

2024-002
Filed for Record

This, the 16th day of Jan 2024
at 2:20 o'clock P M

NATALIE CARSON, COUNTY CLERK OF
DeWitt County, Texas

DEPUTY

Date: January 16, 2024

NOTICE OF FORECLOSURE SALE

Deed of Trust:

Dated: November 1, 2022
Grantor: Kimberly Calderon and Genaro Anthony Martinez, Jr.
Trustee: Kenneth M. Odom
Lender: Bednorz Enterprises, LLC
Recorded in: Instrument No. 142434 in the real property records of DeWitt County, Texas

Legal Description:

PART OF LOTS NOS. ONE (1), TWO (2) AND THREE (3) IN BLOCK NO. ELEVEN (11) OF THE CUERO HEIGHTS ADDITION, AN ADDITION LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF CUERO, DEWITT COUNTY, TEXAS, ACCORDNG TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 66, PAGE 318, DEED RECORDS, DEWITT COUNTY, TEXAS, BEING ALL OF LOTS 1, 2, 3, SAVE AND EXCEPT THE NORTH 93 AND 1/3 FEET OF SAID LOTS BEING PREVIOUSLY CONVEYED TO DAVID E. SAUNDERS AND MARY L SAUNDERS BY VENILDE RUIZ, BY DEED DATED JULY 9, 1974, RECORDED IN VOLUME 215, PAGE 9, DEED RECORDS, DEWITT COUNTY, TEXAS. BEING THE SAME LAND DESCRIBED IN DEED DATED APRIL 28, 2016, FROM THE HEIRS OF VENILDE RUIZ, DECEASED, TO DANNY SAENZ, RECORDED IN VOLUME 570, PAGE 125, OFFICIAL PUBLIC RECORDS, DEWITT COUNTY, TEXAS.

Secures: Promissory Note ("Note") in the original principal amount of \$28,000.00, executed by Kimberly Calderon and Genaro Anthony Martinez, Jr. ("Borrower") and payable to the order of Lender

Modifications and Renewals: None

Substitute Trustee: Kenneth M. Odom
Odom Law Office, PLLC
133 E. Main St. / P. O. Box 249
Cuero, Texas 77954

Foreclosure Sale:

Date: **Tuesday, March 5, 2024**

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: Patio area in front of the West door to the DeWitt County Courthouse, located at 307 N. Gonzales, Cuero, DeWitt County, Texas 77954, or if the preceding area is no longer the designated are, then in the area designated by the Commissions Court of DeWitt County, Texas for real property foreclosures under Section 51.002 of the Texas Property Code pursuant to instrument(s) recorded in the real property records of DeWitt County, Texas.

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, Bednorz Enterprises, LLC, 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.

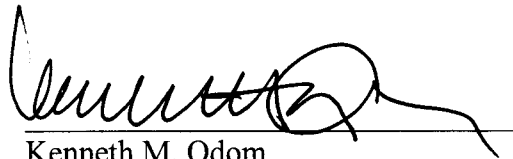
If Lender passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

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 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, 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.



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Trustee