

800 WILPITZ RD  
BROOKSHIRE, TX 77423

0000009762147

### NOTICE OF [SUBSTITUTE] TRUSTEE'S 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.

**1. Date, Time, and Place of Sale.**

Date: June 06, 2023

Time: The sale will begin at 1:00 PM or not later than three hours after that time.

Place: THE FOYER AT THE SOUTH ENTRANCE OF THE WALLER COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

**2. Terms of Sale. Cash.**

**3. Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated March 01, 2022 and recorded in Document CLERK'S FILE NO. 2204867; AS AFFECTED BY CORRECTION AFFIDAVIT CLERK'S FILE NO. 2215223 real property records of WALLER County, Texas, with SENDERA BROOKSHIRE PARTNERS, LLC AND NICOLAS L LIVSIT, MANAGING MEMBER, grantor(s) and NPI DEBT FUND II, LP, mortgagee.

**4. Obligations Secured.** Deed of Trust or Contract Lien executed by SENDERA BROOKSHIRE PARTNERS, LLC AND NICOLAS L LIVSIT, MANAGING MEMBER, securing the payment of the indebtednesses in the original principal amount of \$8,700,000.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. NPI DEBT FUND II, LP is the current mortgagee of the note and Deed of Trust or Contract Lien.

**5. Property to Be Sold.** The property to be sold is described in the attached Exhibit A.

**6. Mortgage Servicer Information.** The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code § 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the Property referenced above. NEWPORT PRIVATE GROUP, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o NEWPORT PRIVATE GROUP  
100 BAYVIEW CIRCLE, STE 2200  
NEWPORT BEACH, CA 92660



**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.**

The undersigned as attorney for the mortgagee or mortgage servicer does hereby remove the original trustee and all successor substitute trustees and appoints in their stead DEBBY JURASEK, MEGAN L. RANDLE, REBECCA BOLTON, OR AMY JURASEK whose address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320, as Substitute Trustee, who shall hereafter exercise all powers and duties set aside to the said original trustee under the said Deed of Trust; and, further does hereby request, authorize, and instruct said Substitute Trustee to conduct and direct the execution of remedies set aside to the beneficiary therein.

/s/ Ryan Bourgeois \_\_\_\_\_ *Megan L. Randle*

**Certificate of Posting**

My name is \_\_\_\_\_, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320. I declare under penalty of perjury that on \_\_\_\_\_ I filed at the office of the WALLER County Clerk and caused to be posted at the WALLER County courthouse this notice of sale.

\_\_\_\_\_  
Declarants Name: \_\_\_\_\_

Date: \_\_\_\_\_

800 WILPITZ RD  
BROOKSHIRE, TX 77423

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WALLER

EXHIBIT "A"

PS&S Job No. 077770001  
 February 24, 2022  
 Page 1 of 5

**METES AND BOUNDS DESCRIPTION**  
**BEING A 292.453 ACRE TRACT**  
**SAVE AND EXCEPT A 54.926 ACRE TRACT**  
**SITUATED IN THE JOHN McFARLAND SURVEY, A-46**  
**WALLER COUNTY, TEXAS**

Being a 292.453 acre tract (subject tract, subject tract being all of a called 17.767 acre tract as described in that certain deed to CTS Properties, LTD in Volume 954, Page 841 as recoded in Official Public Records of Waller County, Texas (O.P.R.W.C), all of a called 17.780 acre tract as described in that certain deed to CTS Properties, LTD in Volume 940, Page 641 as recoded in (O.P.R.W.C)TX, all of a called 17.114 acre tract as described in that certain deed to CTS Properties, LTD in Volume 940, Page 636 as recoded in (O.P.R.W.C)TX, all of a called 81.815 and 26.882 acre tract as described in that certain deed to CTS Properties, LTD in Volume 860, Page 282 as recoded in (O.P.R.W.C)TX, all of a called 4.160 acre tract as described in that certain deed to E. M. Hovas in Volume 484, Page 584 as recoded in (O.P.R.W.C)TX, all of a called 33.638 acre tract as described in that certain deed to CTS Properties, LTD in Volume 880, Page 755 in (O.P.R.W.C)TX, all of a called 64.605 and 33.638 acre tract (exhibit "C") as described in that certain deed to CTS Properties, LTD in Volume 975, Page 414 as recoded in (O.P.R.W.C)TX, being more particularly described as follows:

Note: Plane coordinates and bearings shown hereon are Lambert grid and conform to the Texas State Plane Coordinate System, "Texas South Central Zone", North American Datum of 1983. Distances and Areas shown are grid values. Scale Factor = 0.999895375

Beginning at a found 5/8 inch iron rod with cap stamped "LIA ENG", said iron rod being the most southerly corner of said 17.767 acre tract, said iron rod also being the most southerly corner of subject tract;

Thence North 71° 49' 31" West, passing a found 5/8 inch iron rod at 219.39 feet continuing past a found iron rod at 831.70 feet for a total of 1,151.18 feet to a found "Mag" nail, said "Mag" nail being most Westerly South corner of said 17.780 tract, said "Mag" nail also being a corner of subject tract;

Thence North 25° 09' 49" East 49.88 feet to a found 5/8 inch iron rod with cap stamped "LIA ENG", for a corner;

Thence North 71° 54' 41" West, passing a found 5/8 inch iron rod at 363.24 feet, said iron rod being the most southerly corner of said 17.114 acre tract, continuing 632.76 feet for a total of 996.01 feet to a found 1 1/2" iron pipe; said iron pipe being the most Southwesterly corner of said 17.114 acre tract, said iron pipe also being a corner for subject tract;

Thence South 25° 07' 29" West 48.62 feet to a set 1/2 inch iron rod with cap stamped "PS&S" for a corner of subject tract;

Thence N 70° 36' 25" West, 650.13 feet to a set 1/2 inch iron rod with cap stamped "PS&S" for a corner of subject tract;

Thence North 59° 43' 30" West, 222.24 feet to a set 1/2 inch iron rod with cap stamped "PS&S" for a corner of subject tract;

Thence North 23° 46' 30" East, 902.74 feet to a set 1/2 inch iron rod with cap stamped "PS&S" for a corner of subject tract;

Thence North 44° 31' 29" West, 48.93 feet to a found 3/8 inch iron rod, said iron rod being the most Westerly Southern corner of said 4.160 acre tract, said iron rod also being a corner of subject tract;

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Thence with the Westerly boundary of said 4.160 acre tract the following courses and distances:

North 49° 05' 53" East, 38.10 feet to a found 3/8 inch Iron rod for a corner of subject tract

North 13° 18' 37" East, 121.22 feet to a found 3/8 inch Iron rod for a corner of subject tract

North 15° 04' 22" East, 129.83 feet to a found 3/8 inch Iron rod for a corner of subject tract

North 20° 26' 44" East, 93.13 feet to a set 1/2 inch Iron rod with cap stamped "PS&S" for a corner of subject tract;

North 41° 01' 27" East, 135.79 feet to a found 3/8 inch Iron rod for a corner of subject tract

North 25° 19' 40" East, 163.08 feet to a found 3/8 inch Iron rod for a corner of subject tract

North 33° 23' 47" East, 148.43 feet to a set 1/2 inch Iron rod with cap stamped "PS&S" for a corner of subject tract;

North 33° 40' 00" East, 283.42 feet to set 1/2 inch Iron rod with cap stamped "PS&S" for a corner of subject tract;

North 45° 05' 13" East, 339.49 feet to set 1/2 inch Iron rod with cap stamped "PS&S" for a corner of subject tract;

North 47° 58' 35" East, 100.08 feet to a set 1/2 inch Iron rod with cap stamped "PS&S" for a corner of subject tract;

North 53° 03' 06" East, 234.82 feet to a set 1/2 inch Iron rod with cap stamped "PS&S" for a corner of subject tract;

North 54° 24' 25" East, 158.59 feet to a set 1/2 inch Iron rod with cap stamped "PS&S" for a corner of subject tract;

Thence North 29° 13' 00" West, 161.22 feet to a found 5/8 inch Iron rod, said Iron rod being the most Westerly corner of said 33.638 acre tract, said Iron rod also being a corner of subject tract;

Thence with the Westerly boundary of said 33.638 tract the following courses and distances:

North 68° 03' 15" East, 375.47 feet to a set 1/2 inch Iron rod with cap stamped "PS&S" for a corner of subject tract;

North 26° 03' 34" East, 69.35 feet to a set 1/2 inch Iron rod with cap stamped "PS&S" for a corner of subject tract;

North 38° 43' 58" East, 421.79 feet to a set 1/2 inch Iron rod with cap stamped "PS&S", said Iron rod being the most Northerly corner of said 33.638 acre tract, said corner being the most Westerly corner of said 33.638 acre tract (exhibit "C"), said Iron rod also being a corner of subject tract;

Thence with the Westerly boundary of said 33.638 acre tract (exhibit "C") the following courses and distances:

North 55° 20' 55" East, 267.37 feet to a set 1/2 inch Iron rod with cap stamped "PS&S" for a corner of subject tract;

North 52° 56' 09" East, 251.87 feet to a found 5/8 inch Iron rod for a corner of subject tract

Thence South 59° 24' 42", 97.52 feet to a set 1/2 inch Iron rod with cap stamped "PS&S" for a corner of subject tract;

Thence South 58° 01' 56" East, 136.04 feet to a set 1/2 inch Iron rod with cap stamped "PS&S", said Iron rod being the most Westerly corner of said 64.605 acre tract, said Iron rod also being a corner of subject tract;

Thence with the Westerly boundary of said 64.605 acre tract the following courses:

North 36° 46' 48" East, 33.65 feet to a set 1/2 inch Iron rod with cap stamped "PS&S" for a corner of subject tract;

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North 50° 02' 30" East, 136.33 feet to a set 1/2 inch Iron rod with cap stamped "PS&S" for a corner of subject tract;

North 57° 43' 30" East, 785.78 feet to a set 1/2 inch iron rod with cap stamped "PS&S" for a corner of subject tract;

North 26° 41' 29" East, 512.22 feet to a set 1/2 inch Iron rod with cap stamped "PS&S" for a corner of subject tract;

Thence South 57° 52' 20" East, 903.10 feet with the Northerly boundary of said 64.605 acre tract to a set 1/2 inch Iron rod with cap stamped "PS&S" for a corner of subject tract;

Thence South 57° 24' 10" East, 766.17 feet to a point in the center of Bessie's creek, said being the most North easterly corner of subject tract;

Thence with the center of Bessie's creek the following courses and distances:

South 16° 58' 20" East, 212.09 feet to a point for a corner of subject tract;

South 07° 50' 46" West, 302.14 feet to a point for a corner of subject tract;

South 27° 32' 38" West, 286.96 feet to a point for a corner of subject tract;

South 13° 00' 28" West, 222.43 feet to a point for a corner of subject tract;

South 41° 31' 27" West, 281.22 feet to a point for a corner of subject tract;

South 20° 41' 52" West, 169.33 feet to a point for a corner of subject tract;

South 15° 33' 48" East, 180.45 feet to a point for a corner of subject tract;

South 00° 21' 33" West, 361.57 feet to a point for a corner of subject tract;

South 11° 45' 22" East, 105.47 feet to a point for a corner of subject tract;

Thence North 58° 09' 53" West, 1577.86 feet with the Southerly boundary of said 33.638 acre tract (exhibit "C") to a set 1/2 inch Iron rod with cap stamped "PS&S", said iron rod being the most Northeast corner of said 33.638 acre tract, said iron rod also being a corner of subject tract;

Thence South 31° 47' 00" West, 860.40 feet with the most Easterly boundary of said 33.638 acre tract to a found 1/2 inch iron rod with cap stamped "RPLS 1184", said iron rod being the most Southeasterly corner of said 33.638 acre tract, said iron rod being on the North boundary line of said 81.815 acre tract, said iron rod also being a corner of subject tract;

Thence South 57° 57' 21" East, 721.84 feet with the North boundary of said 81.815 acre tract to a found 1 inch Iron pipe, said iron pipe being the most Northeasterly corner of said 81.815 acre tract, said iron pipe also being a corner of subject tract;

Thence South 30° 47' 35" West, 1,176.94 feet with the East boundary of said 81.815 acre tract to a found 5/8 inch iron rod, said iron rod being on the South boundary of said 81.815 acre tract, said iron rod being the most Southeast corner of said 81.815 acre tract, said iron rod being on the North Boundary of said 17.767 acre tract, said iron rod also being a corner of subject tract;

Thence South 64° 13' 32" East, 156.98 feet with the north boundary of said 17.767 acre tract to a corner, said corner being the most Northeasterly corner of said 17.767 acre tract, said corner also being a corner of subject tract;

Thence with the East boundary of said 17.767 acre tract the following courses and distances:

South 23° 20' 59" West, 444.41 feet to a point for a corner of subject tract;

South 39° 09' 01" East, 88.88 feet to a point for a corner of subject tract;

South 11° 50' 59" West, 305.54 feet to a point for a corner of subject tract;

South 22° 50' 59" West, 215.62 feet back to the Point and Place of Beginning, and containing 292.453 acres (12,739,235.98 square feet) of land, more or less.

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Save and Except a 54.926 acre tract more particularly described as follows:

Beginning at a found 5/8 inch iron rod, said iron rod being the most Northerly corner of a called 12.359 acre tract as described in that certain deed to Michael W. Wuansche in Volume 985, Page 806 as recorded in (O.P.R.W.C) TX, corner of said 17.767 acre tract, said iron rod also being the most Westerly corner of said 33.638 acre tract;

Thence N 68° 03' 15" East, 375.47 feet with the Westerly boundary of said 33.638 tract to a set 1/2" inch iron rod with cap stamped "PS&S for a corner of subject tract;

Thence North 26° 03' 34" East, 69.35 feet with the Westerly boundary of said 33.638 tract to a set 1/2" inch iron rod with cap stamped "PS&S for a corner of subject tract;

Thence North 38° 43' 58" East, 401.66 feet with the Westerly boundary of said 33.638 tract to a set 1/2" inch iron rod with cap stamped "PS&S, said iron rod being the most Northerly corner of subject tract, said iron rod also bearing South 38° 43' 58" West 20.12 feet from the most Westerly South corner of said 33.638 acre (Exhibit "C");

Thence South 57° 37' 14" East, 519.23 feet to a set 1/2" iron rod with cap stamped "PS&S", said iron rod being a corner of subject tract;

Thence South 12° 16' 34" East 193.31, feet to a set 1/2" iron rod with cap stamped "PS&S", said iron rod being a corner of subject tract;

Thence South 58° 09' 48" West, 701.43 feet to a set 1/2" iron rod with cap stamped "PS&S", said iron rod being a corner of subject tract;

Thence North 66° 03' 52" East, 136.83 feet to a set 1/2" iron rod with cap stamped "PS&S", said iron rod being a corner of subject tract;

Thence South 21° 19' 08" East, 142.12 feet to a set 1/2" iron rod with cap stamped "PS&S", said iron rod being a corner of subject tract;

Thence South 74° 07' 22" West, 230.75 feet to a set 1/2" iron rod with cap stamped "PS&S", said iron rod being a corner of subject tract;

Thence South 31° 29' 00 West, 1,130.80 feet to set 1/2" iron rod with cap stamped "PS&S", said iron rod being a corner of subject tract;

Thence South 62° 01' 05" East, 285.85 feet to a set 1/2" iron rod with cap stamped "PS&S", said iron rod being a corner of subject tract;

Thence South 26° 27' 14" West, 1,266.77 feet to a set 1/2" iron rod with cap stamped "PS&S", said iron rod being on the Southerly boundary of said 26.882 acre tract, said iron rod also bearing North 70° 36' 25" West from a found 1 1/2 inch iron pipe, said iron pipe being the most Southwesterly corner said 17.114 acre tract;

Thence North 70° 36' 25" West, 650.13 feet to a set 1/2 inch iron rod with cap stamped "PS&S", said iron rod being the most Southwesterly corner of said 26.882 acre tract;

Thence North 23° 46' 30" East, 902.74 feet to a set 1/2" iron rod with cap stamped "PS&S", said iron rod being the most Southeasterly corner of said 4.160 acre tract, said iron rod also being a corner of subject tract

Thence North 44° 31' 29" West, 48.93 feet to a found 5/8 inch iron rod, said iron rod being the most Westerly South corner of said 4.160 acre tract, said iron rod also being a corner of subject tract

Thence with the Westerly boundary of said 4.160 acre tract the following courses and distances:

North 49° 05' 53" East, 38.10 feet to a found 3/8 inch iron rod for a corner of subject tract

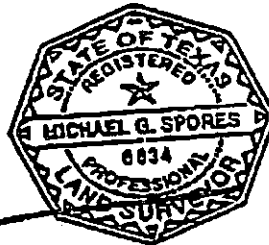
North 13° 18' 37" East, 121.22 feet to a found 3/8 inch iron rod for a corner of subject tract

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February 24, 2022  
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North 15° 04' 22" East, 129.83 feet to a found 3/8 Inch Iron rod for a corner of subject tract  
North 20° 26' 44" East, 93.13 feet to a set 1/2 Inch Iron rod with cap stamped "PS&S" for a corner of subject tract;  
North 41° 01' 27" East, 135.79 feet to a found 3/8 Inch iron rod for a corner of subject tract  
North 25° 19' 40" East, 163.08 feet to a found 3/8 Inch Iron rod for a corner of subject tract  
North 33° 23' 47" East, 148.43 feet to a set 1/2 Inch iron rod with cap stamped "PS&S" for a corner of subject tract;  
North 33° 40' 00" East, 283.42 feet to set 1/2 Inch Iron rod with cap stamped "PS&S" for a corner of subject tract;  
North 45° 05' 13" East, 339.49 feet to set 1/2 Inch iron rod with cap stamped "PS&S" for a corner of subject tract;  
North 47° 58' 35" East, 100.08 feet to a set 1/2 Inch Iron rod with cap stamped "PS&S" for a corner of subject tract;  
North 53° 03' 06" East, 234.82 feet to a set 1/2 Inch Iron rod with cap stamped "PS&S" for a corner of subject tract;  
North 54° 24' 25" East, 158.59 feet to a set 1/2 Inch iron rod with cap stamped "PS&S" for a corner of subject tract;  
Thence North 29° 13' 00" West, 161.22 feet back to the Point and Place of Beginning, and containing 54.926 acres (2,392,576.56 square feet) of land, more or less.

  
Michael G. Spores, RPLS No. 6634



PS&S, LLC  
18 Augusta Pines Drive, Suite 100W  
Spring, TX 77389

Firm Registration No. 10194677

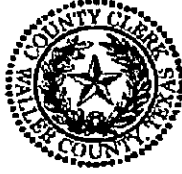


## FILED AND RECORDED

**Instrument Number: 2215223**

Filing and Recording Date: 11/28/2022 03:37:23 PM Pages: 7 Recording Fee: \$36.00

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*

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.

simplifile, Deputy

Returned To:  
HIRD, CHU, LAWJI & MANJI, ATTORNEYS AT LAW  
1470 FIRST COLONY BLVD STE 21  
SUGAR LAND, TX 77479-4875

## FILED AND RECORDED

Instrument Number: 23-046

Filing and Recording Date: 05/16/2023 04:13:27 PM Pages: 10 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.

Marlene Arranaga, Deputy

Returned To: