



### NOTICE OF FORECLOSURE SALE

Notice is hereby given of a public nonjudicial foreclosure sale.

1. Property To Be Sold. The property to be sold is described as follows:

See Exhibit A attached hereto and made a part hereof as if copied herein verbatim.

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

Date: Tuesday, July 1, 2025

Time: The sale shall begin no earlier than 1:00 p.m. or no later than three hours thereafter. The sale shall be completed no later than 4:00 p.m.

Place: The area of the Waller County Courthouse in Hempstead, Texas, designated by the Commissioner's Court pursuant to Section 51.002 of the Texas Property Code as a place where foreclosure sales are to take place.

The Deed of Trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the Deed of Trust 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. Such reposting or refiling may be after the date originally scheduled for this sale.

3. 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 permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

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

The sale will be made expressly subject to any title matters set forth in the Deed of Trust, 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. 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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to the Deed of Trust, the beneficiary has the right to direct the trustee or substitute trustee to sell the property in one or more parcels and/or sell all or only part of the property.

Pursuant to 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. Prospective bidders are advised to conduct an independent investigation of the nature and condition of the property.

Pursuant to the Texas Property Code, the trustee or substitute 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 sale.

A debtor who is serving on active military duty may have special rights or relief related to this notice under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. app. Section 501 et seq.) and state law, including section 51.015 Texas Property Code. 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

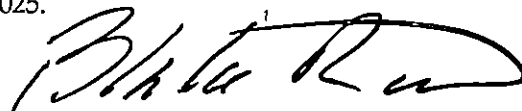
United States, please send written notice of the active duty military service to the sender of this notice.

4. Type of Sale. The sale is a nonjudicial Deed of Trust lien foreclosure sale being conducted pursuant to the power of sale granted by that one certain Deed of Trust, Security Agreement, and Assignment of Leases and Rents executed by Swead Ts Inc, dated August 15, 2019 and recorded in Document Number 1906867 of the Official Public Records of Waller County, Texas.

5. Obligations Secured. The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described in the original principal amount of \$639,200.00 executed by Swead Ts Inc payable to the order of BancorpSouth Bank (collectively the "Obligation"). Cadence Bank is the current owner and holder of the Obligation and is the beneficiary under the Deed of Trust.

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

DATED: June 6, 2025.



Blake Rasner  
Substitute Trustee  
Haley & Olson, P.C.  
100 N. Ritchie Road, Suite 200  
Waco, Texas 76712  
Telephone: (254) 776-3336  
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## **EXHIBIT "A"**

FIELD NOTES FOR A 3.998 ACRE TRACT OF LAND, BEING THE SAME CALLED 4.00 ACRE TRACT CONVEYED TO KITCO INTERESTS, LLC. AND RECORDED CLERK'S FILE NUMBER 1703625, BEING THE SAME TRACT OR PARCEL ORIGINALLY CONVEYED TO TRI-COUNTY INDUSTRIES, NC. AND RECORDED IN VOLUME 301, PAGE 176, DEED RECORDS, H.&T.C.R.R. CO. SURVEY, SECTION 125, ABSTRACT 203, AND THE P.M. CUNY SURVEY, ABSTRACT 355, WALLER COUNTY, TEXAS.

COMMENCING: At a P.K. Nail found at the intersection of the centerline of Tubular Road (70 foot width) with an extension of the North right-of-way line of McAllister Road (70 foot width);

THENCE: North  $88^{\circ} 44' 24''$  East at a distance of 1433.19 feet with the North right-of-way line of McAllister Road passing a point for the Southwest corner of this tract, at a distance of 1784.38 feet passing a 1/2 inch iron rod from which a 5/8 inch iron rod found bears South  $02^{\circ} 25' 43''$  East a distance of 9.56 feet for the Southwest corner of Reserve "A" of Cane Island Parkway, Phase 1, Amending Plat No. 2 recorded in Clerk's File Number 1504730 representing a possible deed encroachment, continuing for a total distance of 1789.19 feet to a 1/2 inch iron rod set for the Southeast corner and PLACE OF BEGINNING of this tract;

THENCE: South  $88^{\circ} 44' 24''$  West a distance of 356.00 feet with the South line of this tract, being the North right-of-way of McAllister Road, 70 feet North of and parallel to the North right-of-way line of the M.K.&T Railroad right-of-way, to a point for the Southwest corner of this tract and the Southeast corner of a called 2.000 acre tract conveyed to Tubular Steel, Inc. and recorded in Volume 363, Page 527, Deed Records, from which a bent 1/2 inch iron rod bears South  $16^{\circ} 16' 00''$  East a distance of 0.22 feet, a 1/2 inch iron rod found bears North  $87^{\circ} 48' 59''$  East a distance of 2.60 feet, and a 60D nail found bears South  $87^{\circ} 35' 03''$  West a distance of 2.49 feet;

THENCE: North  $01^{\circ} 26' 11''$  West a distance of 650.29 feet with the West line of this tract, being the East line of the above described called 2.000 acre tract, and the East line of the residue of a called 41.089 acre tract conveyed to Thomas Adams and B. Stanley Thompson and recorded in Vol. 403, Page 728, Deed Records, to a 1/2 inch iron rod found for the Northwest corner of this tract, an angle point in the East line of the 41.089 acre tract, and an angle point in the Southwest line of a called 32.782 acre tract conveyed to Tubular Steel, Inc. and recorded in Volume 325, Page 743, Deed Records, from which a 1/2 inch iron rod bears North  $83^{\circ} 44' 22''$  East a distance of 2.23 feet, and a 1/2 inch

iron rod found bears North  $59^{\circ}23'47''$  East a distance of 10.20 feet;

THENCE: South  $49^{\circ}3'20''$  East at a distance of 468.12 feet passing the West deed line of the above described Reserve "A", continuing for a total distance of 473.28 feet with the Northeast line of this tract, being the Southwest line of the above described 32.782 acre tract to a 1/2 inch iron rod set for the Southeast corner of the 32.782 acre tract, and the Northeast corner of this tract;

THENCE: South  $02^{\circ}06'09''$  East a distance of 335.15 feet with the East line of this tract to the PLACE OF BEGINNING and containing 3.998 acres of land.

All bearings recited hereon are based on the North right of way line of McAllister Road and South line of this tract running South  $88^{\circ}44'24''$  West.

## FILED AND RECORDED

Instrument Number: 25-056

Filing and Recording Date: 06/09/2025 01:47:45 PM Pages: 6 Recording Fee: \$4.00

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, 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: