

2019-07

Filed for Record

This, the 14th day of March 2019
at 2:25 o'clock P M

NOTICE OF FORECLOSURE SALE

NATALIE CARSON, COUNTY CLERK OF
DeWitt County, Texas

Tom Brantlett

DEPUTY

THE STATE OF TEXAS §
COUNTY OF DEWITT §

KNOW ALL MEN BY THESE PRESENTS:

Pursuant to the authority conferred upon me by that certain Deed of Trust executed by Marc Mahoney Sole Member/Member Manager of LUCKY'S REDI-MIX CO. LLC of Parker County, Texas, to FRED HENRY HILSCHER, TRUSTEE, dated May 11, 2016, for the benefit of the Beneficiary, First National Bank of Shiner, therein identified, duly recorded under Clerk's File No. or Document No. 113745 and Volume 569, Page 445 of the Official Public Records of DeWitt County, Texas, securing the payment of that one certain promissory note in the original principal amount of \$663,704.21, I will, as Trustee under said Deed of Trust, in order to satisfy the indebtedness secured thereby, default having been made in the payment thereof, sell on Tuesday, April 2, 2019, (that being the first Tuesday of said month), at public auction to the highest bidder for cash at the following location:

THE PATIO AREA IN FRONT OF THE WEST DOOR OF THE COURTHOUSE BUILDING FACING GONZALES STREET (BUILDING LOCATED AT 307 N. GONZALES STREET) OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S COURT OF DEWITT COUNTY TEXAS PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE AS THE PLACE WHERE FORECLOSURE SALES ARE TO TAKE PLACE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS; IF NO AREA IS DESIGNATED BY THE COMMISSIONER'S COURT THE SALE WILL BE CONDUCTED IN THE AREA IMMEDIATELY ADJACENT (NEXT) TO THE LOCATION WHERE THIS NOTICE OF TRUSTEE'S SALE WAS POSTED.

at the hour of 10:00 O'clock, a.m. or within three hours thereafter on that day, the property described as:

Being 9.38 acres of land out of the Charles Lockhart Survey, Abstract No. 26, DeWitt County, Texas, being the same property described in deed dated October 12, 2012 from Richard C. Vaughan et ux to Lucky's Redi Mix Co. LLC recorded in Volume 451, Page 620, Official Public Records of DeWitt County, Texas and being more particularly described by metes and bounds in Exhibit "A" which is attached hereto and incorporated by reference herein.

The sale will be conducted by public auction for cash. Such sale will be "AS IS" and in "WHERE AS" without express or implied warranties, except as to the warranties of title, if any, provided under the deed of trust.

There also remains outstanding a Deed of Trust and Security Agreement dated September 2, 2015 from Feel'n Lucky Productions, LLC, a Texas Limited Liability Company to Fred Henry Hilscher, Trustee for First National Bank of Shiner, recorded under Clerk File Number 110683, and recorded in Volume 552, Page 197 of the Official Public Records of DeWitt County, Texas, also secured by the above-said real estate and all fixtures, supplies, building materials, and goods of every nature now or hereafter located, used or intended to be used in the construction of improvements located on the above-said property and described in the mechanic's lien contract between Feel'n Lucky Productions and Johnnie Coomer dated September 2, 2015, and recorded in Volume 552, Page 189, Official Public Records, DeWitt County, Texas.

Also as permitted by the Texas Uniform Commercial Code, this sale will also include all equipment and inventory of Lucky's Redi-Mix Co. LLC, located at 31 Rainbow Road, Cuero, TX 77954, as described in Commercial Security Agreement dated May 23, 2018 between Lucky's Redi-Mix LLC to First National Bank of Shiner.

Assert and protect your rights as a member of the Armed Forces of the United States. If you are, or your spouse is serving in active military duty, including active military duty as a 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.

EXECUTED this 11th day of March 2019.

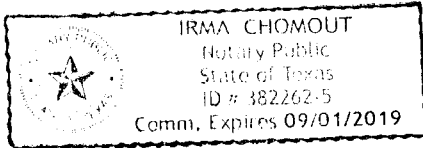


FRED HENRY HILSCHER, TRUSTEE

THE STATE OF TEXAS §

COUNTY OF DeWITT §

This instrument was acknowledged before me on March 11, 2019 by FRED HENRY HILSCHER.





NOTARY PUBLIC STATE OF TEXAS

BEING all that certain parcel or tract of land containing 9.38 Acres out of the Charles Lockhart Survey A-36 located in DeWitt County, Texas, and being all of that called 1.00-Acre tract styled "Tract One" and a part of that called 25.695-Acre tract styled "Tract Two" (less and except 1.00-Acre, 0.27-Acre and 5.189-Acre) described in deed to Richard C. Vaughan et. ux. and John Kevin Cobb from Gary Smith et. ux. recorded in Vol. 167 Page 595 in the official public records of said County; said 9.38-Acre tract is more particularly described by meter and bounds as follows:

BEGINNING at a 5/8" diameter iron rod found at the Northwest corner of said 25.695-Acre tract and the Northwest corner of a called 4.80-Acre tract described in deed to Lee R. Lucas and Esperanza Lucas recorded in Vol. 99 Page 807 in said official public records, in the South right of way line of Rainbow Road (a County-maintained Road);

THENCE with said right of way line, N 88 Deg. 46 Min. 12 Sec. E, 567.95 feet to a 5/8" diameter iron rod found at the Northwest corner of a 5.189-Acre tract described in deed to the State of Texas from Gary Smith et. al. recorded in Vol. 60 Page 102 in said official public records, being the West right of way line of U.S. Highway No. 87;

THENCE with the West line of said 5.189-Acre tract and the West right of way line the following:

1. S 67 Deg. 37 Min. 48 Sec. E, 136.88 feet to a 5/8" diameter iron rod capped and marked 1975 set;
2. S 07 Deg. 28 Min. 39 Sec. E, 556.56 feet to a 5/8" diameter iron rod found at the Northeast corner of a 10.00-Acre tract previously surveyed, being the Southeast corner of this tract;

THENCE with a line separating this tract from said 10.00-Acre tract the following:

1. S 78 Deg. 35 Min. 57 Sec. W, 261.35 feet to a 5/8" diameter iron rod found;
2. S 88 Deg. 59 Min. 16 Sec. W, 394.05 feet to a 5/8" diameter iron rod found at the Northwest corner of said 10.00-Acre tract, being the Southwest corner of this tract, in the line separating said 25.695-Acre tract from said 4.80-Acre tract;

THENCE with said line, N 18 Deg. 37 Min. 13 Sec. W, 580.64 feet to the Place of Beginning and containing 9.38 Acres of land.

EXHIBIT "A"