751
ALPINE, TX 79831
(432) 538-2115

