

12-5 F-11

FILED FOR RECORD
at 10:42 o'clock A M

NOV 03 2023

NOTICE OF TRUSTEE'S SALE

BECKY LANDRUM
County Clerk, Hunt County, Tex.

THE STATE OF TEXAS §
§
COUNTY OF HUNT §

KNOW ALL PERSONS BY THESE PRESENTS:

THAT, WHEREAS, on or about **April 21, 2017** **Maria F. Diaz** ("**Borrower**"), executed and delivered to **Lee J. Schmitt**, Trustee whose address is **P O Box 870 Lancaster, Texas 75146**, for the benefit of **NEXTLOTS NOW, LLC**, a **Texas limited liability company** ("**Lender**"), that certain (the "**Deed of Trust**"), recorded in as **Instrument#2017-05339** of the Official Records of **Hunt County, Texas**, to secure payment of that certain **OF THE PROMISSORY NOTE** in the original principal amount of **\$48,000.00**, dated **April 21, 2017**, and the other indebtedness, liabilities, and obligations described in the Deed of Trust (collectively, the "**Indebtedness**");

WHEREAS, pursuant to and in accordance with the terms and conditions of the Deed of Trust, Lender hereby appoints **Lee J. Schmitt** an individual ("**Trustee**"), whose address is **P O Box 870 Lancaster, Texas 75146**, to succeed to all of the rights, powers, and estates granted and delegated in the Deed of Trust to the Original Trustee and any subsequent trustee; and

WHEREAS, the Deed of Trust creates liens on certain real property situated in **Hunt County, Texas** more particularly described on **Exhibit A** attached hereto and made a part hereof (the "**Land**"), including any improvements located thereon (the "**Improvements**", and collectively with the Land, the "**Mortgaged Property**"); and

WHEREAS, Lender has made demand upon Borrower to pay to Lender the Indebtedness, but Lender has not been paid; and

WHEREAS, Lender has accelerated the Indebtedness and the Indebtedness is now due and payable; and

WHEREAS, Lender as owner of the Indebtedness has requested Trustee to sell the Mortgaged Property to satisfy, in whole or in part, the Indebtedness.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, **December 5, 2023**, at **10:00 A.M.** or no later than three hours after that time, Trustee, or a subsequently appointed successor substitute trustee, will commence the sale of the Mortgaged Property, in parcels or as a unit, at public auction to the highest bidder for cash; such sale will be held at the area designated for such sales by Resolutions of the Commissioner's Court of **Hunt County, Texas**, SUBJECT, HOWEVER, to all liens, exceptions to title, easements, restrictions, and encumbrances affecting any of the Mortgaged Property or title thereto which are equal or prior to the liens and security interests created by the Deed of Trust.

To the extent that any of the Mortgaged Property has been released from the lien of the Deed of Trust, this notice is not intended to cover such property, and such property will not be part of the property conveyed to the purchaser hereunder.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "**AS IS,**" without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to section 51.0075(a) of the Texas Property Code, Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Trustee.

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.

If such sales do not result in full satisfaction of all of the Indebtedness, the liens and security interests of the Deed of Trust shall remain in full force and effect with respect to any of the Mortgaged Property not so sold and any and all items and types of real and personal property covered by the Deed of Trust and not described herein.

LENDER: NEXTLOTS NOW, LLC,
a Texas limited liability company

By: *Beatriz Schmitt*
Name: Beatriz Schmitt, Manager

EXECUTED effective as of October 31st, 2023

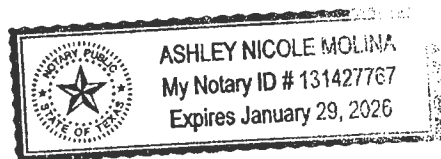
Lee J. Schmitt
Lee J. Schmitt, Trustee

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on October 31st, 2023, by

Lee J. Schmitt, in the capacity therein stated.

[SEAL]



Ashley Nicole Molina
Notary Public in and for the State of Texas

Exhibit A

Legal Description of the Land

Tract 1: Being 1 Acre, Tract 33, Part Of The S.M. Casteel Survey, Abstract Number 223, As Described In The Warranty Deed Recorded In Volume 270, Page 289, On Instrument Filed April 15, 1993 And Also As Described In The Last Will And Testament Recorded In Volume 210, Page 809, On Instrument Filed August 9, 1993 And Constables Deed Doc# 2015-4150 Filed April 15, 2015 In Hunt County, Texas And Being Further Identified On The Tax Rolls And Records Of The Commerce Independent School District Under Account Number R23191.

Tract 2: Being 2.774 Acres, Tract 32, Part Of The S.M. Casteel Survey, Abstract Number 223, As Described In The Warranty Deed Recorded In Volume 270, Page 289, On Instrument Filed April 15, 1993 And Also As Described In The Last Will And Testament Recorded In Volume 210, Page 809, On Instrument Filed August 9, 1993 And Constables Deed Doc# 2015-4150 Filed April 15, 2015 In Hunt County, Texas And Being Further Identified On The Tax Rolls And Records Of The Commerce Independent School District Under Account Number R23190

Tract 3: Being 1.158 Acres, Tract 24, Part Of The S.M. Casteel Survey, Abstract Number 223, As Described In The Warranty Deed Recorded In Volume 270, Page 289, On Instrument Filed April 15, 1993 And Also As Described In The Last Will And Testament Recorded In Volume 210, Page 809, On Instrument Filed August 9, 1993 And Constables Deed Doc# 2015-4150 Filed April 15, 2015 In Hunt County, Texas And Being Further Identified On The Tax Rolls And Records Of The Commerce Independent School District Under Account Number R23185

(Address: FM 2874 Commerce, Hunt County, Texas 75428)