



## NOTICE OF SUBSTITUTE TRUSTEE'S SALE

December 9, 2016

### NOTE:

Date: March 7, 2013  
Maker: Craig Charleston  
Payee: Prosperity Bank  
Original principal amount: \$336,000.00

### DEED OF TRUST:

Date: March 7, 2013  
Grantor: Craig Charleston  
Trustee: David Zalman  
Beneficiary: Prosperity Bank  
Recording data: Recorded under Clerk's File No. 1301732 in the Real Property Records of Waller County, Texas.

**LENDER:** Prosperity Bank

**BORROWER:** Craig Charleston

**PROPERTY:** See Exhibit "A" attached hereto.

**SUBSTITUTE TRUSTEES:** Jeffrey D. Stewart  
James E. Cuellar  
Adam R. Swonke  
D. Brent Wells  
440 Louisiana, Suite 718  
Houston, Texas 77002  
(713) 222-1281

### DATE AND TIME OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:

January 3, 2017, being the first Tuesday of the month, to commence at 10:00 AM, or within three hours thereafter.

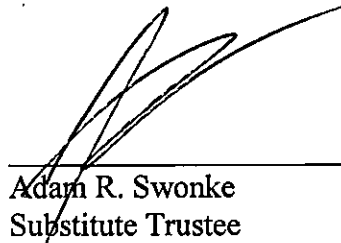
### PLACE OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:

Waller County Courthouse, 836 Austin Street, Suite 217, Hempstead, Texas 77445, foyer at south entrance to Courthouse.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust which secures the Note. Because of such default, Lender, the holder of the Note, has requested the Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust, in accordance with Lender's rights and remedies under the Deed of Trust and Section 9.501(d) of the Texas Business and Commerce Code.

Therefore, notice is given that on the Date and Time of Substitute Trustee's Sale of Property and at the Place of Substitute Trustee's Sale of Property, I, Substitute Trustee, will sell the Property by public sale to the highest bidder for cash or other form of payment acceptable to Substitute Trustee, in accordance with the Deed of Trust.



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Adam R. Swonke  
Substitute Trustee

Exhibit "A"

Tract I:

A TRACT OR PARCEL OF LAND CONTAINING 0.418 ACRE (18,188 SQUARE FEET), BEING OUT OF A CERTAIN CALLED 0.6298 ACRE TRACT RECORDED IN VOLUME 347, PAGE 47 OF THE WALLER COUNTY DEED RECORDS (W.C.D.R.), SITUATED IN THE GEORGE A. DENNETT SURVEY, ABSTRACT NO. 124, IN WALLER COUNTY, TEXAS. SAID 0.418 ACRE TRACT BEING THAT SAME TRACT RECORDED IN VOLUME 528, PAGE 40 W.C.D.R. AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARINGS ARE BASED IN VOLUME 528, PAGE 40 W.C.D.R.)

COMMENCING at an iron pipe found in the south right-of-way (R.O.W.) line of Prairie View Waller Road marking the northeast corner of a certain called 0.367 acre tract, (Williams' tract) recorded in Volume 692, Page 815 W.C.D.R.;

THENCE S 04° 00' 00" W, along with the east line of said 0.367 acre tract, a distance of 100.00 feet to an iron pipe found marking the northeast corner and POINT OF BEGINNING of the herein described tract, the northeast corner of said 0.6298 acre tract and the southeast corner of said 0.367 acre tract;

THENCE continuing S 04° 00' 00" W, along with the east line of said 0.6298 acre tract and the herein described tract, a distance of 117.00 feet to an iron rod set marking the southeast corner of the herein described tract;

THENCE N 78° 07' 25" W, across said 0.6298 acre tract, being the southerly line of the herein described tract, a distance of 182.12 feet (called 183.0 feet) to an iron rod set in the easterly R.O.W. line of FM 1098 (120 feet R.O.W.) marking the southwest corner of the herein described tract, said corner also being in the westerly line of said 0.6298 acre tract;

THENCE N 12° 58' 00" E, along with the easterly R.O.W. line of said FM 1098 and the westerly line of said 0.6298 acre tract and the herein described tract, a distance of 93.19 feet (called-93.4 feet) to a point for the northwest corner of said 0.6298 acre tract and the herein described tract and the southwest corner of aforesaid 0.367 acre tract;

THENCE S 86° 00' 00" E, along the common line of the north line of said 0.6298 acre tract and the herein described tract with the south line of said 0.367 acre tract, a distance of 165.88 feet (called-165.8 feet) to the POINT OF BEGINNING containing 0.418 acre of land.

Tract II:

A TRACT OR PARCEL OF LAND CONTAINING 0.038 ACRE (1,651 SQUARE FEET), BEING THE SOUTH 10.0 FEET OF A CERTAIN CALLED 0.367 ACRE TRACT RECORDED IN VOLUME 692, PAGE 815 OF THE WALLER COUNTY DEED RECORDS (W.C.D.R.), SITUATED IN THE GEORGE A. DENNETT SURVEY, ABSTRACT NO. 124, IN WALLER COUNTY, TEXAS. SAID 0.367 ACRE TRACT ALSO BEING THE NORTH 100 FEET OF A CERTAIN CALLED FREEZE KING LOT RECORDED IN VOLUME 163, PAGE 568 W.C.D.R. SAID 0.038 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARINGS ARE BASED IN VOLUME 528, PAGE 40 W.C.D.R.)

COMMENCING at an iron pipe found in the south right-of-way (R.O.W.) line of Prairie View Waller Road marking the northeast corner of said 0.367 acre tract (Williams' tract);

THENCE S 04° 00' 00" W, along with the east line of said 0.367 acre tract, a distance of 90.00 feet to an iron rod set marking the northeast corner and POINT OF BEGINNING of the herein described tract from which an iron rod found at S 12° 13' E, a distance of 0.5 feet;

THENCE continuing S 04° 00' 00" W, along with the east line of said 0.367 acre tract and the herein described tract, a distance of 10.00 feet to an iron pipe found marking the southeast corner of said 0.367 acre tract and the herein described tract and the northeast corner of a certain called 0.6298 acre tract and 0.418 acre tract recorded in Volume 347, Page 47 and Volume 528, Page 40 W.C.D.R., respectively;

THENCE N 86° 00' 00" W, along the common line of the north line of said 0.6298 acre tract and 0.418 acre tract with the south line of said 0.367 acre tract and the herein described tract, a distance of 165.88 feet (called-165.8 feet) to a point in the easterly R.O.W. line of FM 1098 (120 feet R.O.W,) for the southwest corner of said 0.367 acre tract and the herein described tract and the northwest corner of said 0.418 acre tract;

THENCE N 12° 58' 00" E, along with the easterly R.O.W. line of said FM 1098 and the westerly line of said 0.367 acre tract and the herein described tract, a distance of 10.12 feet to an iron rod set marking the northwest corner of the herein described tract;

THENCE S 86° 00' 00" E, across said 0.367 acre tract, along with the north line of the herein described tract, being located 10.0 feet north and parallel with the south line of said 0.367 acre tract, a distance of 164.30 feet to the POINT OF BEGINNING containing 0.038 acre of land, more or less.

## FILED AND RECORDED

**Instrument Number: 16-084**

Filing and Recording Date: 12/09/2016 03:13:00 PM 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".

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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: