

NOTICE OF FORECLOSURE SALE

FILED
AT 9:20 o'clock A M

APR 11 2017

JC Perez III, Co. Clk. Jim Wells Co, Texas
Deputy

- Property to Be Sold.** The property to be sold is described as follows (the "Property"):
See Exhibit "A" attached hereto and incorporated herein for all pertinent purposes, together with all improvements, fixtures, and appurtenances thereto.
- Instrument to be Foreclosed.** The instrument to be foreclosed is the deed of trust ("Deed of Trust") executed by Windbreak 5 LLC, dated October 29, 2007, recorded at Volume 1012, Page 66, Official Public Records of Jim Wells County, Texas, and Volume 461, Page 500, Official Public Records of Duval County, Texas, securing a promissory note ("Note") payable to First Community Bank and other indebtedness described therein.
- Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:
Date: May 2, 2017
Time: The sale will begin no earlier than 1:00 p.m. or no later than three hours thereafter. The sale will be completed by no later than 4:00 p.m.
Place: Jim Wells County Courthouse in Alice, Texas, at the following location: **South door of the Courthouse.**

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. The reposting or refiling may be after the date originally scheduled for this sale.

- 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 within one hour of the acceptance of the bid by the trustee or substitute trustee.

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 ad valorem taxes related to the Property and 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 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. 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.

- 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.

Questions concerning the sale may be directed to the undersigned or to the beneficiary, First Community Bank, 5406 Everhart, Corpus Christi, Nueces County, Texas 78411. Telephone: (361) 993-9310.

6. **Default and Request to Act.** Default has occurred under the Deed of Trust, and the 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.

7. **Partial Foreclosure.** Pursuant to the Deed of Trust, the beneficiary has the right to direct the trustee to sell the Property in one or more parcels and/or to sell all or only part of the Property.

Assert and protect your rights as a member of the armed forces of the United States. If you 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.

Dated: April 11, 2017.



/s/ Douglas Bircher, Substitute Trustee
1001 Third St., Suite 1
Corpus Christi, Texas 78404
(361) 884-4981
(361) 884-1286 (fax)

EXHIBIT "A"

TRACT 1:

A 556.2 acre tract of land out of the Anima Sola Grant, Vital Hinojosa, Original Grantee, State Abstract No. 545, and out of Las Anacuas Grant, Abstract No. 627, in both Duval and Jim Wells County, said 556.2 acre tract being part of the lands described in a Gift Deed recorded in Book 281, Pages 106-114 Deed Records of Duval County, Texas and is also being more particularly described by metes and bounds as follows:

COMMENCING at a half (1/2) inch iron rod found at the Southeast corner of Share No. 3, Las Anacuas Grant in Jim Wells County, same being the (Southeast corner of the Esperanza O. Salinas 317.186 acre tract of land), said Southeast corner bears North 67° 45' 34" East, a distance of 5615.33 feet from the Northwest corner of the said Anima Sola Grant, for the Northeast corner of this tract of land and the POINT OF BEGINNING;

THENCE South 00° 15' 01" East, with an existing fence line a distance of 2143.37 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE North 89° 45' 28" East, with an existing fence line a distance of 3899.56 feet to a half (1/2) inch iron rod found for a corner of this tract of land;

THENCE South 00° 38' 10" West, with an existing fence line a distance of 742.09 feet to a half (1/2) inch iron rod found at the North right of way line of County Road 440 for a corner of this tract of land;

THENCE North 89° 34' 33" West, with an existing fence line and said North right of way line a distance of 2371.79 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE North 01° 26' 59" East, with an existing fence line a distance of 189.21 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE South 89° 01' 51" West, with an existing fence line a distance of 396.65 feet to a half (1/2) inch iron rod found for a corner of this tract of land;

THENCE South 89° 45' 28" West, a distance of 237.93 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE South 00° 21' 50" West, a distance of 183.09 feet to a half (1/2) inch iron rod set at the North right of way line of said County Road 440 for a corner of this tract of land;

THENCE South 89° 45' 41" West, with an existing fence line and the said North right of way line of County Road 440, at approximately 2900 feet pass the Jim Wells & Duval County Line, at 4635.02 feet in all to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE continuing with said North right of way being a curve to the left, having a Radius of 404.78 feet and a Delta Angle of 43° 23' 41", and an Arc Length of 306.57 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE North 37° 10' 00" West, with an existing fence line a distance of 586.84 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE North 79° 25' 21" West, with an existing fence line, a distance of 312.68 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE South 06° 17' 48" East, with an existing fence line a distance of 749.56 feet to a half (1/2) inch iron rod set at the North right of way of said County Road 440, for a corner of this tract of land;

THENCE South 37° 38' 08" 7038'08" West, with an existing fence line and the North right of way line of said County Road 440, a distance of 397.38 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE South 18° 56' 15" West, with an existing fence line and said North right of way line a distance of 319.06 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE South 89° 32' 33" West, with an existing fence line a distance of 309.43 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE South 00° 57' 58" West, with an existing fence line a distance of 209.82 feet to a half (1/2) inch iron rod set at the North right of way line of said County Road, for a corner of this tract of land;

THENCE South 57° 16' 16" West, with an existing fence line and said North right of way line a distance of 209.82 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE South 89° 20' 29" West, with an existing fence line and the North right of way line of said County Road, a distance of 1378.93 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE North 00° 11' 52" East, with an existing fence line a distance of 2461.39 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE North 89° 20' 29" East, with an existing fence line a distance of 292.57 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE North 00° 26' 22" West, with an existing fence line a distance of 2097.63 feet to a half (1/2) inch iron rod set for a corner of this tract of land;

THENCE North 89° 20' 18" East, with an existing fence line at approximately 4450 feet pass the Duval and Jim Wells County Line, at 6489.82 feet in all to the POINT OF BEGINNING, containing 556.2 acres of land, more or less.

TRACT 2:

A 38.9 acre tract of land, being Share No. 7, out of the Original Share 6-C of the Anima Sola Grant, Vital Hinojosa, Original Grantee, State Abstract No. 545, Jim Wells County, said 38.9 acre tract being part of the lands described in a Gift Deed recorded in Book 281, Pages 106-114 Deed Records of Duval County, Texas and is also being more particularly described by metes and bounds as follows:

COMMENCING at the Northeast corner of Share No. 6, same being the Northwest corner of this tract of land and the POINT OF BEGINNING;

THENCE South 89° 56' 32" East, with the North line of said Share No. 7, being in the right of way of County Road 440, a distance of 875.20 feet to the Northeast corner of this tract of land;

THENCE South 00° 07' 01" East, at 30.00 feet pass a half (1/2) inch iron rod set at the South right of way line of said County Road 440, at 1934.14 feet in all to a half (1/2) inch iron rod set at the Southeast corner of said Share No. 7 for the Southeast corner of this tract of land;

THENCE South 89° 33' 57" West, with the South line of said Share No. 7, a distance of 875.08 feet to a half (1/2) inch iron rod set in the Southwest corner of said Share No. 7 for the Southwest corner of this tract of land;

THENCE North 00° 07' 15" West, with the West line of said Share No. 7, at 1911.65 feet pass a half (1/2) inch iron rod set at the South right of way line of said County Road 440, at 1941.65 feet in all to the POINT OF BEGINNING, containing 38.9 acres of land, more or less.