



NOTICE OF SUBSTITUTE TRUSTEE'S SALE

Notice is hereby given that a public sale at auction of the Property (as that term is defined and described below) will be held at the date, time and place specified herein.

Information regarding the indebtedness and lien that is the subject of this sale:

Note:

Date: February 1, 2012

Maker: Texana Pecan Investors, LLC, now known as Brazos Pecans, LLC, and William F. Harley III and Barbara M. Harley

Payee: Capital Farm Credit, FLCA

Original Principal Amount: \$487,200.00

Capital Farm Credit, FLCA Loan No. 902183

Deed of Trust:

Date: February 1, 2012

Grantor: Texana Pecan Investors, LLC, now known as Brazos Pecans, LLC, a Texas limited liability company

Trustee: Ben R. Novosad

Recorded in: Volume 1290, Page 91, Official Public Records of Waller County, Texas.

Property:

The following described real property, together with all mineral interests, improvements, fixtures, personal property and intangible property, if any, described in and presently covered by the Deed of Trust and all other rights, privileges and appurtenances pertaining thereto:

All that certain 105.00295 acres of land in Waller County, Texas being more particularly described on **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes.

Prior Modification of Note and/or Deed of Trust:

Present Owner of Note and Beneficiary under Deed of Trust:

Capital Farm Credit, FLCA

Information regarding the public sale to be held:

Substitute Trustees: Megan Randle, Pete Florez, Ebbie Murphy and Florence Rosas

Appointed by written instrument dated June 6, 2019, executed by Capital Farm Credit, FLCA and recorded or to be recorded in the appropriate Official Public Records of Waller County, Texas.

Date of Sale: July 2, 2019, being the first Tuesday in said month.


Time of Sale: The earliest time at which the sale will occur is 1:00 p.m., Hempstead, Texas local time, and shall begin not later than 3 hours thereafter.

Place of Sale: The designated area of the County Courthouse as designated by the Commissioners Court of Waller County, Texas

Default has occurred in the payment of the indebtedness evidenced by the Note. Because of such default, Capital Farm Credit, FLCA appointed Substitute Trustee and has requested Substitute Trustee to enforce the Deed of Trust.

Therefore, notice is given that on the date and time and at the place set forth hereinabove, any one of the above-named Substitute Trustees will sell the above-referenced Property by public sale to the highest bidder for cash in accordance with the Deed of Trust and the laws of the State of Texas.

Prospective bidders are advised to make their own examination of title to the Property to determine the existence of any easements, restrictions, liens or other matters affecting title to the Property. Neither Substitute Trustee nor the Capital Farm Credit, FLCA make any representation or warranty (express or implied) regarding title to or the condition of the Property. The Property to be sold at the public sale will be sold in its present "AS IS" condition and subject to all ad valorem taxes then owing with respect to the Property.



Megan Randle, Substitute Trustee

Please return File-Stamped Copy to:

Tommy J. Swann
McCleskey, Harriger, Brazill & Graf, L.L.P.
5010 University Ave, Floor 5
Lubbock, TX 79413-4422

EXHIBIT "A"

All that certain 105.00295 acres of land, being a part of a 393.9118 acre tract described in Partition Deed dated October 1, 1951, recorded in Volume 330, Page 326, Deed Records of Waller County, Texas, said 105.00295 acre tract being more particularly described as follows:

COMMENCING at an iron pipe set on the South line of the William Cooper League, Abstract 20, same being the North line of the Randolph Foster Survey, Abstract 27, said point being located in the intersection of House Road and Peach Ridge Road at the Southwest corner of said 393.9118 acre tract;

THENCE East along the South line of said 393.9118 acre tract, same being the South line of the William Cooper League and the North line of the Randolph Foster Survey, Abstract 27, as located in House Road, 2793.78 feet to an iron pipe set on said line for the Southwest corner and Place of Beginning of the herein described 105.00295 acre tract; Tract 2, being a part of said 393.9118 acre tract;

THENCE North along the common line of the herein described 105.00295 acre tract and the adjoining 95.00295 acre tract, at 35.60 feet pass an iron pipe set on the North line of House Road, at 896.72 feet pass an iron pipe set on said line, at 1092.66 feet pass an iron pipe set on said line, at 1535.60 feet pass an iron pipe set on said line, at 1970.02 feet pass an iron pipe set on said line, at 2461.28 feet pass an iron pipe set on said line, and continuing for a total distance of 2973.67 feet to an iron pipe set on the Northerly line of said 393.9118 acre tract for the Northwest corner of the herein described 105.00295 acre tract, same being the Northeast corner of said adjoining 95.00295 acre tract;

THENCE North 00 degrees 33 minutes 13 seconds East along the Northerly line of said 393.9118 acre tract; at 1463.75 feet pass a 2 inch iron pipe set on the bank of Big Bayou, and continuing for a total distance of 1808.56 feet to a point in the centerline of Big Bayou for the most Northerly corner of the herein described 105.00295 acre tract, same being the most Northerly corner of said 393.9118 acre tract;

THENCE along the centerline of said Big Bayou, as follows:

South 77 degrees 24 minutes 52 seconds East, 38.10 feet;

North 82 degrees 10 minutes 30 seconds East, 04.35 feet;

~~South 78 degrees 03 minutes 03 seconds East, 59.01 feet;~~

South 38 degrees 28 minutes 52 seconds East, 152.30 feet; and

South 63 degrees 31 minutes 35 seconds East, 229.73 feet to a point in the centerline of Big Bayou for the Northeast corner of the herein described 105.00295 acre tract, same being the Northwest corner of an adjoining 99.00295 acre tract, Tract 4, being part of said 393.9118 acre tract;

THENCE South 40 degrees 12 minutes 24 seconds West along the common line of the herein described 105.00295 acre tract and the adjoining 99.00295 acre tract, at 71.86 feet pass an iron pipe set on the top bank of Big Bayou, at 401.01 feet pass an iron pipe on said line, and continuing for a total distance of 801.01 feet to an iron pipe set for corner;

THENCE South 04 degrees 15 minutes 42 seconds East continuing along the common line of the herein described tract and the adjoining 99.00295 acre tract, at 409.00 feet pass an iron pipe set on said line, at 919.53 feet pass an iron pipe set on said line, at 1394.10 feet pass an iron pipe set on said line, at 2222.53 feet pass an iron pipe set on said line, at 2838.82 feet pass an iron pipe set on the North line of House Road, and continuing for a total distance of

2874.01 feet to an iron pipe set on the South line of said 393.9118 acre tract for the Southeast corner of the herein described 105.00295 acre tract, same being the Southwest corner of the adjoining 99.00295 acre tract, said point being located on the South line of the William Cooper League, same being the North line of the Randolph Foster Survey, Abstract 27;

THENCE West along the South line of said 393.9118 acre tract, same being the South line of the William Cooper League, Abstract 20, and the North line of the Randolph Foster Survey, Abstract 27, as located in House Road, 1338.82 feet to the Place of BEGINNING and containing 105.00295 acres of land, more or less, of which 1.21676 acres lie within the limits of House Road, leaving a net acreage of 103.78720 acres of land, more or less.

FILED AND RECORDED

Instrument Number: 19-050

Filing and Recording Date: 06/10/2019 10:31:01 AM Pages: 4 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". The signature is written in a cursive style.

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: