

Notice of Foreclosure Sale

Tuesday, January 7, 2020

Deed of Trust:

Dated: June 24, 2016
Grantor: CRISTOBAL GUTIERREZ
Trustee: CARLOS J. KLUTTS
Lender: LAMPASITOS LAND LTD., a Texas limited partnership
Recorded in: Document No. 193100 in Book 1594, Page 90, of the Official Public Records of Maverick County, Texas

FILED
AT 3:57 O'CLOCK P.M.

DEC 17 2019

SARA MONTEMAYOR
County Clerk Maverick County, Texas
By *Salia Martini* Deputy

Property: THE SURFACE ESTATE ONLY IN AND TO TRACT NO. 208, A 20.047 ACRE TRACT OUT OF SURVEY NO. 27, BLOCK 6, I & GN RR CO. SURVEY, IN MAVERICK COUNTY, TEXAS.

BEING a 20.047 acre tract or parcel of land out of and being a part of Survey No. 27, A-633, Block 6, I & GN RR Co. Survey, in Maverick County, Texas, and being a part of that certain 1531.030 acre tract out of Survey No. 26, A-633, Survey No. 27, A-633, Survey No. 51, A-657, Survey No. 52, A-658, and Survey No. 57, A-663, Block 6, I & GN RR Co. Survey, in Maverick County, Texas, and being described in a deed from CARLOS J. KLUTTS to LAMPASITOS LAND, LTD dated August 12, 2010, recorded in Book 1252, Page 368, Maverick County Deed Records. Said 1531.030 acre tract being a part of that certain 3714.107 acre tract described in a deed from Herrinton Partners, Ltd, to Barnes Brothers Farms, LLC, recorded in Vol. 515, Page 48, Maverick County Deed Records; said 20.047 acre tract more particularly described by metes and bounds on Exhibit "A" attached to and made a part of this instrument for all purposes. A PORTION OF THIS PROPERTY IS OR MAY BE LOCATED IN THE 100-YEAR FLOOD PLAIN.

Secures: Real Estate Lien Note ("Note") in the original principal amount of \$64,000.00, executed by CRISTOBAL GUTIERREZ ("Borrower") and payable to the order of Lender

Foreclosure Sale:

- Date:** Tuesday, January 7, 2020
- Time:** The sale of the Property will be held between the hours of 1:00 P.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 1:00 P.M.
- Place:** Maverick County Courthouse, 500 Quarry Street, Eagle Pass, TX 78852, or any such place so designated by the Maverick County Commissioners for the place for such sales
- Terms:** The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that the Lender's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, CARLOS J. KLUTTS, Trustee of LAMPASITOS LAND LTD., the owner and holder of the Note, has requested Trustee to sell the Property. Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If the Lender passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure 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 Foreclosure 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. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by the Lender. 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 "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.


CARLOS J. KLUTTS, Trustee

DALE L. OLSON
Registered Professional Land Surveyor
711 Water Street
Bastrop, TX 78602
Phone (512) 321-5476 * Fax (512) 303-5476

FIELD NOTES FOR TRACT NO. 208, A 20.047 ACRE TRACT OUT OF SURVEY NO. 27, BLOCK 6, I&G.N. R.R CO. SURVEY, IN MAVERICK COUNTY, TEXAS.

BEING a 20.047 acre tract or parcel of land out of and being a part of the Survey No. 27, A-633, Block 6, I&GN RR Co. Survey, in Maverick County, Texas, and being a part of that certain 1531.030 acre tract out of Survey No. 26, A-632, Survey No. 27, A-633, Survey No. 51, A-657, Survey No. 52, A-658, and Survey No. 57, A-663, Block 6, I&GN RR Co. Survey, in Maverick County, Texas, being described in a deed from Carlos J. Klutts to Lampasitos Land, Ltd., dated Aug. 12, 2010, recorded in Book 1252, Page 368, Maverick County Deed Records. Said 1531.030 acre tract being a part of that certain 3714.107 acre tract described in a deed from Herrinton Partners, Ltd, to Barnes Brothers Farms, LLC, recorded in Vol. 515, Page 48, Maverick County Deed Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

COMMENCING for reference at the southwest corner of the said 1531.030 acre tract, a 5/8 inch iron rod found in the north line of US Highway No. 277 and south line of the 3714.107 acre tract, the southeast corner of that certain 1531.049 acre tract described in a deed from Carlos J. Klutts to Lampasitos Land, Ltd., recorded in Vol. 1222, Page 173, Maverick County Deed Records.

THENCE with the west line of the 1531.030 acre tract common with the east line of the 1531.049 acre tract, N 20 deg. 27 min. 20 sec. E, 4070.19 feet to a 5/8 inch iron rod found where same intersects the center of Sunbeam Ridge Road, a 60 foot access easement.

THENCE with the center of Sunbeam Ridge Road, N 83 deg. 26 min. 33 sec. E, 2656.60 feet to a 5/8 inch iron rod set where same intersects the center of Sunbird Run, another 60 foot access easement.

THENCE continuing with the center of Sunbeam Ridge Road, N 87 deg. 20 min. 41 sec. E, 3491.43 feet to a 5/8 inch iron rod set where same intersects the center of Suncatcher Way, another 60 foot access easement.

THENCE continuing with the center of Sunbeam Ridge Road, N 84 deg. 40 min. 35 sec. E, 807.20 feet to a 5/8 inch iron rod set for the POINT OF BEGINNING, the southwest corner of this tract, from which a 5/8 inch iron rod set for reference in the north line of said easement bears N 00 deg. 00 min. 00 sec. W, 30.13 feet.

THENCE N 00 deg. 00 min. 00 sec. W, 1362.29 feet to a 5/8 inch iron rod set in the north line of the 1531.030 acre and 3714.107 acre tracts, for the northwest corner of this tract.

THENCE with the north line of the said 1531.030 acre and 3714.107 acre tracts, N 82 deg. 42 min. 11 sec. E, 641.04 feet to a 5/8 inch iron rod set for the northeast corner of this tract.

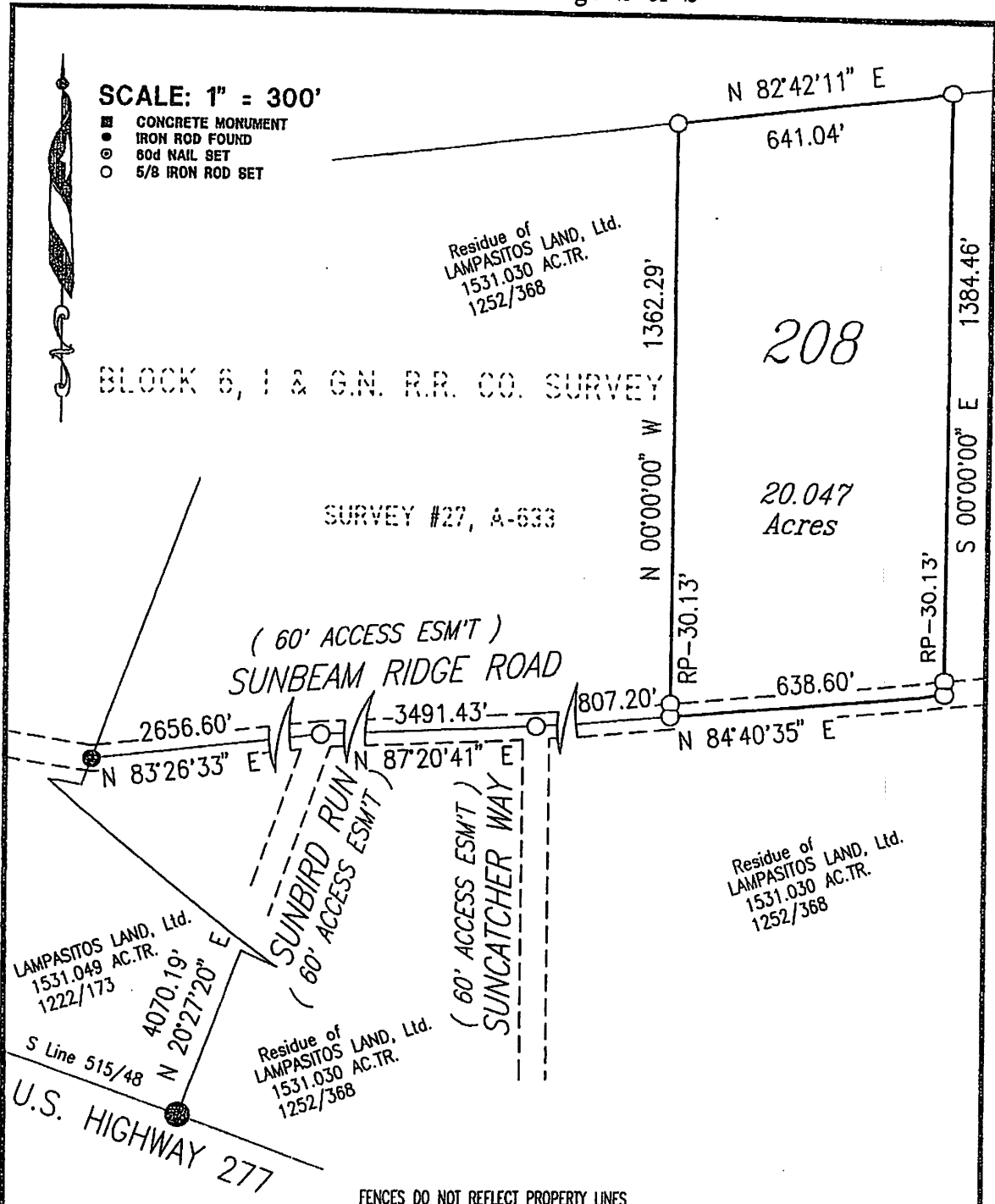
THENCE S 00 deg. 00 min. 00 sec. E, 1384.46 feet to a 5/8 inch iron rod set in the center of Sunbeam Ridge Road, the before mentioned 60 foot access easement, for the southeast corner of this tract, from which a 5/8 inch iron rod set for reference in the north line of said road bears N 00 deg. 00 min. 00 sec. W, 30.13 feet.

THENCE with the center of Sunbeam Ridge Road, S 84 deg. 40 min. 35 sec. W, 638.60 feet to the POINT OF BEGINNING, containing 20.047 acres of land.



Dale L. Olson
Reg. Pro. Land Surveyor 5386

OR Michael D. Olson
Reg. Pro. Land Surveyor 5386



The undersigned does hereby certify for the Title Agency, Underwriter, Lender, Mortgage Co. and/or Purchaser, that this survey was, this day, made on the ground, on the property hereby described herein, and is correct, and there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and that said property has frontage on a dedicated road way, except as shown hereon.

DALE L. OLSON
REG. NO. 1753
DALE L. OLSON SURVEYING COMPANY
DATE: 08/30/10

MICHAEL D. OLSON
REG. NO. 5588
DALE L. OLSON SURVEYING COMPANY

DALE L. OLSON
REGISTERED PROFESSIONAL LAND SURVEYOR
711 WATER STREET (512) 321-5476 BASTROP, TEXAS

SURVEY PLAT
of Tract 208, a 20.047 Acre Tract in
BLOCK 6, I&GN RR Co. SURVEY #27,
A-633, in MAVERICK COUNTY, TEXAS.

SCALE:	1" = 300.00'
DRAWN BY:	K. Coates
DATE:	30 AUG 10
DISK-FILE	308-L_208
ORDER	135309-208
PLAT FILE	-0-