

3:30 FILED  
AT O'CLOCK PM

DEC 11 2017

JC Peter III, Co. Clk., Jim Wells Co. Texas  
By *[Signature]* Deputy

### NOTICE OF FORECLOSURE SALE

**THIS INSTRUMENT APPOINTS THE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGEE SERVICER.**

**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.**

Notice is hereby given of a public nonjudicial foreclosure sale.

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

Share Four: 66.08 acres of land designated as Share No. 4 in this partition of 264.32 acres of land consisting of a 214.32 acre tract designated as Tract No. 1 in a partition of land out of "La Tinaja de Lara" Grant A-36, Jim Wells County, Texas and said portion being of record in Vol. 297, pages 52-57 Deed Records of said county and also a 50 acre tract known as the North 50 acres of the North 150 acre of the West 200 acres of Share No. 7 as conveyed by Eduardo Perez Pena to Elena Perez de Moreno by Deed dated May 8, 1923 and of record in Vol. 22 pages 398-399 Deed Records of Jim Wells County, Texas and said Share No. 7 being allotted to Eduardo Perez in a partition of the Manuel Perez (deceased) 5825.5 acres out of "la Tinaja de Lara" Grant A-36 and of Record in Vol. 1, page 33 Map Records of Jim Wells County, Texas and said Share No. 4 of 66.08 acres of land being more particularly described by metes and bounds on Exhibit A attached hereto.

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

Date: January 2, 2017

Time: The sale shall begin no earlier than 10:00 a.m. or no later than three hours thereafter.  
The sale shall be completed by no later than 1:00 p.m.

Place: Jim Wells County Courthouse in Alice, Texas, at the following location: South door entrance of the Jim Wells County 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. Such reposting or refiled 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 day the property is sold.

The sale will be made expressly subject to any title matters set forth in the deeds 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 deeds of trust. The sale shall not cover any part of the property that has been released of public record from the lien of the deeds 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 deeds 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.

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

Pursuant to §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.

4. Type of Sale. The sale is a nonjudicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by a Deed of Trust dated July 3, 2013 recorded in Volume 1196, Page 332 in the Official Records of Jim Wells County, Texas and modified by Modification Agreement-Real Estate Note and Lien dated August 20, 2014 recorded as Vol. 1235, Page 831, Official Public Records of Jim Wells County, Texas, and a Second Lien Deed of Trust dated December 20, 2013 recorded in Volume 1209, Page 478 in the Official Records of Jim Wells County, Texas.

5. Obligations Secured. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to (1) Promissory Note dated July 3, 2013 in the original principal amount of \$133,288.00 payable to First State Bank of San Diego executed by Joanna Cecilia Olvera a/k/a Joanna Cecilia Perez and a Promissory Note dated December 20, 2013 in the original principal amount of \$76,712.00 payable to First State Bank of San Diego executed by Joanna Cecilia Olvera a/k/a Joanna Cecilia Perez; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of Joanna Cecilia Olvera to First State Bank of San Diego. First State Bank of San Diego is the current owner and holder of the Obligations and is the

beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiary:

First State Bank of San Diego, P.O. Box 427, San Diego, Texas, 78384 Attention: Katie  
Dunn, Telephone: (361) 279-3316

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 December 11, 2017.



Katie Dunn, Trustee  
P.O. Box 427  
San Diego, Texas 78384  
Telephone: (361) 279-3316  
FAX: (361) 279-8112

## Exhibit A

SHARE FOUR: 66.08 acres of land designated as Share No. 4 in this partition of 264.32 acres of land consisting of a 214.32 acre tract designated as Tract No. 1 in a partition of 648.2 acres of land out of "La Tinaja de Lara" Grant, A-36, Jim Wells County, Texas and said partition being of record in Vol. 297, pages 52-57 Deed Records of said County and also a 50 acre tract known as the North 50 acres of the North 150 acres of the West 200 acres of Share No. 7 as

conveyed by Eduardo Perez Pena to Elena Perez de Moreno by Deed dated May 8, 1923 and of record in Vol. 22 pages 398-399 Deed Records of Jim Wells County, Texas and said Share No. 7 being allotted to Eduardo Perez in a partition of the Manuel Perez (deceased) 5825.5 acres out of "La Tinaja de Lara" Grant A-36 and of Record in Vol. 1, page 33 Map Records of Jim Wells County, Texas and said Share No. 4 of 66.08 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" Iron Rod set in the South R.O.W. line of County Rd. No. 241 (40' R.O.W.) For the N.E. corner of this partition of 264.32 acres of land and for the N.E. corner of a 150 acre tract and for the N.E. corner of the said 50 acre tract and also for the N.E. corner of this Share No. 4.

THENCE, South along the East line of the said 50 acre tract, a distance of 1373.50' to a 3/4" Iron Rod (found) for the S.E. corner of the said 50 acre tract and also for the upper most Easterly S.E. corner of this Share No. 4.

THENCE, S-89°-50'-W, along a fence, the South line of said 50 acre tract, a distance of 1586.00' to a 3/4" Iron Rod (found) at the fence corner for the S.W. corner of said 50 acre tract and for an inner corner of this partition of 264.32 acres of land and also for an inner corner of this Share No. 4, and said corner being in the West line of said Original Share No. 7.

THENCE, S-00°-07'-E, along the West line of said Original Share No. 7 and also the East line of said Tract No. 1, a distance of 468.60' to a 3/4" Iron Rod (found) for the S.E. corner of said Tract No. 1 and also for the N.E. corner of Rosa Perez Tract No. 2 of the partition of 648.2 acres of land, for the lower or more Westerly S.E. corner of this Share No. 4.

THENCE, S-89°-50'-W, along the North line of the said Rosa Perez Tract No. 2 and the South line of said Tract No. 1, a distance of 381.34' to a 5/8" Iron Rod set for the S.E. corner of Share No. 3 and also for the S.W. corner of this Share No. 4.

THENCE, N-00°-10'-W, along the East line of said Share No. 3, a distance of 1827.18' to a 5/8" Iron Rod set in the South R.O.W. line of County Rod No. 241, for the N.E. corner of said Share No. 3 and also for the most Westerly N.W. corner of this Share No. 4.

THENCE, N-89°-50'-E, along the South line of said County Road, a distance of 385.71' to a 5/8" Iron Rod (found) for the N.E. corner of the said 214.32 acre tract and also for an inner corner of this Share No. 4.

THENCE, N-00°-02'-W, along the West line of the said 50 acre tract, a distance of 14.91' to a 5/8" Iron Rod set for the N.W. corner of the said 50 acre tract and also for the most Easterly N.W. corner of this Share No. 4.

THENCE, N-89°-50'-E, along the South line of said County Road, the North line of said 50 acre tract, a distance of 1586.00' to the place of beginning and containing 66.08 acres of land.

### LESS, SAVE, AND EXCEPT THE FOLLOWING:

Being 1.01 acres of land out of a called 66.08 acres of land described as Share No. 4 in a partition of 264.32 acres of land, out of "La Tinaja de Lara" Grant, A-36, Jim Wells County, Texas and being further described in instrument executed by Hector Perez to Richaro Saenz and wife, Ramona Saenz, dated May 27, 1981, recorded in Vol. 410, Page 188 et seq., Deed Records, Jim Wells County, Texas.