

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

THE STATE OF TEXAS
COUNTY OF KLEBERG

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KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on August 6, 2008, **Los Pollitos, Inc.** ("Grantor") executed and delivered a Real Estate Deed of Trust (the "Deed of Trust") conveying to **David Zalman**, as Trustee, the hereinbelow described property to secure **Prosperity Bank** in the payment of an indebtedness (the "Note") therein described, the Deed of Trust being filed and recorded under Clerk's File No. 276427, Volume 0397, Page 210, et. seq., in the Official Public Records of Real Property of Kleberg County, Texas, to which reference is hereby made for all purposes; and

WHEREAS, default has occurred in the payment of the Note and the same is now wholly due, and **Prosperity Bank** (the "Beneficiary"), the owner and holder of the Note, has requested the undersigned to sell the Property to satisfy the Note; and

WHEREAS, the above named Trustee and any previously appointed Substitute Trustee was removed under and in accordance with the Deed of Trust and the Beneficiary designated and appointed **L. David Smith, Michael J. Smith, Sandra Mendoza, Arnold Mendoza, Bob Frisch, Jodi Steen, Susan Sandoval, Leslye Evans, Vicki Hammonds, Alexis Mendoza, Janice Stoner and Mary Goldston, any of whom may act independently** as Substitute Trustee to enforce the Trust, and any of whom may conduct the sale of the Property and may be contacted as indicated on the signature block below.

FILED FOR RECORD

2019 MAY 13 AM 11:23

STEVEN
COUNTY CLERK
BY 

NOW, THEREFORE, pursuant to the authority conferred upon me by the Deed of Trust, I, **Michael J. Smith**, hereby give notice that I or one of the other Substitute Trustees whose names and addresses are set out below, will sell the Property at public auction to the highest bidder, for cash, on **Tuesday, June 4, 2019**. The earliest time at which the sale will occur shall be at **1:00 o'clock P.M.** and it may take place not later than three hours after said time, and the sale shall take place in the area which has been designated as the area for foreclosures to take place, being the West steps of the Kleberg County Courthouse, also known as the front door of said courthouse located at 700 East Kleberg Street, Kingsville, Kleberg County, Texas, which designated area is more particularly described in the Kleberg County Commissioner's Court Minutes recorded in the Official Real Property Records of Kleberg County, Texas, or at the area which has been designated by the Kleberg County Commissioner's Court. This conveyance will be made subject to any exceptions referenced in the Deed of Trust to the extent the same are still in effect and shall not cover any part of the Property that has been released from the liens of the Deed of Trust. The Property that will be sold at the foreclosure sale includes the following described real property, together with all improvements and fixtures thereon and appurtenances thereto:

The East One-Third (E. 1/3) of the North One-Half (N. ½) of Block Seventeen (17), Flato Addition, an Addition to the Town of Kingsville, Kleberg County, Texas, as shown on Map or Plat of Record in Envelope 17, Map Records of Kleberg County, Texas, formerly of record in Volume 1, Page 33, Envelope 17, Map Records of Kleberg County, Texas; more commonly known as 629 West Avenue A, Kingsville, TX 78363.

THE SALE OF THE PROPERTY IS "AS-IS" AND "WHERE-IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. THE SUBSTITUTE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE COMPLIANCE WITH

THE LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

SUBSTITUTE TRUSTEES

NOTICE IS HEREBY PROVIDED THAT ONE OF THE FOLLOWING NAMED SUBSTITUTE TRUSTEES WHOSE ADDRESS AND CONTACT INFORMATION FOR PURPOSES HEREOF IS AS FOLLOWS MAY CONDUCT THE SALE:

L. David Smith, Michael J. Smith, Sandra Mendoza, Arnold Mendoza, Bob Frisch, Jodi Steen, Susan Sandoval, Leslye Evans, Vicki Hammonds, Alexis Mendoza, Janice Stoner and Mary Goldston

c/o CHERNOSKY, SMITH, RESSLING & SMITH, PLLC

Attention: **Michael J. Smith**

700 Gemini Ave., Suite 120

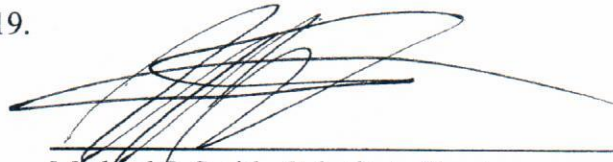
Houston, Texas 77058

Telephone: (713) 800-8608

Email: msmith@csrslaw.com

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.

Dated this 3rd day of May, 2019.



Michael J. Smith, Substitute Trustee
Chernosky, Smith, Resslering & Smith, PLLC
700 Gemini Ave., Suite 120
Houston, Texas 77058
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Email: msmith@csrslaw.com