



**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

STATE OF TEXAS  
COUNTY OF WALLER

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KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, on **JULY 30, 2020**, **ALEX R. MARTINEZ** ("**Debtor**") executed that certain Deed of Trust (as extended and renewed, "**Deed of Trust**") conveying to **CHRIS GARZA**, Trustee ("**Trustee**") the real property more particularly described in attached **Exhibit "A"**, together with all improvements, fixtures, equipment, and other property located on the real property and any and all other items, rights, or interest described in the Deed of Trust, all of which property is more fully described in the Deed of Trust, to which reference is hereby made for further description of the property covered by this notice (collectively, "**Property**"); and

WHEREAS, the Deed of Trust was recorded at Clerk's File No. **2007199** in the Official Public Records of **WALLER** County, Texas; and

WHEREAS, the Deed of Trust was executed and delivered to secure the payment of the following items of indebtedness ("**Indebtedness**"):

That certain Promissory Note (as extended, renewed, modified, or replaced, "**Note**") dated of even date with the Deed of Trust and executed by Debtor, payable to the order of **NEWFIRST NATIONAL BANK** ("**Creditor**"), said note being in the original principal amount of **ONE HUNDRED FIVE THOUSAND AND NO/100 (\$105,000.00) DOLLARS**.

WHEREAS, the Indebtedness is due and payable, and despite Creditor's demands, Debtor has failed to pay, and continues to fail to pay, the Indebtedness; and

WHEREAS, Creditor by written instrument made, constituted, and appointed **ROBERT J. ADAM, STEPHEN W. BING, LEIGH ANN THOMPSON, PHILIP D. CONWAY, JIM MILLS, SUSAN MILLS, MARLENE ZOGRAFOS, ED HENDERSON, SHEILA HORAK, ROBIN JOHNSON, PATSY ANDERSON AND ANDREW MILLS-MIDDLEBROOK**, whose address is 12611 Jones Road, Suite 200, Houston, TX 77070, as substitute trustee under the Deed of Trust ("**Substitute Trustee**") and requested and directed Substitute Trustee to exercise the power of sale under the Deed of Trust for the purpose of enforcing the collection of the Indebtedness;

**NOW, THEREFORE**, the undersigned hereby gives notice that, after due publication of this notice as required by law and the Deed of Trust, the undersigned will sell the Property, as an entirety or in parcels, by one or by several sales, held at one time or at different times, all as the undersigned may elect to announce at such sale or sales, at the foyer at the **South entrance of the Courthouse located at 836 Austin Street, Hempstead, Texas**, said location having been designated by the county commissioners of **WALLER** County, Texas ("**Commissioners**") (or such other location as may be designated by the Commissioners after the sending of this notice and before the time of the sale), in which county the Property is situated, on **MARCH 7, 2023**, being the first Tuesday of said month, at **10:00 A.M.** (or within three hours thereafter) to the highest bidder or bidders for cash at a public auction, and will make due conveyance of the Property to the purchaser or purchasers, with special warranty deed binding Debtor, his successors and assigns.

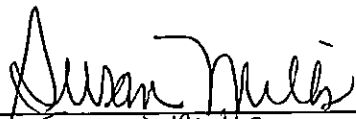
The sale noticed herein shall include the interest of Debtor in all fixtures and personal property covered by the Deed of Trust and any other documents executed in connection with or as security for the Indebtedness, Creditor having directed the undersigned to sell, and the undersigned hereby noticing the sale of, said fixtures and personalty pursuant to rights granted to Creditor under Section 9.501(d) of the Texas Business & Commerce Code.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY, OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A

PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER CREDITOR NOR SUBSTITUTE TRUSTEE MAKES ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS, OR SPECIFICATIONS NOR WITH RESPECT TO CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS, OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH SHALL BE EXPRESSLY WAIVED BY PURCHASER.

IF YOU ARE AN INDIVIDUAL, 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.

EXECUTED in multiple original copies on the 10 day of FEBRUARY, 2023.

  
By Susan Mills  
Title: Substitute Trustee

**ATTACHMENT**

Exhibit "A"- Property Description

**EXHIBIT "A"**

BEGINNING AT A 5/8 INCH IRON ROD FOUND ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WHIT WILLIAMS ROAD, (60.00 FEET WIDE), FOR THE NORTH CORNER OF THAT CERTAIN CALLED 2.868 ACRE TRACT OF LAND AS CONVEYED TO PATRIOTS TEXAS PROPERTIES, LLC BY INSTRUMENT RECORDED IN VOLUME 1378, PAGE 544, OF THE DEED RECORDS OF WALLER COUNTY, TEXAS, SAME BEING THE WEST CORNER OF SAID 52.145 ACRE TRACT, SAME BEING THE WEST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT, FROM WHICH A POINT FOR THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF WHIT WILLIAMS ROAD WITH THE EASTERLY RIGHT-OF-WAY LINE OF F.M. 359, SAME BEING A CORNER OF SAID 2.868 ACRE TRACT, BEARS, SOUTH 75°51'24" WEST, A DISTANCE OF 28.00 FEET;

THENCE, SOUTH 88°01'34" EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF WHIT WILLIAMS ROAD, SAME BEING THE COMMON OF SAID 52.145 ACRE TRACT, A DISTANCE OF 561.58 FEET TO A 60D NAIL FOUND FOR A CORNER OF THAT CERTAIN CALLED 4.2394 ACRE TRACT OF LAND AS CONVEYED TO MEREDITH J. LONG BY INSTRUMENT RECORDED IN VOLUME 611, PAGE 449, OF THE DEED RECORDS OF WALLER COUNTY, TEXAS, SAME BEING A CORNER OF SAID 52.145 ACRE TRACT, SAME BEING A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 65°21'37" EAST, ALONG THE COMMON LINE OF SAID 4.2394 ACRE TRACT, SAME BEING THE COMMON OF SAID 52.145 ACRE TRACT, A DISTANCE OF 28.59 FEET TO A POINT FOR A CORNER OF SAID 4.2394 ACRE TRACT, SAME BEING A CORNER OF SAID 52.145 ACRE TRACT, SAME BEING A CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FENCE CORNER POST FOUND FOR REFERENCE BEARS, SOUTH 58°38'50" EAST, A DISTANCE OF 0.86 FEET;

THENCE, SOUTH 29°10'00" WEST, ALONG THE COMMON LINE OF SAID 4.2394 ACRE TRACT, SAME BEING THE COMMON OF SAID 52.145 ACRE TRACT, A DISTANCE OF 158.54 FEET TO A CAPPED IRON ROD FOUND FOR THE WEST CORNER OF SAID 4.2394 ACRE TRACT, SAME BEING A CORNER OF SAID 52.145 ACRE TRACT, SAME BEING A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 32°52'27" WEST, ACROSS SAID 52.145 ACRE TRACT, A DISTANCE OF 73.52 FEET TO A CAPPED IRON ROD FOUND FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 40°56'32" WEST, ACROSS SAID 52.145 ACRE TRACT, A DISTANCE OF 156.96 FEET TO A CAPPED IRON ROD FOUND ON THE COMMON LINE OF SAID 2.868 ACRE TRACT, SAME BEING THE COMMON OF SAID 52.145 ACRE TRACT, FOR THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 46°22'23" WEST, ALONG THE COMMON LINE OF SAID 2.868 ACRE TRACT, SAME BEING THE COMMON OF SAID 52.145 ACRE TRACT, A DISTANCE OF 507.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.3841 ACRES OR 103,849 SQUARE FEET OF LAND, MORE OR LESS.

## FILED AND RECORDED

**Instrument Number: 23-012**

Filing and Recording Date: 02/13/2023 10:28:38 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".

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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.

Donna Jackson, Deputy

Returned To: