

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

STATE OF TEXAS §
 §
COUNTY OF WALLER §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, INOC PROPERTIES, LP, a Texas limited partnership (the "***Grantor***") executed that certain Deed of Trust and Security Agreement dated effective October 11, 2012, and recorded under Document No. 1205683 in the Official Public Records of Waller County, Texas (the "***Records***"), as modified by that certain Extension of Real Estate Note and Lien dated October 11, 2017, and recorded in the Records under Document No. 1709122, as further modified by that certain Extension of Real Estate Note and Lien dated January 9, 2018, and recorded in the Records under Document No. 1801458, as further modified by that certain Extension of Real Estate Note and Lien dated January 9, 2019, and recorded in the Records under Document No. 1902208, as further modified by that certain Modification, Renewal and Extension Agreement dated December 30, 2019, but to be effective as of October 6 2019, and recorded in the Records under Document No. 2000198, as further modified by that certain Modification, Renewal and Extension Agreement dated effective as of January 4, 2020, and recorded in the Records under Document No. 2010207, and as further modified by that certain Modification, Renewal and Extension Agreement dated November 25, 2020, and recorded in the Records under Document No. 2012120 (collectively and together with all other extensions, modification, reinstatements, and renewals, the "***Deed of Trust***");

WHEREAS, pursuant to the Deed of Trust, the Grantor conveyed to Okan Akin, Trustee (the "***Original Trustee***"), for the benefit of Independence Bank, N.A., its successors and assigns (the "***Beneficiary***"), all of the personal property, real property and premises described and referred

to in the Deed of Trust (the "*Mortgaged Property*"), including the following described property located in Waller County, Texas:

BEING a 17.29 acre (called 17.35 acres) parcel situated in the Justo Liendo Survey, Abstract Number 41, Waller County, Texas, being out of a certain original 20.8419 acre tract, being all of a called 21.545 acre tract as recorded in Volume 194, Page 158 Deed Records of Waller County and also Vol. 469, Pg. 48 D.R.W.C., said 17.29 acre parcel being more particularly described by metes and bounds description as set forth on Exhibit "A", attached hereto and incorporated herein, with the base of bearing being the called deed of the 17.29 acre parcel.

WHEREAS, the Deed of Trust secures payment of that certain Promissory Note dated October 11, 2012, executed by Grantor, as Maker, and payable to the Beneficiary, as Payee, in the original principal amount of Two Million Five Hundred Thousand and 00/100 Dollars (\$2,500,000.00), as modified by that certain Extension of Real Estate Note and Lien dated October 11, 2017, and recorded in the Records under Document No. 1709122, as further modified by that certain Extension of Real Estate Note and Lien dated January 9, 2018, and recorded in the Records under Document No. 1801458, as further modified by that certain Extension of Real Estate Note and Lien dated January 9, 2019, and recorded in the Records under Document No. 1902208, as further modified by that certain Modification, Renewal and Extension Agreement dated December 30, 2019, but to be effective as of October 9, 2019, and recorded in the Records under Document No. 2000198, as further modified by that certain Modification, Renewal and Extension Agreement dated effective as of January 4, 2020, and recorded in the Records under Document No. 2010207, and as further modified by that certain Modification, Renewal and Extension Agreement dated November 25, 2020, and recorded in the Records under Document No. 2012120 (collectively and together with all other renewals, extensions, reinstatements, and modifications, the "*Note*");

WHEREAS, Allegiance Bank (“*Allegiance*”), formally Allegiance Bank Texas, as successor in interest to the Beneficiary, assigned all of its right title and interest in and to the Note and Deed of Trust to WM Capital Partners 83, LLC, a Delaware limited liability company (the “*Holder*”), as set forth in that certain Assignment of Deed of Trust dated March 2, 2021, executed by Allegiance for the benefit of Holder, and that certain Allonge dated December 30, 2020, executed by Allegiance for the benefit of Holder;

WHEREAS, Holder is the current legal owner and holder of the indebtedness secured by the Deed of Trust (the “*Indebtedness*”), and if, for any reason, the Holder prefers to appoint a substitute Trustee under the Deed of Trust, the Holder may, from time to time, by written instrument, appoint substitute Trustees, who shall succeed to all the estate, rights, powers and duties conferred upon the Original Trustee in the Deed of Trust and by applicable law;

WHEREAS, Grantor filed for relief under Chapter 11 of the United States Bankruptcy Code on or about December 6, 2021 in United States Bankruptcy Court, Southern District of Texas under Case Number 21-33906 (the “*Bankruptcy*”);

WHEREAS, Holder filed its Motion to Lift Stay (Docket No. 72) and Judge Christopher Lopez signed that certain Agreed Final Order Granting WM Capital Partners 83, LLC’s Motion for Relief from Automatic Stay Regarding 22063 FM 1098, Prairie View, TX 77446 (Docket No. 100), which order lifted the automatic stay to allow Holder to post and foreclose upon the Mortgaged Property for a June 2023 (or later) non-judicial foreclosure sale.

WHEREAS, the Holder has named, constituted and appointed in writing BRADLEY E. RAUCH, ZACHARY SCHNEIDER, MEGAN L. RANDLE, AND EBBIE MURPHY, each as Substitute Trustee to act independently (and without the joinder of the others) under and by virtue

of the Deed of Trust and to hold, possess and execute all the estate, rights, powers and duties conferred upon the Original Trustee in the Deed of Trust and by applicable law;

WHEREAS, Grantor has defaulted in the payment of the Indebtedness, notice has been given stating that the Grantor is in default, and the Grantor has had the opportunity to cure the default prior to acceleration of the Indebtedness, but the Grantor has failed to cure such default(s);

WHEREAS, acceleration of maturity and demand have been made upon the Grantor for the payment of the Indebtedness, and/or have been waived, and/or have occurred;

WHEREAS, the Holder has called upon and requested either or any of Bradley E. Rauch, Zachary Schneider, Megan L. Randle, Ebbie Murphy, or any additional substitute trustee appointed pursuant to the terms of the Deed of Trust, as Substitute Trustees, to perform the Trustee's duties under the Deed of Trust and to post, mail and file, or have posted, mailed, and filed, notice and to sell the Mortgaged Property without prejudice and without creating an election not to proceed against any other collateral securing the obligations of the Grantor to the Holder, and without waiving any rights or remedies which the Holder has against the Grantor or any other parties obligated for payment of the Indebtedness;

NOW, THEREFORE, the undersigned Substitute Trustee, at the request of the Holder, hereby gives notice that after due posting of this Notice as required by the Deed of Trust and law, a Substitute Trustee will sell on **Wednesday, July 5, 2023** (that being the first Wednesday of said month (**the first Tuesday, July 4, 2023, being a holiday**)), as provided for in Texas Property Code Sec. 51.002) at public auction to the highest bidder for cash, in the foyer at the south entrance to the Waller County Courthouse, said location having been designated by the County Commissioners' Court of Waller County, Texas for the purposes of holding Public Sales of Real Property in Waller County, Texas (or such other location as may be designated by said County

Commissioners' Court), the sale to begin no earlier than 1:00 o'clock p.m. and no later than three (3) hours after such time, the Mortgaged Property, including without limitation, all personal property described in the Deed of Trust, owned by the Grantor, Grantor's heirs, legal representatives, successors and assigns, and originally covered by the Deed of Trust, whether or not herein specifically described.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE OR HOLDERS OF SAID INDEBTEDNESS, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER THE HOLDER NOR THE TRUSTEE OR SUBSTITUTE TRUSTEE MAKES ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE 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 ARE EXPRESSLY WAIVED BY PURCHASER(S).

[THE NEXT PAGE IS THE SIGNATURE PAGE]

WITNESS BY HAND this 9th day of June, 2023.

Bradley E. Rauch
Bradley E. Rauch, Substitute Trustee
Posted by *Pete Florez*
Pete Florez

COUNTY OF HARRIS
STATE OF TEXAS

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This document was acknowledged before me on this, the 9th day of June, 2023, by Bradley E. Rauch, Substitute Trustee.

Karen M. Wade
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Name and Address of Substitute Trustees:

Mr. Bradley E. Rauch
Hirsch & Westheimer, P.C.
1415 Louisiana, 36th Floor
Houston, Texas 77002

Ms. Megan L. Randle
Foreclosure Network of Texas
10406 Rockley Road
Houston, TX 77099

Ms. Ebbie Murphy
Foreclosure Network of Texas
10406 Rockley Road
Houston, TX 77099

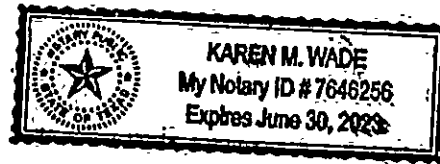


EXHIBIT "A"

Legal Description of Mortgaged Property

Being a 17.29 acre (called 17.35 acres) parcel situated in the Justo Liendo Survey, Abstract Number 41, Waller County, Texas, being out of a certain original 20.8419 acre tract, being all of a called 21.545 acre tract as recorded in Volume 194, Page 158 Deed Records of Waller County and also Vol. 469, Pg. 48 D.R.W.C., said 17.29 acre parcel being more particularly described by metes and bounds description as follows with the base of bearings being the called deed of the 17.29 acre parcel.

Beginning at a 5/8 inch iron rod set in the west right of way line of F.M. 1098 for the northeast corner of a called 3.4894 acre tract as recorded in Vol. 685, Pg. 131 Deed Records of Waller County and marking the southeast corner of the herein described parcel of land;

THENCE, South 81° 25' 47" West (called South 81° 25' 47" West), along the north line of the said called 3.4894 acre tract and the south line of the herein described parcel, a distance of 440.73 feet (called 441.25 feet) to a 3/8 inch iron found for the angle point of the said called 3.4894 acre tract and marking an angle point in the herein described parcel of land;

THENCE, North 71° 25' 47" West, along the northeasterly line of the said called 3.4894 acre tract and the southwesterly line of the herein described parcel, a distance of 350.57 feet to a 5/8 inch iron rod set for an angle point of the said called 3.4894 acre tract and an angle point in the herein described parcel of land;

THENCE, North 11° 16' 05" West, along the east line of the said called 3.4894 acre tract and the west line of the herein described parcel, a distance of 299.20 feet to a 3/8 inch iron rod found for an angle point of the said called 3.4894 acre tract and an angle point in the herein described parcel of land;

THENCE, South 78° 33' 56" West (called South 76° 41' 38" West), along the south line of the said called 3.4894 acre tract and the south line of the herein described parcel, a distance of 60.08 feet (called 59.97 feet) to a 3/8 inch iron rod found for an angle point of the said called 3.4894 acre tract and an angle point in the herein described parcel of land;

THENCE, South 11° 15' 19" East (base of bearings), along the east line of the said called 3.4894 acre tract and the west line of the herein described parcel, a distance of 333.03 feet to a 3/8 inch iron rod found for an angle point of the said called 3.4894 acre tract and an angle point in the herein described parcel of land;

THENCE, South 50° 47' 06" West (called South 51° 00' 29" West), along the south line of the said called 3.4894 acre tract and the south line of the herein described parcel, a distance of 400.63 feet (called 401.76 feet) to a 1/2 inch iron rod found in the north line of a called 3.793 acre tract as recorded in Vol. 839, Pg. 76 D.R.W.C. for the southwest corner of the said called 3.4894 acre tract and an angle point in the herein described parcel of land;

THENCE, South 81° 15' 35" West (called South 81° 15' 35" West), along the north line of the said called 3.793 acre tract and the south line of the herein described parcel, passing at a distance of 148.97 feet to a 5/8 inch iron rod found for reference, continuing for a total distance of 193.79 feet (called 192.19 feet) to the centerline of Pool Creek for the northwest corner of the said called 3.793 acre tract and an angle point in the herein described parcel of land;

THENCE, North 20° 18' 41" West, along the centerline of the creek and the west line of the herein described parcel, a distance of 54.64 feet to an angle point of the herein described parcel of land;

THENCE, North 01° 37' 39" West, along the centerline of the creek and the west line of the herein described parcel, a distance of 50.89 feet to an angle point of the herein described parcel of land;

THENCE, North 16° 46' 51" West, along the centerline of the creek and the west line of the herein described parcel, a distance of 59.44 feet to an angle point of the herein described parcel of land;

THENCE, North 08° 03' 23" East, along the centerline of the creek and the west line of the herein described parcel, a distance of 72.61 feet to an angle point of the herein described parcel of land;

THENCE, North 03° 18' 03" West, along the centerline of the creek and the west line of the herein described parcel, a distance of 67.00 feet to an angle point of the herein described parcel of land;

THENCE, North 26° 41' 57" East, along the centerline of the creek and the west line of the herein described parcel, a distance of 67.80 feet to an angle point of the herein described parcel of land;

THENCE, North 03° 56' 11" East, along the centerline of the creek and the west line of the herein described parcel, a distance of 32.77 feet to an angle point of the herein described parcel of land;

THENCE, North 45° 37' 23" West, along the centerline of the creek and the west line of the herein described parcel, a distance of 27.27 feet to an angle point of the herein described parcel of land;

THENCE, North 33° 44' 52" East, along the centerline of the creek and the west line of the herein described parcel, a distance of 45.02 feet to an angle point of the herein described parcel of land;

THENCE, North 64° 34' 46" East, along the centerline of the creek and the west line of the herein described parcel, a distance of 82.07 feet to an angle point of the herein described parcel of land;

THENCE, North 08° 55' 54" East, along the centerline of the creek and the west line of the herein described parcel, a distance of 94.47 feet to an angle point of the herein described parcel of land;

THENCE, North 30° 46' 00" East, along the centerline of the creek and the west line of the herein described parcel, a distance of 51.01 feet to an angle point of the herein described parcel of land;

THENCE, North 78° 15' 30" East, along the centerline of the creek and the west line of the herein described parcel, a distance of 50.68 feet to an angle point of the herein described parcel of land;

THENCE, North 15° 04' 41" East, along the centerline of the creek and the west line of the herein described parcel, a distance of 67.23 feet to an angle point of the herein described parcel of land;

THENCE, South 88° 32' 12" West, along the north line of a 2.60 acre tract as recorded in Vol. 859, Pg. 629 D.R.W.C. and the south line of the herein described parcel, a distance of 713.85 feet to a 5/8 inch iron rod set in the east line of Richards Road for the northwest corner of the said called 2.60 acre tract and being an angle point of the herein described parcel of land;

THENCE, North 01° 01' 33" West, along the east line of the said Richards Road and the west line of the herein described parcel, a distance of 207.33 feet to a 5/8 inch iron rod set for the southwest corner of a called 10.68 acre tract and being an angle point of the herein described parcel of land;

THENCE, South 88° 36' 31" East, along the south line of the said 10.68 acre tract and the north line of the herein described parcel, for a distance of 1147.93 feet to a 5/8 inch iron rod set in the west line of a called 6.00 acre tract as recorded in Vol. 299, Pg. 545 D.R.W.C. for the southeast corner of the said called 10.68 acre tract and an angle point of the herein described parcel of land;

THENCE, South 02° 48' 51" West, along the west line of the called 6.00 acre tract and the east line of the herein described parcel, a distance of 310.35 feet to a 5/8 inch iron rod set for an angle point of the herein described parcel of land;

THENCE, North 84° 20' 31" East, along the south line of the called 6.00 acre tract and the north line of the herein described parcel, a distance of 577.39 feet to a 5/8 inch iron rod set for an angle point of the herein described parcel of land;

THENCE, North 02° 47' 24" East, along the east line of the called 6.00 acre tract and the west line of the herein described parcel, a distance of 77.16 feet to a point in the centerline of said called Pool Creek and an angle point of the herein described parcel of land;

THENCE, North 72° 43' 22" East, along the centerline of the creek and the north line of the herein described parcel, a distance of 95.07 feet to an angle point of the herein described parcel of land;

THENCE, North 82° 55' 06" East, along the centerline of the creek and the north line of the herein described parcel, a distance of 48.48 feet to the east right of way of said called F.M. 1098 and being an angle point of the herein described parcel of land;

THENCE, South 00° 06' 38" East (called South 00° 06' 38" East), along the east right of way line of said F. M. 1098 and the east line of the herein described parcel, a distance of 420.82 feet (called 418.85 feet) to the POINT OF BEGINNING and containing 17.29 acres.

A.P.N. 304100-136-000-100

AFTER RECORDING, PLEASE RETURN TO:

Bradley E. Rauch
Hirsch & Westheimer, P.C.
1415 Louisiana, 36th Floor
Houston, Texas 77002

FILED AND RECORDED

Instrument Number: 23-055

Filing and Recording Date: 06/13/2023 04:27:00 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

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: