

NOTICE OF TRUSTEE'S SALE

DEED OF TRUST INFORMATION:

Grantor(s)	Sharlene Martinez Trust, Sharlene H. Martinez and Jimmy Martinez	Deed of Trust Date	July 23, 2009
Original Mortgagee	American State Bank	Original Principal	\$415,000.00
Recording Information	Instrument #: 2009-03125 in Erath County, Texas	Original Trustee	W. R. Collier
Property Address	29448 FM 2481, Stephenville, TX 76401	Property County	Erath

MORTGAGE SERVICER INFORMATION:

Current Mortgagee	Prosperity Bank, as successor in interest by merger to American State Bank	Mortgage Servicer	Prosperity Bank
Current Beneficiary	Prosperity Bank, as successor in interest by merger to American State Bank	Mortgage Servicer Address	2101 Custer Road, Plano, TX 75075

SALE INFORMATION:

Date of Sale	04/05/2022
Time of Sale	10:00 AM or no later than 3 hours thereafter
Place of Sale	The outside South steps of the Courthouse County Courthouse in Erath County, Texas, or if the preceding area is no longer the designated area, at the area most recently designated by the Erath County Commissioner's Court.
Substitute Trustees	Guy Wiggs, David Stockman, Donna Stockman, Angela Lewis, Brenda Wiggs, Michelle Schwartz, Kathy Arrington, Janet Pinder, Selim Taherzadeh, Mo Taherzadeh, or Michael Linke, any to act
Substitute Trustees' Address	15851 N. Dallas Parkway, Suite 410, Addison, TX 75001

PROPERTY INFORMATION:

Legal Description as per the Deed of Trust:
THAT CERTAIN 81.60 ACRES OUT OF THE HENRY ODELL SURVEY, A-602, ERATH COUNTY, TEXAS, BEING SAME LAND DESCRIBED AS 117.72 ACRES, LESS 31.51 ACRES (EAST OF F.M. HIGHWAY NO. 2461) AND LESS 4.907 ACRES (F.M. HIGHWAY 2481 RIGHT OF WAY), DESCRIBED IN DEED DATED MAY 1, 1999, FROM ROYCE W. MCCARTY, TO DOYLE JAMES CALLAHAN, RECORDED IN VOLUME 790, PAGE 283, DEED RECORDS OF ERATH COUNTY, TEXAS; SAME BEING PART OF SAID FORMER 117.72 ACRES DESCRIBED IN DEED TO ROYCE W. MCCARTY RECORDED IN VOLUME 630, PAGE 331, DEED RECORDS OF ERATH COUNTY, TEXAS, AND THE 81.60 ACRES BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A 3" PIPE CORNER POST AT NWC OF SAID FORMER 117.72 ACRE TRACT, FOR NWC OF THIS TRACT;

THENCE WITH FENCED NORTH LINE OF THE 117.72 ACRE TRACT AND A SOUTH LINE OF THE JOHN D. FRALEY 263.88 ACRE TRACT DESCRIBED IN DEED RECORDED IN VOLUME 1368, PAGE 380, REAL RECORDS OF ERATH COUNTY, TEXAS, AS FOLLOWS:
N. 58 DEGREES 01' 40" E. 248.97 FEET, SET SPIKE AT FENCE CORNER;
N. 41 DEGREES 04' 27" E. CROSSIN DUFFAU CREEK, 65.40 FEET, SET SPIKE AT FENCE CORNER;
AND N. 59 DEGREES 33' 54" E. 217.78 FEET TO A 3" PIPE CORNER POST AT A SEC OF THE FRALEY TRACT, FOR A CORNER ON NORTH LINE OF THIS TRACT:

THENCE N. 59 DEGREES 24' 52" E. WITH FENCE AND SOUTH TINE OF THE RUBY RUMPH 32.5 ACRE TRACT, DESCRIBED IN DEED RECORDED IN VOLUME 310, PAGE 397, DEED RECORDS OF ERATH COUNTY, TEXAS, 1170.30 FEET TO A 3/8" IRON ROD SET AT FENCE CORNER, AT SEC OF THE RUMPH TRACT, FOR A CORNER ON NORTH LINE OF THIS TRACT;

THENCE N. 59 DEGREES 26' 14" E. WITH FENCE AND SOUTH LINE OF THE JERRY KENNETH

POSTED
11:40 A.M. P.M.

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GREGSTON 16.86 ACRE TRACT, DESCRIBED IN DEED RECORDED IN VOLUME 594, PAGE 803, DEED RECORDS OF ERATH COUNTY, TEXAS, AT 410.90 FEET, A 3" PIPE CORNER POST, A TOTAL DISTANCE OF 411.64 FEET TO A POINT IN WEST RIGHT OF WAY OF F. M. HIGHWAY NO. 2481, FOR NEC OF THIS TRACT;

THENCE WITH HIGHWAY RIGHT OF WAY, BEING THE EXCEPTED 4.907 ACRE TRACT AS DESCRIBED IN RIGHT OF WAY DEED RECORDED IN VOLUME 380, PAGE 332, DEED RECORDS OF ERATH COUNTY, TEXAS, AS FOLLOWS: S. 24 DEGREES 37' 56" E. 2302.25 FEET TO BEGINNING OF A CURVE; AND ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1859.86 FEET, AN ARC DISTANCE OF 397.15 FEET (LONG CHORD BEARS S. 18 DEGREES 30' 54" E. 396.40 FEET) TO A 3/8" IRON ROD FOUND IN ORIGINAL SOUTHERLY SOUTH LINE OF THE FORMER 117.72 ACRE TRACT, FOR SEC OF THIS TRACT;

THENCE S. 75 DEGREES 11' 24" W. WITH FENCE AND NORTH LINE OF THE TERRY HUMBERSON, ET UX, 7.10 ACRE TRACT DESCRIBED IN DEED RECORDED IN VOLUME 1048, PAGE 1141, REAL RECORDS OF ERATH COUNTY, TEXAS, 582.42 FEET TO A 3" PIPE CORNER POST AT SOUTHERLY SWC OF THE FORMER 117.72 ACRE TRACT, FOR SOUTHERLY SWC OF THIS TRACT;

THENCE N. 30 DEGREES 43' 12" W. WITH FENCE AND EAST TINE OF THE TERRY HUMBERSON, ET UX, 11.47 ACRE TRACT DESCRIBED IN DEED RECORDED IN VOLUME 1302, PAGE 581, REAL RECORDS OF ERATH COUNTY, TEXAS, 208.28 FEET TO A SPIKE SET AT FENCE CORNER, AT NEC OF THE 11.47 ACRES, FOR A CORNER ON A WEST LINE OF THIS TRACT;

THENCE N. 30 DEGREES 41' 55" W. WITH FENCE AND AN EAST LINE OF THE CHARLES FULTON, ET UX, 58 ACRE TRACT, DESCRIBED IN DEED RECORDED IN VOLUME 998, PAGE 118, REAL RECORDS OF ERATH COUNTY, TEXAS, 882.24 FEET TO A 3" PIPE CORNER POST AT INNER CORNER OF THE 117.72 ACRES, FOR INNER CORNER OF THIS TRACT;

THENCE S. 59 DEGREES 16' 57" W. WITH FENCE AND A NORTH LINE OF SAID FULTON 58 ACRE TRACT, 1205.65 FEET TO A 3" PIPE CORNER POST AT WESTERLY SWC OF THE FORMER 117.72 ACRES, FOR WESTERLY SWC OF THIS TRACT;

THENCE N. 31 DEGREES 28' 51" W. WITH FENCE AND AN EAST LINE OF THE FULTON 58 ACRE TRACT, 763.71 FEET TO A 3/8" IRON ROD FOUND AT FENCE CORNER, AT NORTHERLY NEC OF THE FULTON 58 ACRES, FOR A CORNER ON WESTERLY WEST LINE OF THIS TRACT;

THENCE N. 31 DEGREES 29' 12" W. WITH FENCE AND AN EAST LINE OF AFORESAID FRALEY 263.88 ACRE TRACT, 541.96 FEET TO THE PLACE OF BEGINNING, CONTAINING 81.60 ACRES.

The Mortgage Servicer, if not the Current Mortgagee, is representing the Current Mortgagee pursuant to a Mortgage Servicing Agreement.

Default has occurred under the Deed of Trust and all sums secured by the Deed of Trust were declared immediately due and payable. The Beneficiary has, or caused another to, removed the Original Trustee and appointed Substitute Trustees. On behalf of the Mortgagee, Mortgage Servicer, and Substitute Trustees, the undersigned is providing this Notice of Trustee's 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.

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 other matters of record affecting the property, if

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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 from the lien of 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.

Pursuant to the Deed of Trust, the Beneficiary has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property.

Pursuant to 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. Purchasers will buy the property "at the purchaser's own risk" and "at his/her peril", and no representation is made concerning the quality of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property.

Pursuant to the Texas Property Code, the Trustee reserves 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 Trustee or any Substitute Trustee.

The Deed of Trust permits the Beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee, or any subsequently appointed Trustee, 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. The reposting or refiling may be after the date originally scheduled for this sale.

Interested parties are encouraged to consult counsel of their choice prior to participating in the sale of the property.

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

Dated March 3, 2022.

/s/ Selim H. Taherzadeh _____

**Selim H. Taherzadeh
15851 N. Dallas Parkway, Suite 410
Addison, TX 75001
(469) 729-6800**

Return to: TAHERZADEH, PLLC
15851 N. Dallas Parkway, Suite 410, Addison, TX 75001