

POSTED

A.M. 2:53 P.M.

MAY 04 2021

NOTICE OF FORECLOSURE SALE

Notice is hereby given of a public non-judicial foreclosure sale.

GWINDA JONES, COUNTY CLERK

ERATH COUNTY, TEXAS

By CW Deputy

1. Property to be Sold. The property to be sold is described as follows:

Attached as Exhibit "A".

2. Date, Time and Place of Sale. The sale is scheduled to be held at the following date, time, and place:

Date: June 1, 2021

Time: The sale shall begin no earlier than 10:00 A.M. or no later than three hours thereafter. The sale shall be completed no later than 4:00 P.M.

Place: Erath County Courthouse in Stephenville, Texas, at the following location: On the South steps of the Courthouse.

The Deed of Trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee under the deed of trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. Such reposting or refiling may be after the date originally scheduled for this sale.

3. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the Property is sold.

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.

Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

4. Type of Sale. The sale is a non-judicial Deed of Trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by Erath Earth, Inc. The Deed of Trust is dated June 29, 2012, and is recorded in the office of the County Clerk of Erath County, Texas, under Document No. 2012-03670 of the Real Property Records of Erath County, Texas.

5. Obligations Secured. The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to the promissory note in the original principal amount of \$639,000.00, executed by Erath Earth, Inc., payable to the order of Fidelity Bank, together with accrued interest as of the date of sale. Josiah Cortez, is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

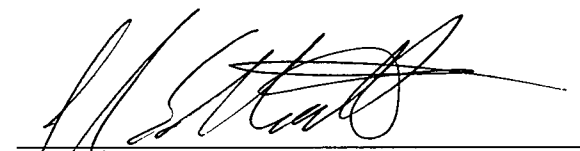
Questions concerning the sale may be directed to the undersigned, James J. Elliott, Coan and Elliott, P.C., 188 North Graham, Stephenville, Texas, telephone (254) 965-5066.

6. Default and Request to Act. Default has occurred under the Deed of Trust, and the beneficiary has requested me, as Substitute Trustee, to conduct this sale. Notice is given that, before the sale, the beneficiary may appoint another person as Substitute Trustee to

conduct the sale.

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.

DATED: May 3, 2021.



JAMES J. ELLIOTT, Substitute Trustee

COAN & ELLIOTT, P.C.
188 North Graham
Stephenville, Texas 76401
(254) 965-5066
(254) 965-5065 FAX

EXHIBIT A

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TRACT ONE:

All that certain 1.44 acre tract of land, being Lot 2, Block 86 of the City of Dublin, Erath County, Texas and Lots 1 and 2 of Block 23 of the Keith Addition to the City of Dublin, as shown by a Plat thereof recorded in Volume "G", Pages 85 and 86 of the Probate Minutes of Erath County, Texas, being all of that certain 1.011 acre tract described as Tract Two of Parcel No. 2 and all of that 0.423 acre tract described as Tract One of Parcel No. 2 in Deed from The Morris County National Bank to John A. Bryan, Sr., dated November 2, 2000 and recorded in Volumes 1021, Page 1004 of the Official Public Records of Erath County, Texas and described as follows:

BEGINNING at an iron rod found at the NW corner of Lot 2 of Block 23 of the Keith Addition to the City of Dublin, being the NW corner of the Bryan 1.011 acre tract, for the most Westerly NW corner of this tract;

THENCE S 70 deg. 22' 12" E along the South line of Valient Street and North line of said 1.011 acre tract, 200.90' to an iron rod found at the SW corner of the Bryan 0.423 acre tract, for an inner corner of this tract;

THENCE N 19 deg. 35' 04" E along the West line of said 0.423 acre tract, at 42.40' pass an iron rod found at a fence corner post in the North line of Valient Street, continuing in all 172.01' to an iron rod found at the NW corner of the Bryan 0.423 acre tract and the SW corner of a tract described in Deed from Dorsa Lou Bramlett Shackleford to Valerie Hamaker, dated September 11, 1995 and recorded in Volume 895, Page 740 of the Deed Records of Erath County, Texas, for the NW corner of this tract;

THENCE S 70 deg. 18' 40" E, 150.69' to an iron rod found at the SE corner of said Hamaker tract and NE corner of the Bryan 0.423 acre tract, being in the West line of the old A.T.S.F. Railroad right of way, for the NE corner of this tract;

THENCE S 46 deg. 17' 06" W along the West line of said railroad, at 192.29' pass the SE corner of said 0.423 acre tract and the NE corner of the Bryan 1.011 acre tract, continuing in all 263.76' to an iron rod set for a corner of this tract;

THENCE S 53 deg. 26' 16" W, 183.08' to an iron rod set for the SE corner of said 1.011 acre tract, for the SE corner of this tract;

THENCE N 73 deg. 23' 33" W along the North line of Mesquite Street (not open), 131.44' to an iron rod found at the SW corner of said 1.011 acre tract, for the SW corner of this tract;

THENCE N 19 deg. 37' 42" E, 222.92' to the place of beginning and containing 1.44 acres of land with 0.07 acres being within old Valient Street (not open).

TRACT TWO:

All that certain 11.86 acre tract of land, being part of the Wm. Thomas Survey, Abstract No. 753, being all of that 8.90 acre tract described as Tract Three, all of Lots 2 and 3, Block 11, Keith Addition to the City of Dublin, all of Lots 1, 2, 3, and 4 of Block 16, Keith Addition to the City of Dublin, all of Lots 1 and 2 of Block 17 of the Keith Addition to the City of Dublin, Erath County, Texas, with a plat of Keith Addition being recorded in Volume "G", Pages 85 and 86 of the Probate Minutes of Erath County, Texas in Deed from The Morris County National Bank to John A. Bryan, Sr., dated November 3, 2000 and recorded in Volume 1021, Page 1004 of the Official Public Records of Erath County, Texas and described as follows:

BEGINNING at an iron rod set in the North line of Elm Street, being the SE corner of Block 3 of the Keith Addition to the City of Dublin, the SW corner of a tract described in Deed from the G.C. & S.F. Railroad Company to Joseph Sidran, and recorded in Volume 385, Page 414 of the Deed Records of Erath County, Texas, for a corner of this tract;

THENCE S 73 deg. 56' 11" E along the North line of Elm Street, 30.00' to a capped iron rod found at the SE corner of the Sidran Tract, for a corner of this tract;

THENCE N 16 deg. 56' 10" E, 124.82' to an iron rod found at the NW corner of the Sidran tract, for a corner of this tract;

THENCE N 73 deg. 56' 11" W, 25.00' to an iron rod found at the NW corner of the Sidran Tract, being in the East line of Block 3 of the Keith Addition, for a corner of this tract;

THENCE N 19 deg. 13' 42" E along the East lines of Blocks 3, 5, 10 and 11 of the Keith Addition, at 125.38' pass an iron rod found at the NE corner of Block 3, being in the South line of Black Jack Street (State Highway No. 6), at 205.50' pass an iron rod set at the SE corner of said Block 5, being in the North line of Black Jack Street, continuing in all 914.54' to an iron rod set at the SE corner of Lot 2 of Block 11, for a corner of this tract;

THENCE N 73 deg. 33' 29" W, 160.55' to an iron rod set at the SW corner of Lot 2 of Block 11, being in the East line of Post Oak Street, for a corner of this tract;

THENCE N 16 deg. 26' 31" E along the East line of Post Oak Street, 200.00' to an iron rod set at the NW corner of Lot 3 of Block 11, being in the South line of Sheridan Street, for a corner of this tract;

THENCE S 73 deg. 33' 29" E along the South line of Sheridan Street, 170.28' to an iron rod set at the NE corner of Lot 3 of Block 11, being in the West line of the Bryan 8.90 acre tract, for a corner of this tract;

THENCE N 19 deg. 13' 42" E, crossing Sheridan Street and along the West line of said 8.90 acre tract, 50.06' to an iron rod set at the SE corner of Lot 1 of Block 16, for a corner of this tract;

THENCE N 73 deg. 33' 29" W along the North line of Sheridan Street, 172.71' to an iron rod set at the SW corner of Lot 1 of Block 16, being in the East line of Post Oak Street, for a corner of this tract;

THENCE N 16 deg. 26' 31" E along the East line of Post Oak Street, 372.00' to an iron rod set at the NW corner of Lot 4 of Block 16, being in the South line of College Street, for a corner of this tract;

THENCE S 73 deg. 33' 29" E along the south line of College Street, 190.82' to the NE corner of Lot 4 of Block 16, being within an existing building and in the West line of said 8.90 acre tract, for a corner of this tract;

THENCE N 19 deg. 13' 42" E along the West line of said 8.90 acre tract, 50.06' to the SE corner of Lot 1 of Block 17, being within an existing building, for a corner of this tract;

THENCE N 73 deg. 33' 29" W along the North line of College Street, 160.00' to the SW corner of Lot 1 of Block 17, being within an existing building and in the East line of Post Oak Street, for a corner of this tract;

THENCE N 16 deg. 26' 31" E along the East line of Post Oak Street, 176.52' to an iron rod set at the NW corner of Lot 2 of Block 17 of the Keith Addition, for the most Westerly NW corner of this tract;

THENCE S 70 deg. 34' 57" E along an old fence line previously found in place on survey made by Wayne Graham on April 15, 1991, 168.39' to an iron rod set at the NE corner of Lot 2 of Block 17, being in the West line of the Bryan 8.90 acre tract, for a corner of this tract;

THENCE N 19 deg. 13' 42" E, 135.65' to an iron rod set in the North line of Lot 4 of Block 17, being the NW corner of the Bryan 8.90 acre tract and in the South line of Mesquite Street (not open), for the NW corner of this tract;

Exhibit A

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THENCE S 73 deg. 23' 33" E along the South line of Mesquite Street, at 35' pass the NE corner of Lot 4, continuing in all 254.92' to an iron rod found at the NE corner of the Bryan 8.90 acre tract, for the NE corner of this tract;

THENCE parallel to an 15 feet Westerly at right angles from the centerline of a spur track and East line of said 8.90 acre tract as follows, S 43 deg. 02' 42" W, 112.67' to an iron rod set at the beginning of a curve, continuing along a curve to the left, radius = 682.00', long chord = S 30 deg. 09' 40" W, 304.15' along a curve distance of 306.73' to an iron rod found at the end of said curve, S 17 deg. 16' 38" W, 340.79' to a bolt set, S 14 deg. 10' 42" W, 70.61' to an iron rod found and S 11 deg. 56' 39" W, 242.20' to an iron rod found for a corner of this tract;

THENCE S 19 deg. 13' 42" W, parallel to an 50 feet Westerly at right angles from the centerline of the main track of said railroad, at 633.18' pass an iron rod found in the North line of Black Jack Street, at 713.30' pass a P.K. nail set in concrete walk in the South line of Black Jack Street, continuing in all 895.52' to an iron rod found for a corner of this tract;

THENCE S 24 deg. 54' 55" W, parallel to an 50 feet Westerly at right angles from a spur track, at 68.88' pass an iron rod in the North line of Elm Street, continuing in all 149.45' to an iron rod in the South line of Elm Street, being the SE corner of said 8.90 acre tract, for the SE corner of this tract;

THENCE N 73 deg. 59' 24" W along the South line of Elm Street, 185.48' to an iron rod at the SW corner of said 8.90 acre tract, for the SW corner of this tract;

THENCE N 19 deg. 13' 42" E, crossing Elm Street, 79.91' to the place of beginning and containing 11.86 acres of land with 0.14 acres within grade crossing for Sheridan Street, 0.368 acres being in Black Jack Street and 0.347 acres being in the Elm Street crossing.

SAVE AND EXCEPT that certain 1.412 acres more or less described in Partial Release of Lien dated January 13, 2014, recorded at Document Number 2014-00190, Official Public Records of Erath County, Texas.