

RECEIVED & POSTED
on 3-10-25
at 1:07
Salvador "Sonny" Barrera III
Kleberg County, Clerk
By: [Signature]
Deputy

FILED FOR RECORD
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at 1:07
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Kleberg County, Clerk
By: [Signature]

NOTICE TO SERVICE MEMBERS: A debtor who is serving on active military duty has special rights or relief related to this notice under federal law, including the Service Members Civil Relief Act (50 U.S.C. app Section 501 et seq) and state law, including Section 51.015, Texas Property Code. 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 military duty service to the sender of this notice immediately.

NOTICE OF FORECLOSURE SALE

Notice is hereby given of a public nonjudicial foreclosure sale.

1. Property To Be Sold: Lot Six (6), Block Eleven (11), RETAMA PARK, an addition to the Town of Kingsville, Kleberg County, Texas commonly referred to as 423 South 13th Street in Kingsville, Kleberg County, Texas.

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

Date: April 1, 2025

Time: The sale shall begin no earlier than 10:00 o'clock A.M. and no later than three (3) hours thereafter. The sale shall be completed by no later than 1:00 o'clock P.M.

Place: The foreclosure sale will be conducted at the West Entrance to the Kleberg County Courthouse, the place designated by the Kleberg County Commissioner's Court pursuant to Section 51.002 of the Texas Property Code as the place where foreclosure sales are to take place, or if no place is designated by the Commissioner's Court, the sale will be conducted at the place where this Notice of Foreclosure sale is posted.

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 refileing 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. 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. The sale will be made expressly

subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that the sale is 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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

4. 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 as executed by **Joshua Benitez**. The Deed of Trust is dated **October 17, 2016** and is recorded in the office of the County Clerk in Kleberg County, Texas and under Document Number **308295** of the Official Records of Kleberg County, Texas, the same being described in an Affidavit of Correction filed under Document Number **335964** of the Official records of Kleberg 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 the Promissory Note (the "Note") in the original principal amount of **Forty-Eight Thousand and 00/100ths Dollars (\$48,000.00)**, executed by **Joshua Benitez**, and payable to the order of **Rhode Family Limited Partnership**, which note and lien are now owned and held by **BARHO, LLC** who is the current beneficiary under the Deed of Trust;

As of **March 10, 2025**, there was owed **Sixty-Three Thousand Twenty-Eight and 67/100ths Dollars (\$63,028.67)** on the Note, being principal in the amount of **Forty-Seven Thousand Nine Hundred Seven and 05/100ths Dollars (\$47,907.05)**; accrued interest of **Nine Thousand Three Hundred Sixty-Seven and 70/100ths Dollars (\$9,367.70)**; Late Fees in the amount of **Four Hundred and 00/100ths Dollars (\$400.00)**; Delinquent Escrow Payments in the amount of **Four Thousand Four Hundred Fifty-Three and 92/100ths Dollars (\$4,453.92)** and **Nine Hundred and No/100ths Dollars (\$900.00)** in attorney's fees and costs as permitted by the Note and Deed of Trust. The note is bearing interest at the rate of **\$11.81** per day after **March 10, 2025**.

Questions concerning the sale may be directed to the undersigned Trustee or Substitute Trustee.

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 this **10th** day of **March 2025**.



Pamela Sue Tolson, Trustee


317 East Lott Avenue

Kingsville, TX 78363

Telephone: (361) 595-6915


CERTIFICATE OF POSTING

The within Notice of Foreclosure Sale was filed by me on the above date at the office of the Kleberg County Clerk and I caused it to be posted at the location designated by the Kleberg County Commissioners Court.


Pamela Sue Tolson, Trustee

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice of Foreclosure Sale was served upon the following by depositing the same in the United States Mail, CERTIFIED MAIL, RETURN RECEIPT REQUESTED, with proper postage affixed thereto, addressed to **Mr. Joshua Benitez, 423 South 13th Street, Kingsville, Texas 78363**; the last known addresses of the debtors, on the 10th day of March 2025.


Pamela Sue Tolson, Trustee