



NOTICE OF TRUSTEE'S SALE

Pursuant to Deed of Trust dated **December 10, 2018**, executed by **KELLEY HYDRAULICS, INC.**, ("Mortgagor"), Mortgagor conveyed to **PETER J. SAPIO, JR.** or **ALBERT G. REDMOND**, as Trustee(s) all of their right, title, and interest in and to that certain parcel of real property situated in Galveston County, Texas and described as:

A tract or parcel of land containing 14.8491 acres (646,825 square feet) situated in the Justo Liendo Survey, Abstract No. 41, Waller County, Texas, and being the combination of a called 11.8 acre tract conveyed to Joseph Paul Kelley and Jennifer Kelley, recorded in Volume 921, Page 442, Deed Records Waller County, Texas (D.R.W.C.T.), SAVE AND EXCEPT a called 6.9823 acre tract in Deed No. 1604345, D.R.W.C.T.; a called 9.924 acre tract to Joe Kelley, in Volume 922, Page 342, D.R.W.C.T.; and a called 0.0020 acre tract to Joseph Paul Kelley, et ux, recorded in Deed No. 1606162, Official Records Waller County, Texas (O.R.W.C.T.), and being more particularly described by metes and bounds on Exhibit "A" attached hereto.

to secure the payment of that one certain Real Estate Note and Lien ("Note") dated **December 10, 2018**, in the principal amount of **\$538,500.00**, executed by **KELLEY HYDRAULICS, INC.**, and payable to the order of **NLCG PRIVATE LENDING FUND, LLC** ("Beneficiary") and any and all other indebtedness secured by the Deed of Trust;

The Deed of Trust was filed of recorded under **Waller County Clerk's File No. 1809773**, in the Real Property Records of Waller County, Texas; said Note and Deed of Trust having been transferred to **NEXT LEVEL CAPITAL SOLUTIONS, LLC** by instrument dated **April 30, 2020**, filed for record under **Waller County Clerk's File No. 2003967**; said note and lien having been **modified, renewed, and/ or extended** by instrument dated **October 14, 2020**, filed for record under **Waller County Clerk's File No. 20210917**; said note and lien having been transferred to **NLCG PRIVATE LENDING FUND, LLC** by instrument dated **November 26, 2020**, filed for record under **Waller County Clerk's File No. 2011951**. The Note and Deed of Trust are in default and the entire unpaid balance of the Note is due and payable; and Beneficiary intends to enforce the power of sale set forth in the above-referenced Deed of Trust; and

The Beneficiary has directed the Trustee to enforce the power of sale under the Deed of Trust for the purpose of collecting the indebtedness secured under it, after the giving of at least 21 consecutive days notice and recording the Notice in the Waller County Clerk's Office giving the time, place, terms of said sale, and description of the property to be sold, pursuant to the Deed of Trust and the laws of the State of Texas;

Therefore, I, Peter J. Sapio, Jr., Trustee, hereby give notice, after due publication as required by the Deed of Trust and/or security instruments and the Texas Property Code, that I will, after due posting, publication, and filing of this Notice, and after having given written notice of at least 21 consecutive days by certified mail, return receipt requested, as well as regular mail, to each debtor obligated to pay the Note and indebtedness secured by the Deed of Trust, at the last

known address of each such debtor, according to the records of Beneficiary, as required by the Deed of Trust and the laws of the State of Texas, sell the Property at public auction to the highest bidder or bidders for cash, between the hours of 1:00 p.m. and 4:00 p.m. on the first Tuesday in **October, being October 5, 2021**, at the **Waller County Courthouse, 836 Austin Street, outside of Suite 217 (South Foyer), Hempstead, Texas 77445**, or as designated by the County Commissioners.

Pursuant to Section 51.002 of the Texas Property Code, the foreclosure sale will take place between the hours of between the hours of 1:00 P.M. and 4:00 P.M.

The sale conducted pursuant to this Notice will be made subject to any valid and existing liens and any other title encumbrances affecting title to the property described above or any part of the property that are proved superior to the liens and other rights of Beneficiary under the security instrument or other recorded instruments.

Signed on September 8, 2021.

DOYLE LAW FIRM, PLLC
6710 Stewart Road, Suite 300
Galveston, Texas 77551
Telephone: 409/744-9783
Fax: 409/744-9786

By: 
PETER J. SAPIO, JR., Trustee

EXHIBIT "A"

A TRACT OR PARCEL OF LAND CONTAINING 14.8491 ACRES (646,825 SQUARE FEET) SITUATED IN THE JUSTO LIENDO SURVEY, ABSTRACT No. 41, WALLER COUNTY, TEXAS AND BEING THE COMBINATION OF A CALLED 11.8 ACRE TRACT CONVEYED TO JOSEPH PAUL KELLEY AND JENNIFER KELLEY, RECORDED IN VOLUME 921, PAGE 442, DEED RECORDS WALLER COUNTY, TEXAS (D.R.W.C.T.) SAVE AND EXCEPT A CALLED 6.9823 ACRE TRACT IN DEED No. 1604245, D.R.W.C.T., A CALLED 9.924 ACRE TRACT TO JOE KELLEY, IN VOLUME 922, PAGE 342, D.R.W.C.T. AND A CALLED 0.0020 ACRE TRACT TO JOSEPH PAUL KELLEY, ET UX, RECORDED IN DEED No. 160162, OFFICIAL RECORDS WALLER COUNTY, TEXAS (O.R.W.C.T.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARINGS ARE BASED IN VOL. 428, PG. 600 D.R.W.C.T.)

BEGINNING at a found 3/8" iron rod in the west right-of-way (R.O.W.) line of F.M. 362 Road and a curve to the left for the common Northeast corner of herein described Tract and an exterior corner of a called 1069.283 acre tract to Rancho La Laguna, LLC, in Deed No. 1206978, O.R.W.C.T.;

THENCE in a Southerly direction along the common East line of herein described Tract, the west ROW line of said F.M. 362 Road and said curve to the left having a RADIUS of 1196.28', DELTA of 09°36'59", LENGTH of 200.78', CHORD BEARING of S04°52'09"W and a CHORD LENGTH of 200.55', to a point for an Interior corner of herein described Tract;

THENCE S 00°01'30" E, 624.05', continuing along the common East line of herein described Tract and the west ROW line of said F.M. 362 Road, to a point (fence post Bears S17°08'03"E, 0.70') for the Southeast corner of herein described Tract and the northeast corner of said Save and Except called 6.9823 acre tract;

THENCE departing the west ROW line of said F.M. 362 Road and along the common Southerly line of herein described Tract and the northerly line of said Save and Except called 6.9823 acre tract the following Courses and Distances:

1) N 46°25'56" W, 17.30', to a point for a common Interior corner of herein described Tract and an interior corner of said Save and Except called 6.9823 acre tract,

2) S 81°03'36" W, 456.89', to a point (Mag Nail Bears N83°53'50"W, 0.49') for a common Exterior corner of herein described Tract and an interior corner of said Save and Except called 6.9823 acre tract,

3) WEST, 289.52', to a found 1/2" iron rod in an east line of said called 1069.283 acre tract to Rancho La Laguna, LLC for the common Southwest corner of herein described Tract and the northwest corner of said Save and Except called 6.9823 acre tract;

THENCE along the common West line of herein described Tract and an east line of said called 1069.283 acre tract to Rancho La Laguna, LLC the following Courses and Distances:

1) N 00°00'24" W, 182.31', to a point for an Interior corner of herein described Tract,

N 00°16'35" W, 124.20', to a found capped 12" iron rod for an Exterior corner of herein described Tract,

3) N 00°15'44" W, 292.17', to a point for an Exterior corner of herein described Tract,

N 00°00'07" W, 274.86', to a point (1/2" iron rod Bears N30°09'48"W, 1.13') for the common Northwest corner of herein described Tract and the interior corner of said called 1069.283 acre tract to Rancho La Laguna, LLC;

THENCE N 89°19'24" E, 772.17', along the common North line of herein described Tract and a south line of said called 1069.283 acre tract to Rancho La Laguna, LLC to the POINT OF BEGINNING containing 14.8491 acres (646,825 square feet) of land.

FILED AND RECORDED

Instrument Number: 21-029

Filing and Recording Date: 09/09/2021 10:53:49 AM Pages: 5 Recording Fee: \$5.00

I hereby certify that this instrument was FILED on the date and time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Waller County,



A handwritten signature in black ink that reads "Debbie Hollan".

Debbie Hollan, County Clerk
Waller County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

Donna Jackson, Deputy

Returned To: