

FILED FOR RECORD  
2023 FEB 13 AM 10:43

*Clauson*

**Notice of Foreclosure Sale**

**February 8, 2023**

Deed of Trust ("Deed of Trust"):

Dated: June 16, 2021

Grantor: Luis Miguel Amaya aka Luis M. Amaya and Cassandra Ann Garcia Amaya aka Cassandra A. Amaya, a married couple

Address: 311 E County Road 2180, Kingsville, Texas 78363

Trustee: Barbara Jones

Lender: Thrive Mortgage, L.L.C., a Texas limited liability company

Address: 4819 Williams Drive, Georgetown, Texas 78633

Recorded in: Kleberg County, Texas, under Document No. 326519

Legal Description: A 17.01 ACRES BEING OUT OF LOT 6, OF TAYLOR ESTATES NO. 2, AS RECORDED IN CABINET 11, ENVELOPE 20, PLAT RECORDS, KLEBERG COUNTY, TEXAS. SAID ACREAGE BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT "A".

Secures: Note ("Note") in the original principal amount of \$362,598.00, executed by Luis Miguel Amaya and Cassandra Ann Garcia Amaya ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, March 7, 2023

Time: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 A.M. and not later than three hours thereafter.

Place: The sale will be conducted at the Kleberg County Courthouse, 700 East Kleberg Avenue, Kingsville, Texas 78363 (westside steps of the courthouse) as designated by the Commissioners' Court of said county pursuant to Section 51.002 of the Texas Property Code as amended; if no area is designated by the Commissioners' Court, the sale will be conducted in the area immediately adjacent to the location where this notice was posted.

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that 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, Lender, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Lender's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If 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 Luis Miguel Amaya aka Luis M. Amaya and Cassandra Ann Garcia Amaya aka Cassandra A. Amaya, a married couple. 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, Substitute 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 Substitute 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.**

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE 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 MORTGAGE SERVICER.**



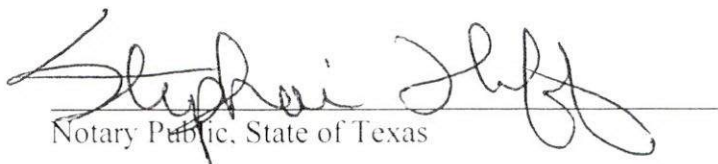
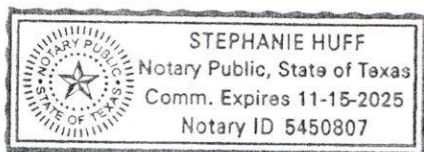
Chris Raman, Substitute Trustee

STATE OF TEXAS )

COUNTY OF TRAVIS )

Before me, the undersigned notary public, on this day personally appeared Chris Raman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 8<sup>th</sup> day of February 2023.



Notary Public, State of Texas



# EXHIBIT "A"

## EXHIBIT

17.01 Acres, being out of Lot 6 of Taylor Estates No. 2, as recorded in Cabinet 2, Envelope 26, of the Plat Records of Kleberg County, Texas, said 17.01 Acres being described by mores and bounds as follows:

BEGINNING at a 1/2" rebar found in the South Right-of-Way of County Road 2180, for the Northwest corner of a 20.00 Acre tract of land described in a Warranty Deed with Vendor's Lien from David Saverline, et al. to Kirk G. Halvatin, dated January 13, 2017, and recorded in Document No. 309019, of the Deed Records of Kleberg County, Texas, and the Northeast corner of the herein described 17.01 Acres of land;

THENCE S 00Deg-57Min-43Sec E with the West line of said 20.00 Acres, a distance of 1353.34 feet to a 1/2" rebar found in the South line of said Lot 6, for the Southwest corner of said 20.00 Acres, and the Southeast corner of the herein described 17.01 Acres of land;

THENCE S 89Deg-05Min-19Sec W with the South line of said Lot 6, at 333.38 feet pass a 5/8" rebar with cap set in the South line of said Lot 6 on the Banks of Jaboncillos Creek, in all a total distance of 374.25 feet to a point in the Bed of Jaboncillos Creek and the South line of said Lot 6, for the Southwest corner of the herein described 17.01 Acres of land;

THENCE up Jaboncillos Creek as follows: S 31Deg-39Min-28Sec W 103.57 feet, N 24Deg-06Min-25Sec W 89.04 feet to a point;

THENCE N 88Deg-19Min-26Sec E leaving Jaboncillos Creek a distance of 78.27 feet to a 5/8" rebar with cap set for the Southeast corner of a 5.00 Acre tract of land described in a Warranty Deed from David Saverline to William Mays Allen, Jr., dated September 7, 2018, and recorded in Document No. 315825, and for an interior corner of the herein described 17.01 Acres of land;

THENCE N 15Deg-43Min-02Sec W with the Northeast line of said 5.00 Acres, at 9.75 feet pass a 1/2" rebar, in all a total distance of 668.01 feet to a 1/2" rebar found in the Northeast line of said 5.00 Acres, for an angle point of the said 5.00 Acre tract, and an angle point of the herein described 17.01 Acres of land;


THENCE N 26Deg-27Min-44Sec W with the Northeast line of said 5.00 Acres, a distance of 590.72 feet to a 1/2" rebar found in the South Right-of-Way of County Road 2180, for the Northeast corner of said 5.00 Acres, and the Northwest corner of the herein described 17.01 Acres of land;

THENCE N 89Deg-06Min-22Sec E with the South Right-of-Way of County Road 2180, a distance of 809.31 feet to the POINT OF BEGINNING and containing 17.01 Acres of land

All Bearings are Grid Bearings based on the Texas Plane Coordinate System for the South Zone, 1983 North American Datum

Dated, August 12, 2020

SE138-20

  
William Douglas Dove  
Registered Professional Land Surveyor  
Texas Registration No. 4143  
Firm No. 10078300



LMA G.