

**NOTICE OF SALE BY TRUSTEE AND SUBSTITUTE TRUSTEE**

THE STATE OF TEXAS     §  
  §  
COUNTY OF WALLER     §

KNOW ALL MEN BY THESE PRESENTS:

THAT, WHEREAS, **LIVE OAK LAND DEVELOPMENT, LTD., A TEXAS LIMITED PARTNERSHIP** (“Borrower”) became indebted to **INVESTORS NOTE SERVICING, INC.** (“Lender”), as evidenced by that certain promissory note (the “Note”), dated June 25, 2010, in the original principal amount of **FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00)**, executed and delivered by Borrower to the order of **INVESTORS NOTE SERVICING, INC.**, as payee, bearing interest and being due and payable as therein provided; and

WHEREAS, the indebtedness evidenced by the Note (the “Indebtedness”) is secured by, among other items, that certain Deed of Trust (the “Deed of Trust”) dated of even date with the Note, executed by Borrower, to **SARA E. DYSART, Trustee**, for the benefit of Lender, said Deed of Trust being filed for record and recorded under Volume 1214, Page 592, of the Official Public Records of Waller County, Texas, covering the Real Property described as follows, to-wit:

Being a 803.86 acre tract of land in the William Hillhouse Survey, Abstract 136, Waller County, Texas, being out of a called 1250.724 acre tract of land as recorded under Volume 552, Page 127 of the Deed Records of Waller County, Texas (also in Montgomery County Clerk’s File No. 9678316) said 803.86 acres tract being more particularly described on Exhibit “A” attached hereto and made a part hereof for all purposes

along with any and all appurtenances, improvements, fixtures and personal property of any kind located thereon or pertaining thereto, including, without limitation, any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other facilities to the extent same pertain to or benefit all or any portion of the Property, including, without limitation, all reservations of or commitments or letters covering any such use in the future, whether now owned or hereafter acquired, and any leases and rents relating thereto, which are described therein (all of which is hereinafter referred to as the “Premises”;

RECORDER’S MEMORANDUM:  
All or parts of the text contained  
in this document was not clearly  
legible for satisfactory recordation.

WHEREAS, to the full extent the Deed of Trust or any other security agreement held by Lender covers both real and personal property, including, without limitation, any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other utility facilities to the extent same pertain to or benefit all or any portion of the Property, including, without limitation, all reservations of or commitments or letters covering any such use in the future, any of said personal property which is part of the Premises or which is otherwise covered by a lien or security interest in favor of Lender will be hereinafter included in the definition of Premises as used herein and sold at public sale, hereinafter described, pursuant to Section 9.501(d) of the Texas Uniform Commercial Code;

WHEREAS, **BROADWAY NATIONAL BANK, SELF-DIRECTED CUSTODIAN OF THE DAVID C. DICKSON ROTH IRA, ACCOUNT NO. 001855** ("Beneficiary") is the current holder and owner of the Deed of Trust and the note secured thereby by instrument dated October 2, 2013, recorded under Volume 1383, Page 317, Official Public Records of Waller County, Texas;

WHEREAS, there may be certain leases, rental agreements, easements and/or other matters (collectively, the "Other Matters") covering and/or affecting the Premises currently in existence;

WHEREAS, the liens securing the payment of the Indebtedness may be senior and superior to one or more of the Other Matters and junior and inferior to one or more of the Other Matters;

WHEREAS, with respect to the liens securing the payment of the Indebtedness, which are senior to the Other Matters and may not so subordinate liens to one or more of the Other Matters;

WHEREAS, in the event Lender/Beneficiary chooses to subordinate its liens securing the Indebtedness of any Other Matters, such decision will be announced at the foreclosure sale;

WHEREAS, default has been made in the payment of the Note and the Indebtedness, and the Note is now unpaid, delinquent and in default;

WHEREAS, Lender/Beneficiary has given all required notices to Borrower and any and all other necessary parties with regard to the defaulted Indebtedness or such notices to such other necessary parties have been waived;

WHEREAS, pursuant to the authority granted in the Deed of Trust, Lender/Beneficiary has appointed **PATRICIA POSTON, DAVID POSTON, NICK POSTON AND DEBBY JURASEK**, to act jointly or separately as **Substitute Trustee along with SARA E. DYSART, Trustee**, under the Deed of Trust pursuant to a duly authorized and executed appointment document

WHEREAS, Lender/Beneficiary has requested the undersigned to enforce the liens of the Deed of Trust by sale of the Premises in the manner set forth under the terms of the Deed of Trust and pursuant to the laws of the State of Texas and has instructed the undersigned to offer the Property for sale toward the satisfaction of the Note; and

WHEREAS, the undersigned Trustee and/or Substitute Trustee, acting upon the request of said Lender/Beneficiary, by these presents is hereby posting, filing, and giving notice of foreclosure of the Deed of Trust and the lien thereto in accordance with applicable Texas law and the terms and provisions of the Deed of Trust.

**NOW, THEREFORE, I, the undersigned, SARA E. DYSART and/or PATRICIA POSTON, DAVID POSTON, NICK POSTON AND DEBBY JURASEK, acting jointly or separately as Trustee or Substitute Trustee**, do hereby give notice that after due publication of this notice as required by law and the Deed of Trust, I will sell the Premises at public venue, to the highest bidder or bidders, for cash, which sale will begin no earlier than 10:00 a.m. and not later than 1:00 p.m. on the first Tuesday in May next, the same being May 5, 2015 at the County Courthouse in Waller County, Texas, in the area where foreclosure sales are to take place as designated by the Commissioner's Court of said county, said designation having been recorded in the Official Public records of said county.

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.

THERE WILL BE NO WARRANTY RELATING TO TITLE, POSSESSION, QUIET ENJOYMENT, OR THE LIKE FOR THE PERSONAL PROPERTY IN THIS DISPOSITION.

THE ADDRESS OF SARA E. DYSART, TRUSTEE AND PATRICIA POSTON, DAVID POSTON, NICK POSTON AND DEBBY JURASEK, SUBSTITUTE TRUSTEE, IS 112 E. PECAN STREET, SUITE 3050, SAN ANTONIO, TEXAS 78205. ALL INQUIRIES SHOULD BE SENT TO THIS ADDRESS.

EXECUTED on this the 13 day of April 2015.

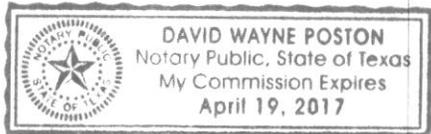
Patricia Poston  
Print: Patricia Poston  
Substitute Trustee

THE STATE OF TEXAS

COUNTY OF GALVESTON

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§  
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This instrument was acknowledged before me on the 13 day of April 2015, by PATRICIA POSTON, Substitute Trustee, in the capacity herein stated.



David W. Poston  
NOTARY PUBLIC, STATE OF TEXAS

AFTER RECORDING RETURN TO:

SARA E. DYSART  
Attorney at Law  
112 E. Pecan, Suite 3050  
San Antonio, Texas 78205

# EXHIBIT "A"



"A LAND SURVEYING COMPANY"

May 10, 2010  
A136AC803.86

BEING a 803.86 acre tract of land in the William Hillhouse Survey, Abstract 136, Waller County, Texas, being out of a called 1250.724 acre tract of land as recorded under Volume 552, Page 127 of the Deed Records of Waller County, Texas, (also in Montgomery County Clerk's File No. 9678316) said 803.86 acres tract being more particularly described as follows:

BEGINNING at the northeasterly corner of Lot 8, Remington Forest Section One, as recorded in Cabinet "B", Sheet 156, of the Map Records of Waller County, Texas;

THENCE along the northerly line of Remington Forest as follows:

THENCE N 71deg19'31" W, a distance of 176.02' to a found 5/8" iron rod  
THENCE N 80deg21'53" W, a distance of 315.27' to a found 5/8" iron rod  
THENCE S 75deg59'54" W, a distance of 89.70' to a found 5/8" iron rod  
THENCE N 81deg44'52" W, a distance of 110.31' to a found 5/8" iron rod  
THENCE S 79deg04'39" W, a distance of 153.54' to a found 5/8" iron rod  
THENCE N 67deg55'31" W, a distance of 323.68' to a found 5/8" iron rod  
THENCE S 43deg05'21" W, a distance of 324.47' to a found 5/8" iron rod  
THENCE N 46deg54'53" W, a distance of 73.97' to a found 5/8" iron rod  
THENCE S 43deg05'03" W, a distance of 70.01' to a found 5/8" iron rod  
THENCE S 87deg28'04" W, a distance of 2210.19' to a found 5/8" iron rod  
THENCE N 34deg50'44" W, a distance of 40.47' to a found 5/8" iron rod  
THENCE N 01deg06'16" E, a distance of 140.75' to a found 5/8" iron rod

THENCE S 50deg40'48" W, a distance of 148.53' to a found 5/8" iron rod in the westerly line of the said 1250.72 acre tract, also being in an east line of a called 2023.42 acre tract as recorded in Montgomery County Clerk's File No. 2003-001614, also being the northwesterly corner of Restricted Reserve G of Remington Forest Section 1, and being the southwest corner of the herein described tract;

THENCE N 03 deg. 09' 01" W, along the westerly line of said 1250.724, a distance of 8884.65 feet to a found 1/2" iron rod being the northwesterly corner of the herein described tract;

THENCE N 86 deg. 50' 05" E, along the north line of the said 1250.724 acre tract, a distance of 4031.65 feet to a found 1/2" iron rod for the southwest corner of a called 62.67 acre tract of land as recorded in Montgomery County Clerk's File No. 2006-059345, also being a northerly northeast corner of the said 2023.42 acre tract, also being the northwesterly corner of a called 320.00 acre tract of land as recorded in Montgomery County Clerk's File No. 99063304, and platted as Ranch Crest Subdivision, and being the northeasterly corner of the herein described tract;

THENCE S 01 deg. 36' 40" E, along the westerly line of the 320.00 acre tract, a distance of 9037.82 feet to the POINT OF BEGINNING, and containing 803.86 acres of land more or less.

## FILED AND RECORDED

**Instrument Number: 15-034**

Filing and Recording Date: 04/13/2015 12:39:08 PM Pages: 6 Recording Fee: \$6.00

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*

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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.

Daisy Metcalf, Deputy

Returned To: