

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**“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.”**

THE STATE OF TEXAS           §  
  §  
COUNTY OF WALLER         §

WHEREAS, by Deed of Trust (herein "Deed of Trust") dated JANUARY 9, 2002, filed for record under VOLUME 0719, PAGE 885 of the Official Public Records of WALLER County, Texas, APOSTOLIC FAITH MISSION, a Texas non-profit corporation, as Grantor, conveyed to DON STRICKLIN, as Trustee, for the benefit of STATE BANK ("Lender"), certain real property situated in WALLER County, Texas, being more commonly known as 40117 FM 529, HEMPSTEAD, TEXAS 77423 and being more particularly described as follows (the "Property"):

A 1.0000 ACRE TRACT OF LAND SITUATED IN THE JUAN A. PADILLO SURVEY, A-48, WALLER COUNTY, TEXAS, AND BEING PART OF A CALLED 17.15 ACRE TRACT OF LAND CONVEYED TO ALONZO BRAGG AND WIFE, JESSIE MAE BRAGG, BY DEED DATED MARCH 7, 1964, RECORDED IN VOLUME 181, PAGE 340, AND INCLUDING A CERTAIN 0.375 ACRE TRACT AS SHOWN ON A PLAT DESIGNATED (EXHIBIT "A", PAGE 2) DATED NOVEMBER 2, 1987, RECORDED IN VOLUME 413, PAGE 72, ALL OF THE DEED RECORDS OF WALLER COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES,

to secure the payment of a promissory note in the original principal amount of \$50,000.00 ("Note 042"), increased to \$150,000.00 by Modification, Renewal, Extension and Increase Agreement dated April 16, 2002, filed for record under VOLUME 726, PAGE 340 of the Official Public Records of WALLER County, Texas, and to secure the payment of a promissory note in the original principal amount of \$42,600.00 ("Note 043") executed by Grantor and made payable to Lender (collectively

referred to herein as the "Notes"). Subsequently, Note 042 and the Deed of Trust were assigned to FH PARTNERS, L.P., through that certain Assignment of Deed of Trust recorded in the Official Public Records of WALLER County, on November 22, 2006 under VOLUME 1000, PAGE 146. Note 043 was assigned to FH PARTNERS, L.P. through that certain Assignment of Loan and Liens recorded in the Official Public Records of WALLER County, on November 27, 2006 under VOLUME 1000, PAGE 378. Thereafter, Note 042, the Deed of Trust and Note 043 were assigned by FH PARTNERS, L.P. through those certain Assignments of Deed of Trust recorded in the Official Public Records of WALLER County, on July 28, 2014 under VOLUME 1428, PAGE 086 and VOLUME 1428, PAGE 083, respectively, to FIRST SOUTHWESTERN FINANCIAL SERVICES, LLC, ("Lienholder"), the current owner of the Notes; and

WHEREAS, the undersigned has been appointed as one of the Substitute Trustees in the place and stead of DON STRICKLIN, Trustee in the aforesaid Deed of Trust, said appointment being in the manner authorized by the Deed of Trust; and

WHEREAS, Trustee's address is in care of Devlin, Naylor & Turbyfill, P.L.L.C., 5120 Woodway, Suite 9000, Houston, Texas 77056; and

WHEREAS, default has occurred under the terms of the Notes secured by the Deed of Trust, and the indebtedness evidenced therein is now wholly due, therefore, Lienholder as the owner and holder of said indebtedness has requested one of the Substitute Trustees to sell the Property to satisfy same.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, JUNE 7, 2016, at no earlier than 1:00 p.m. and no later than 4:00 p.m., the undersigned will sell the Property at the location designated by the Commissioner's Court of WALLER County, Texas, as the location where

foreclosure sales are to take place. If no location has been designated, the sale will occur at the place where the Notice of Substitute Trustee's Sale was posted. Said Property will be sold to the highest bidder for cash.

The purchase of this Property is **MADE "AS IS"** with all faults and shall be **ACCEPTED SUBJECT TO** any and all restrictions, covenants, conditions, agreements, assessments, maintenance charges, liens, leases, easements, previously conveyed or reserved mineral interests, to the extent that any of the aforementioned relating to the Property are still in effect and are shown of record.

WITNESS MY HAND this 13<sup>th</sup> day of May, 2016.

DEVLIN, NAYLOR & TURBYFILL, P.L.L.C.



DONALD L. TURBYFILL  
State Bar of Texas # 20296880  
5120 Woodway, Suite 9000  
Houston, Texas 77056-1725  
(713) 622-8338 [TELEPHONE]  
(713) 586-7053 [FACSIMILE]  
[dturbyfill@dntlaw.com](mailto:dturbyfill@dntlaw.com) [E-MAIL]

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the above and foregoing instrument was served on the below listed parties by certified mail, return receipt requested, on this 13<sup>th</sup> day of May, 2016:

**Cert. Mail Receipt**

**#70150640000692187068**

APOSTOLIC FAITH MISSION  
40117 FM 529  
HEMPSTEAD, TEXAS 77423

**Cert. Mail Receipt**

**#70150640000692187105**

APOSTOLIC FAITH MISSION  
P.O. BOX 529  
PATTISON, TEXAS 77466

**Cert. Mail Receipt**

**#70150640000692187075**

PAUL MILLER, REGISTERED AGENT  
APOSTOLIC FAITH MISSION  
807 BROADWAY  
GALVESTON, TEXAS 77550

**Cert. Mail Receipt**

**#70150640000692187112**

PATSY ANN DAVIS  
41153 HOLIK ROAD  
HEMPSTEAD, TEXAS 77445

**Cert. Mail Receipt**

**#70150640000692187082**

ODDIE LOCKETT, JR.  
P.O. BOX 529  
PATTISON, TEXAS 77466

**Cert. Mail Receipt**

**#70150640000692187129**

CALVIN BROWN  
16326 BLOSSOMWOOD LANE  
SUGAR LAND, TEXAS 77478

**Cert. Mail Receipt**

**#70150640000692187099**

LULA HALL  
P.O. BOX 2485  
PRAIRIE VIEW, TEXAS 77446

**Cert. Mail Receipt**

**#70150640000692187136**

FEODORE MAURICE LOCKETT  
5814 REED ROAD  
HOUSTON, TEXAS 77033

**Cert. Mail Receipt**

**#70150640000692187143**

EMIL R. SARGENT  
723 Main Street, #316  
Houston, Texas 77002

  
DONALD L. TURBYFILL

EXHIBIT A - LEGAL DESCRIPTION

METES AND BOUNDS

1.0000 Acre Tract  
JUAN A PADILLO SURVEY A-4B  
Waller County, Texas 1

Being a 1.0000 acre tract of land situated in the Juan A. Padillo Survey A-4B, Waller County, Texas and being part of a called 17.15 acre tract of land conveyed to Alonzo Bragg and wife, Jessie Mae Bragg, by deed dated March 7, 1964, recorded in Volume 181, page 940, and including a certain 0.375 acre tract as shown on a plat designated as (Exhibit "A" 'page 2') dated November 2, 1987 recorded in Volume 413, page 377, all of the Deed Records of Waller County, Texas, said 1.0000 acre tract of land being more particularly described by Metes and Bounds as follows:

BEGINNING at a 5/8 inch iron rod set in the southerly Right-of-Way line of F.M. Highway 529, (120 foot R.O.W.) for the Northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE North 88 degrees 07 minutes East, at 46.93 feet pass a 1-1/4 inch galvanized iron pipe found for the northwest corner of the above-mentioned 0.375 acre tract, continuing a chord distance of 74.93 feet to a Texas Highway Department concrete R.O.W. marker (Station 297 + 02.9) in the southerly Right-of-Way line of F.M. 529 found for the POINT OF CURVATURE;

THENCE continuing along the southerly Right-of-Way line of F.M. Highway 529 (120 foot R.O.W.) in a northeasterly direction along a curve to the left having a radius of 1,206.30 feet, a central angle of 06 degrees 20 minutes 01 seconds, a chord bearing of North 84 degrees 57 minutes East, a chord distance of 133.28 feet, an arc length of 133.35 feet, to a 5/8 inch iron rod set for the Northeast corner of the herein described tract;

THENCE South 01 degree 53 minutes East, leaving the southerly Right-of-Way line of F.M. 529, a distance of 213.22 feet, to a 5/8 inch iron rod set for the Southeast corner of the herein described tract; a 1-1/4 inch galvanized iron pipe found for the Southeast corner of the called 17.15 acre tract bears South 63 degrees 32 minutes 39 seconds East, a distance 320.33 feet;

THENCE South 88 degrees 07 minutes West, a distance of 208.00 feet to a 5/8 inch iron rod set for the Southwest corner of the herein described tract;

THENCE North 01 degree 53 minutes West, a distance of 207.86 feet, to the POINT OF BEGINNING containing within these metes and bounds a 1.0000 acre tract of land as surveyed by Robert McGay, Registered Public Surveyor No. 4509, August 17, 1989.

## FILED AND RECORDED

**Instrument Number: 16-035**

Filing and Recording Date: 05/16/2016 08:28:21 AM Pages: 6 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,



*Debbie Hollan*

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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.

Jenifer Deutrich, Deputy

Returned To: