



NOTICE OF FORECLOSURE 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. *Property to Be Sold.* The real and personal property (including any improvements) to be sold is located in Waller County, Texas and is more fully described as follows:

Certain real and personal property and property rights and interests in land, estates, easements, rights, improvements, property, fixtures, equipment, furniture, furnishings, appliances, and appurtenances, in approximately 209.5 acres in Waller County, Texas, commonly known as the subdivision of Legendary Oaks, as set forth in the Deed of Trust and General Warranty Deed with Vendor's Lien and Security Agreement and Exhibit A attached thereto and incorporated by reference in the Transfer of Note and Liens and incorporated herein by this reference for all purposes.

The real and personal property and property rights and interests in both real and personal property being sold are the same property described in the Deed of Trust and General Warranty Deed with Vendor's Lien and Security Agreement and other loan documents.

2. *Instrument(s) to be Foreclosed.* The instruments to be foreclosed are: (i) the Deed of Trust (with Security Agreement and other documents) dated October 4, 2017, executed by CGE International, LLC, a Texas limited liability company ("Grantor" and "Debtor") to The Strong Firm, P.C., whose address is 1790 Hughes Landing Blvd., Suite 200, The Woodlands, Texas 77380 ("Trustee"), for the benefit of SKLK, LLC ("Lender"), recorded on October 9, 2017, under Document No. 1707516 of the Official Public Records of Waller County, Texas (the "Deed of Trust"); and (ii) the subsequent Transfer of Note and Deeds (with October 4, 2017 Promissory Note and Security Agreement), dated September 29, 2022, executed by SKLK, LLC in favor of Westline Enterprise, Inc. ("Beneficiary" or "Westline") ("Transfer of Note and Deeds").

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: April 4, 2023

Time: The sale will begin no earlier than 1:00 p.m. or within three hours thereafter

Place: The sale will take place at the Foyer at the South Entrance of the Courthouse or as designated by the County Commissioner's Office or as designation by

the County Commissioners Court in the City of Hempstead, Waller County, Texas.

In the event Beneficiary decides to postpone, withdraw, or reschedule the sale for another day, the trustee or substitute trustee under the Deed of Trust and Transfer of Note and Deeds need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this sale.

4. *Terms of Sale.* The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust and Transfer of Note and Deeds permitting the Beneficiary thereunder to have the bid credited to the Note (defined below) up to the amount of the unpaid debt secured by the Deed of Trust and Transfer of Note and Deeds at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold.

The sale will be made expressly subject to any title matters set forth in the Deed of Trust and Transfer of Note and Deeds, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust and Transfer of Note and Deeds. The sale shall not cover any part of the property that has been released of public record from the lien of the Deed of Trust and the Transfer of Note and Deeds. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the Deed of Trust and Transfer of Note and Deeds. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

5. *Type of Sale.* The sale is a nonjudicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust and Transfer of Note and Deeds.

6. *Obligations Secured.* The Deed of Trust and Transfer of Note and Deeds provide that they secure the payment of the indebtedness and obligations therein described (collectively, the "Obligations") including, but not limited to, (a) Promissory Note (the "Note"), dated October 4, 2017, having an original principal balance of \$900,000.00,

executed by Debtor, and payable to the order of Lender, and (b) penalties and interest. In addition, the Note, the Deed of Trust, and the Transfer of Note and Deeds provide for reimbursement to the holder of the Note of its reasonable attorney's fees and expenses incurred in collecting this debt.

7. *Default and Request to Act.* Default has occurred under the Deed of Trust, the Note, and the Transfer of Note and Deeds and Beneficiary has requested me, as substitute trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

EXECUTED to be effective as of March 10, 2023.



SUBSTITUTE TRUSTEE
J. REID BURLEY
OR MEGAN RANDLE
OR PETE FLOREZ
OR EBBIE MURPHY
OR FLORENCE ROSAS

c/o Bell Nunnally & Martin LLP
2323 Ross Street, Suite 1900
Dallas, Texas 75201

AFTER RECORDING, RETURN TO:

**J. Reid Burley
Bell Nunnally & Martin LLP
2323 Ross Street, Suite 1900
Dallas, Texas 75201
Telephone: (214) 740-1471**

EXHIBIT A

Legal Description of the Property

TRACT ONE:

Being all of RESERVE "A", containing 13.233 acres of land, more or less, shown as 13.2245 acres of land, in LEGENDARY OAKS, a subdivision of Waller County, Texas, according to the replat recorded in Plat Cabinet File No. B-142 of the Plat Records of Waller County, Texas and Volume 648, Page 829 of the Official Records of Waller County, Texas.

Being all of RESERVE "B", containing 7.450 acres of land, more or less, shown as 7.4452 acres of land, in LEGENDARY OAKS, a subdivision of Waller County, Texas, according to the replat recorded in Plat Cabinet File No. B-142 of the Plat Records of Waller County, Texas and Volume 648, Page 829 of the Official Records of Waller County, Texas.

Being all of RESERVE "C", containing 1.558 acres of land, shown as 1.5569 acres of land, in LEGENDARY OAKS, a subdivision of Waller County, Texas, according to the replat recorded in Plat Cabinet File No. B-142 of the Plat Records of Waller County, Texas and Volume 648, Page 829 of the Official Records of Waller County, Texas.

Being all of RESERVE "D", containing 185.542 acres of land, more or less, shown as 185.5418 acres of land, in LEGENDARY OAKS, a subdivision of Waller County, Texas, according to the replat recorded in Plat Cabinet File No. B-142 of the Plat Records of Waller County, Texas and Volume 648, Page 829 of the Official Records of Waller County, Texas.

Being all of RESERVE "E", containing 1.717 acres of land, more or less, shown as 1.7163 acres of land, in LEGENDARY OAKS, a subdivision of Waller County, Texas, according to the replat recorded in Plat Cabinet File No. B-142 of the Plat Records of Waller County, Texas and Volume 648, Page 829 of the Official Records of Waller County, Texas.

TRACT TWO:

Together with Ingress and Egress Easement as created and described in Easement Agreement dated March 30, 2005, by Legendary Oaks Development Corporation to Hanmaum, L.L.C., recorded in Volume 888, Page 478 of the Official Records Waller County, Texas.



EXHIBIT B**RESERVATIONS AND EXCEPTIONS TO AND FROM CONVEYANCE AND WARRANTY:**

The following restrictive covenants of record itemized below:

1. Those recorded in Plat Cabinet File No. B-142 of the Plat Records of Waller County, Texas and Volume 638, Page 939, Volume 642, Page 867, Volume 648, Page 829, Volume 735, Page 221 and Volume 1195, Page 560 of the Official Records of Waller County, Texas and County Clerk's File No. 1501056 of the Official Public Records of Waller County, Texas. But deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (a) is exempt under chapter 42, section 3607 of the United States code or (b) Relates to handicap but does not discriminate against handicapped persons.
2. Subject to any and all visible and or apparent easements over, under or across subject property, which a survey or physical inspection may disclose.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.
4. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed herein or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
5. Utility Easement 20 feet wide east of and adjacent to Lot 2 and continuing to the north property line of Reserve A as shown on Plat, recorded in Plat Cabinet File No. 8-142 of the Plat Records of Waller County, Texas and Volume 648, Page 829 of the Official Records of Waller County, Texas.
6. Utility Easement 40 feet by 30 feet located 85.00 feet south of the northeast corner of Reserve C as shown on Plat, recorded in/under Plat Cabinet File No. 8-142 of the Plat Records of Waller County, Texas and Volume 648, Page 829 of the Official Records of Waller County, Texas.
7. Utility Easement 20 feet wide along the west property line of Reserve A, Reserve E, Reserve Das shown on Plat, recorded in Plat Cabinet File No. 8-142 of the Plat Records of Waller County, Texas and Volume 648, Page 829 of the Official Records of Waller County, Texas.
8. Utility Easement 20 feet wide with aerial easement along the west line of Reserve C as shown on Plat, recorded in Plat Cabinet File No. 8-142 of the Plat Records of Waller County, Texas and Volume 648, Page 829 of the Official Records of Waller County, Texas.
9. Utility Easement 20 feet wide on the most northerly south property line of Reserve D and continues to meander through said Reserve D to the most southerly south property line of said reserve as shown on Plat, recorded in Plat Cabinet File No. 8-142 of the Plat Records of Waller County, Texas and Volume 648, Page 829 of the Official Records of Waller County,

Texas.

10. Utility Easement 20 feet with aerial easement located in the Northeasterly property line of Reserve D and crosses Reserve D in a southeasterly direction to the east property of said Reserve Das shown on Plat, recorded in Plat Cabinet File No. 8-142 of the Plat Records of Waller County, Texas and Volume 648, Page 829 of the Official Records of Waller County, Texas.
11. Utility Easement 20 feet wide along the east property line of Reserve D in the southerly portion of said reserve along Urban Road as shown on Plat, recorded in Plat Cabinet File No. 8-142 of the Plat Records of Waller County, Texas and Volume 648, Page 829 of the Official Records of Waller County, Texas.
12. Dedication of a 10 foot utility easement for exclusive use of San Bernard Electric Cooperative, Inc. located adjacent to each side of all subdivision roads as shown on Plat, recorded in Plat Cabinet File No. 8-142 of the Plat Records of Waller County, Texas and Volume 648, Page 829 of the Official Records of Waller County, Texas.
13. Right of Way Easements granted to San Bernard Electric Cooperative, recorded in Volume 79, Page 229, Volume 79, Page 230, Volume 79, Page 231 and Volume 79, Page 239 of the Deed Records of Waller County, Texas. (Reserve A and D)
14. Right of Way Easement granted to Waller County, recorded in Volume 209, Page 129 of the Deed Records of Waller County, Texas.(Affects Reserve D, Urban Road)
15. Right of Way easement granted to San Bernard Electric Cooperative, Inc. recorded in Volume 581, Page 75 of the Official Records of Waller County, Texas. (Reserve D)
16. Right of Way easement granted to San Bernard Electric Cooperative, Inc. recorded in Volume 610, Page 873 of the Official Records of Waller County, Texas. (Reserve D)
17. Right of Way easement granted to San Bernard Electric Cooperative, Inc. recorded in Volume 625, Page 45 Official Records of Waller County, Texas. (Reserve D)
18. Right of Way easement granted to San Bernard Electric Cooperative, Inc. recorded in Volume 625, Page 71 of the Official Records of Waller County, Texas. (Reserve A)
19. Right of Way easement granted to San Bernard Electric Cooperative, Inc. recorded in Volume 638, Page 39 of the Official Records of Waller County, Texas. (Reserve D)
20. Right of Way easement granted to San Bernard Electric Cooperative, Inc. recorded in Volume 649, Page 411 of the Official Records of Waller County, Texas.
21. Utility Easement 20 feet wide centered on the north property line of Reserve C as granted

to San Bernard Electric Cooperative, Inc. as recorded in Volume 681, Page 107 of the Official Records of Waller County, Texas.

22. Right of Way Easement granted to San Bernard Electric Cooperative, Inc., recorded in Volume 713, Page 577 of the Official Records of Waller County, Texas. (Reserve A)
23. Easement Agreement, together with the rights of others, for ingress and egress and various non-exclusive 20 foot utility easements executed by Legendary Oaks Development Corporation and granted to Hanmaum, L.L.C., recorded in Volume 888, Page 478 of the Official Records of Waller County, Texas, together with all rights incident thereto.
24. A perpetual 1/2 royalty interest in and to all oil, gas and other minerals on, in, under or that may be produced from the subject property is excepted herefrom as the same is set forth in instrument recorded in Volume 230, Page 380 of the Deed Records of Waller County, Texas.
25. 1/2 of all the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as the same are set forth in instrument recorded in Volume 373, Page 117 of the Deed Records of Waller County, Texas. Surface rights waived therein.
26. 1/2 of all the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same are excepted herefrom as the same are set forth in instrument recorded in Volume 447, Page 236 of the Deed Records of Waller County, Texas. Surface rights not waived therein.
27. All the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted herefrom and not insured hereunder, as same are set forth in instrument recorded in Volume 650, Page 497 of the Official Records of Waller County, Texas. Surface rights not waived therein.
28. All remaining oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted herefrom and not insured hereunder, as same are set forth in instrument recorded in Volume 638, Page 939 of the Official Records of Waller County, Texas.
29. Non-drilling clause in restrictions as reflected in Volume 638, Page 939 of the Official Records of Waller County, Texas.
30. Subject to Ordinances of the City of Hempstead recorded in Volume 583, Page 571, Volume 583, Page 618, Volume 583, Page 623, Volume 633, Page 575, Volume 638, Page 350 and Volume 648, Page 373 of the Official Records of Waller County, Texas.
31. Annual maintenance fees and/or assessments secured by a lien as set forth in restrictions recorded in Volume 638, Page 939 of the Official Records of Waller County, Texas. Said lien shall be subordinated to voluntary liens.

FILED AND RECORDED

Instrument Number: 23-024

Filing and Recording Date: 03/13/2023 04:24:47 PM Pages: 9 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

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: