

## **NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

WHEREAS, by Deed of Trust dated November 16, 2006, recorded under Document No. 287652, in the Official Records of Aransas County, Texas and further Deed of Trust dated November 16, 2006, recorded under Document No. 2006060837, in the Official Records of Nueces County, Texas collectively referred to as the "Deeds of Trust," to which record reference is here made for all purposes, Seferino Perez (hereinafter called the "Mortgagor" whether one or more) granted, sold and conveyed to the Trustee named therein the real property described in Exhibit "A" attached hereto and made a part hereof for all purposes (said real property, together with any and all appurtenances, improvements and fixtures of any kind located thereon or pertaining thereto, and together with any personal property located thereon or pertaining thereto to the extent such personal property is described in and covered by the Deeds of Trust, being collectively referred to herein as the "Property"), in order to secure payment of that one certain promissory note dated November 16, 2006, in the original principal sum of \$600,000.00 executed by Seferino Perez and made payable to the order of First National Bank (said promissory note, as modified or extended by any modifications or extensions thereof, being herein referred to as the "Note"), and payment of any and all other indebtedness secured by and described in the Deeds of Trust; and

WHEREAS, PlainsCapital Bank, Dallas, Texas, is successor-in-interest to certain assets of First National Bank, Edinburg, Texas, including the Note and Deeds of Trust, pursuant to that certain Purchase and Assumption Agreement, effective as of September 13, 2013, by and between PlainsCapital Bank and the Federal Deposit Insurance Corporation, as Receiver of First National Bank, Edinburg, Texas; and

WHEREAS, PlainsCapital Bank ("Beneficiary") is the legal owner and holder of the Note and the beneficiary of the Deeds of Trust; and

WHEREAS, pursuant to authority granted in the Deeds of Trust, Beneficiary did appoint and designate the undersigned whose street address is 1700 Tower Life Building, San Antonio, Texas 78205, as Substitute Trustee to act under the Deeds of Trust instead of the original Trustee named therein; and

WHEREAS, the Note is in default and the entire unpaid balance thereof is due and payable and Beneficiary has demanded payment from the Mortgagor and intends to have the power of sale set forth in the Deeds of Trust enforced; and

WHEREAS, Beneficiary has directed the undersigned, as Substitute Trustee, to enforce the power of sale granted under the Deeds of Trust over the Property for the purpose of collecting the indebtedness secured thereby, after giving notice of the time, place and terms of such sale and of the property to be sold in compliance with the terms of the Deeds of Trust and the laws of the State of Texas;

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

THAT I, Jo Woolsey, Vicki Hammonds, Sandra Mendoza, Arnold Mendoza or James L. Hollerbach, Substitute Trustee, hereby give notice that, after due publication



**AFTER RECORDING, RETURN TO:**

Diann M. Bartek  
Cox Smith Matthews Incorporated  
112 E. Pecan, Suite 1800  
San Antonio, Texas 78205

## PROPERTY DESCRIPTION

Tract One—ARANSAS COUNTY PROPERTY:

BEING 1.154 acres of land out of Outlot No. SIX (6), FULTON OUTLOTS, Aransas County, Texas, according to the map or plat of record in Volume E, Pages 540-541, Deed Records, Aransas County, Texas and being more particularly described by metes and bounds as follows:

BEGIN at a 5/8" iron rod found at the point of intersection of the West Right-of-Way line of Texas State Highway No. 35 and the south Right-of-Way Line of Prairie Road, a 40 foot wide county roadway along the North boundary of said Outlot 6, said 5/8" iron rod being the Northeast corner and PLACE OF BEGINNING of this description;

THENCE, North 80° 00' 00" west along and with the South Right-of-Way line of Prairie Road and the North line of Outlot 6 a distance of 207.00 feet to a 5/8" iron rod found for the Northeast corner of a tract of land described in Volume K-4, Page 452, Deed Records of Aransas County, Texas, said 5/8" iron rod being an exterior corner of this description;

THENCE, South 10° 00' 00" West, a distance of 100.00 feet to a 5/8" iron rod set for an interior corner of this description;

THENCE, North 80° 00' 00" West, a distance of 60.00 feet to a 5/8" iron rod set for an exterior corner of this description;

THENCE, South 10° 00' 00" West, a distance of 25.00 feet to a 5/8" iron rod found for the Southeast corner of a tract of land described in Volume L-4, Page 205, Deed Records, Aransas County, Texas, said 5/8" iron rod being an interior corner of this description;

THENCE, North 80° 00' 00" West, a distance of 70.00 feet to a 5/8" iron rod found for an interior corner of this description;

THENCE, North 10° 00' 00" East, a distance of 125.00 feet to a 5/8" iron rod found in the South Right-of-Way line of Prairie Road for an exterior corner of this description;

THENCE, North 80° 00' 00" West along and with the South Right-of-Way line of Prairie Road a distance of 34.5 feet to a 5/8" iron rod found for the Northeast corner of a tract of land described in Volume A-4, Page 129, Deed Records, Aransas County, Texas, said 5/8" iron rod being the Northwest corner of this description;

THENCE, South 10° 30' 00" West, a distance of 175.01 feet to a 5/8" iron rod set in the South line of Outlot 6 for the Southwest corner of this description;

EXHIBIT "A"

THENCE, South 80° 00' 00" East along and with the South line of Outlot 6, a distance of 371.50 feet to a 5/8" iron rod found in the West Right-of-Way line of Texas State Highway No. 35 for the Southeast corner of this description;

THENCE, North 10° 30' 00" East along and with the West Right-of-Way line of Texas State Highway No. 35 a distance of 175.01 feet to the POINT OF BEGINNING and containing 1.154 acres of land more or less.

SAVE AND EXCEPT therefrom, however, all of the oil, gas and other minerals, the entire mineral estate having been reserved unto predecessors in chain of title, this being only a conveyance of the surface estate.

To the extent they are located on the real property above, (1) all goods that are or will be fixtures and that are or will be located on the above real property, including all systems, devices, machinery, apparatuses, equipment, fittings, appliances and fixtures of every kind, including all electrical, anti-pollution, heating, lighting, laundry, incinerating, power, air-conditioning, plumbing, lifting, cleaning, fire prevention, fire extinguishing, refrigerating, ventilating, communication, garage and cooking systems, devices, machinery, apparatuses, equipment, fittings, appliances and fixtures; and (2) all engines, pipes, pumps, tanks, motors, conduits, ducts, compressors and switchboards, and all storm doors and windows, dishwashers, attached cabinets and partitions.

**Tract Two—NUECES COUNTY PROPERTY:**

Being 1 acre tract of land or parcel situated in Nueces County, same lying within the Corpus Christi City Limits of Corpus Christi, Texas, same being a portion of Lot 1, Block 1 of the Brett Subdivision as recorded in Volume 43, Page 46 of the Map Records Nueces County, Texas, and described by the metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found for the northwest corner of this tract, same being the northwest corner of said Lot 1, being at the right of way Intersection of Flour Bluff Drive and South Padre Island Drive;

THENCE S 70 degrees 02' 30" E – along the said south right of way line of South Padre Island Drive, also being the north line of said Lot 1, a distance of 202.14 feet to a 5/8 inch iron rod found for the northeast corner of this lot;

THENCE S 28 degrees 30' 01" W – a distance of 218.33 feet to a 5/8 inch iron rod found for the southeast corner of this tract;

THENCE N 70 degrees 05' 00" W – a distance of 202.23 feet to a 5/8 inch iron rod found at the east right of way line of said Flour Bluff Drive, for the southwest corner of this tract;

**EXHIBIT "A"**

THENCE N 28 degrees 31' 12" E – along the said east right of way line of Flour Bluff Drive, for a distance of 218.49 feet to the PLACE OF BEGINNING and containing 1.00 acre of land, more or less.

To the extent they are located on the real property above, (1) all goods that are or will be fixtures and that are or will be located on the above real property, including all systems, devices, machinery, apparatuses, equipment, fittings, appliances and fixtures of every kind, including all electrical, anti-pollution, heating, lighting, laundry, incinerating, power, air-conditioning, plumbing, lifting, cleaning, fire prevention, fire extinguishing, refrigerating, ventilating, communication, garage and cooking systems, devices, machinery, apparatuses, equipment, fittings, appliances and fixtures; and (2) all engines, pipes, pumps, tanks, motors, conduits, ducts, compressors and switchboards, and all storm doors and windows, dishwashers, attached cabinets and partitions.

**FILED**  
**AT 4:21 PM.**

OCT 14 2014

*Peggy L. Friebele*

**PEGGY L. FRIEBELE**  
**COUNTY CLERK, ARANSAS CO., TEXAS**

**EXHIBIT "A"**