

## Notice of Foreclosure Sale

September 5, 2023

### Contract For Deed (“Contract”):

Dated: November 10, 2017

Grantors: Javier Ayala

Lender: Mesquite Springs Joint Ventue, LLC

Legal Description:: Tract 41 (26.520 acres), Live Oak Creek Ranch, Menard County, Texas.

Secures: Contract For Deed (“Contract”) in the original principal amount of \$100,776.00, executed by Javier Ayala (“Borrower”) and payable to the order of Lender

### Foreclosure Sale:

Date: Tuesday, September 5, 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: Front steps of the Menard County Courthouse, 206 E. San Saba, Menard, Texas 76859.

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 Mesquite Springs Joint Ventue, LLC’s bid may be by credit against the indebtedness secured by the lien of the Contract for Deed.

Default has occurred in the payment of the Note and in the performance of the obligations of the Contract for Deed. Because of that default, Mesquite Springs Joint Ventue, LLC, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Contract for Deed may encumber both real and personal property. Formal notice is hereby given of Mesquite Springs Joint Ventue, LLC’s election to proceed against and sell both the real property and any personal property described in the Contract for Deed in accordance with Mesquite Springs Joint Ventue, LLC’s rights and remedies under the Contract for Deed 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 Contract for Deed, and applicable Texas law.

If Mesquite Springs Joint Ventue, LLC 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 Contract for Deed and the Texas Property Code.

The Foreclosure Sale will be made expressly subject to any title matters set forth in the Contract for Deed, 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 Contract for Deed. 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 Contract for Deed by Mesquite Springs Joint Ventue, LLC. 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 Contract for Deed. 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.

Signed this 1 day of August, 2023



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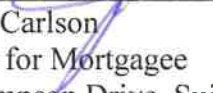
Russell Wagner  
Substitute Trustee

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John W. Carlson  
Attorney for Mortgagee  
260 Thompson Drive, Suite 10  
Kerrville, Texas 78028  
Telephone (830) 896-4488  
Telecopier (830) 896-4474

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Russell Wagner  
Substitute Trustee



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Telecopier (830) 896-4474

Filed for Record in my Office  
the 8<sup>th</sup> day of August 20 23  
at 5:20 o'clock P M  
Christy Caperton  
County Clerk, Menard County, Texas

Mica Rogers, Deputy