

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

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STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARDIN

HARDIN COUNTY CLERK
HARDIN COUNTY, TEXAS
BY: *[Signature]*

WHEREAS, DSD REAL ESTATE, LLC (the "*Grantor*"), executed a Deed of Trust dated September 15, 2015, and recorded in the Official Public Records of Hardin County, Texas on September 21, 2015 under Document No. 2015-58920, (together with all extensions, modification, reinstatements, and renewals, if any, collectively referred to hereinafter as the "*Deed of Trust*");

WHEREAS, the Grantor, pursuant to the Deed of Trust, conveyed to Donald C. Legato, Trustee (the "*Original Trustee*"), for the benefit of Third Coast Bank, a Texas state bank, and its successors and assigns (the "*Beneficiary*") all of the personal property, real property, and premises described and referred to in the Deed of Trust (collectively, the "*Mortgaged Property*"), including the following described in the Exhibit A attached hereto for property located in Hardin County, Texas

WHEREAS, the Deed of Trust secures payment of that certain Commercial Real Estate Lien Note dated September 15, 2015 executed by Grantor, as Maker, and payable to the order of Beneficiary, as Lender, in the original principal amount of Two Hundred Twelve Thousand and 00/100 Dollars (\$212,000.00) (together with all other renewals, extensions, reinstatements, and modifications, if any, collectively referred to hereinafter as the "*Note*");

WHEREAS, the Beneficiary is the current legal owner and holder of the Deed of Trust and the indebtedness secured by the Deed of Trust (the "*Indebtedness*"), and at the option of the Beneficiary, with or without cause, Beneficiary may appoint in writing one or more substitute trustees, who shall thereupon succeed to all of the estates, titles, rights, powers, and responsibilities granted and vested upon the Original Trustee in the Deed of Trust and by applicable law;

WHEREAS, the Beneficiary has named, constituted and appointed in writing MICHAEL J. DURRSCHMIDT, KIM E. LEWINSKI, MARGIE ALLEN, KYLE BARCLAY, TOMMY JACKSON, STEPHANIE HERNANDEZ, and KEATA SMITH, as Substitute Trustees, each with the power to act independently (and without the joinder of the others) under and by virtue of the Deed of Trust and to hold,

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possess, and execute all the estates, titles, rights, powers and duties granted and vested upon the Original Trustee in the Deed of Trust and by applicable law;

WHEREAS, the Grantor has defaulted in the payment of Indebtedness, notice has been given to the Grantor by certified mail, return receipt requested, stating that Grantor is in default and all sums are now due and owing, and the Grantor was given an opportunity to cure the default prior to acceleration of the Indebtedness, but the Grantor failed to cure such default(s);

WHEREAS, acceleration of the maturity and demand have been made upon the Grantor for the payment of the Indebtedness, and/or has been waived, and/or has occurred;

WHEREAS, the Beneficiary has called upon and requested either or any of Michael J. Durrschmidt, Kim E. Lewinski, Margie Allen, Kyle Barclay, Tommy Jackson, Stephanie Hernandez and Keata Smith, or any additional substitute trustee appointed pursuant to the terms of the Deed of Trust, as Substitute Trustees, to perform the Trustee's duties under the Deed of Trust and to post, mail and file, or have posted, mailed, and filed, notice and to sell the Mortgaged Property without prejudice and without creating an election not to proceed against any other collateral securing the obligations of the Grantor to the Beneficiary, and without waiving any rights or remedies which the Beneficiary has against the Grantor or any other parties obligated for payment of the Indebtedness;


NOW, THEREFORE, the undersigned Substitute Trustee, at the request of the Beneficiary, hereby gives notice that after due posting of this Notice as required by the Deed of Trust and law, a Substitute Trustee will sell on **September 6, 2022** (that being the first Tuesday of said month, as provided for in Texas Property Code Sec. 51.002) at public auction to the highest bidder for cash, at the Commissioners' Courtroom area of the Hardin County Courthouse, with east entrance of courthouse as alternate site, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioners' Court, for the purposes of holding Public Sales of Real Property in Hardin, County, Texas, the sale to begin no earlier than 10:00 o'clock a.m. and no later than three (3) hours after such time, the Mortgaged Property, including without limitation, all personal property described in the Deed of Trust,

owned by the Grantor, Grantor's heirs, legal representatives, successors and assigns, and originally covered by the Deed of Trust, whether or not herein specifically described.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, BENEFICIARY, OR HOLDERS OF SAID INDEBTEDNESS, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER THE BENEFICIARY NOR THE TRUSTEE OR SUBSTITUTE TRUSTEE MAKES ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE COMPLIANCE WITH LAWS, RULES, AGREEMENTS, OR SPECIFICATIONS, NOR WITH RESPECT TO CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER(S).

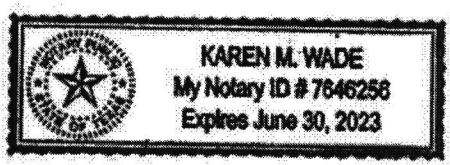
[THE NEXT PAGE IS THE SIGNATURE PAGE]

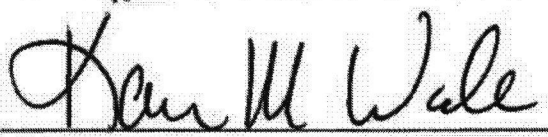
WITNESS BY HAND this 12th day of August, 2022.


Kim E. Lewinski, Substitute Trustee

STATE OF TEXAS §
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COUNTY OF HARDIN §

This document was acknowledged before me on this, the 12th day of August, 2022, by Kim E. Lewinski, Substitute Trustee.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Name and Address of Substitute Trustees:

Michael J. Durrschmidt
Hirsch & Westheimer, P.C.
1415 Louisiana, 36th Floor
Houston, Texas 77002

Tommy Jackson
Foreclosure Network of Texas
10406 Rockley Road
Houston, Texas 77009

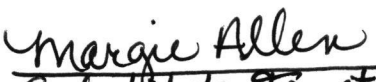
Kim E. Lewinski
Hirsch & Westheimer, P.C.
1415 Louisiana, 36th Floor
Houston, Texas 77002

Stephanie Hernandez
Foreclosure Network of Texas
10406 Rockley Road
Houston, Texas 77009

Margie Allen ✓
Foreclosure Network of Texas
10406 Rockley Road
Houston, Texas 77009

Keata Smith
Foreclosure Network of Texas
10406 Rockley Road
Houston, Texas 77009

Kyle Barclay
Foreclosure Network of Texas
10406 Rockley Road
Houston, Texas 77009


Substitute Trustee

AFTER RECORDING, PLEASE RETURN TO:

Ms. Kim E. Lewinski
Hirsch & Westheimer, P.C.
1415 Louisiana, 36th Floor
Houston, Texas 77002

EXHIBIT "A"

Being a 0.352 acre tract of land, more or less, in the S.P. Bankston League, Abstract Number 3 in Hardin County, Texas, being out of that called 20 acre tract described in deed recorded in Volume 184, Page 464 of the Deed Records of Hardin County, Texas and being out of Block 107 of the Southwestern Settlement and Development Farm Subdivision Number 1, said called 20 acre tract subdivided as Whispering Pines, Plat, which is unrecorded. Said 0.352 acre tract being out of Lot 11 of said Whispering Pines Subdivision and out of that called 0.832 acre tract conveyed to Tom E. Sawyer by deed recorded in Volume 1042, Page 72 of the Official Public Records of Hardin County, Texas and being that same called 0.350 acre tract conveyed from Javed Group Real Estate, L.L.C. to Sunrise Enterprises, Inc. by deed dated March 17, 2008 and recorded in Volume 1680, Page 23 of the Official Public Records of Hardin County, Texas. Said 0.352 acre tract being described as follows, to wit:

BEGINNING at a 1/4 inch iron rod with cap stamped "SESCO" SET at the intersection of the south right of way line of Bryant Drive with the west right of way line of Farm to Market Highway Number 92 marking the northeast corner of said called 20 acre tract subdivided as said Whispering Pines, the northeast corner of said Lot 11 in said Whispering Pine Subdivision, the northeast corner of said called 0.832 acre tract and the northeast corner of the herein described property;

THENCE South 10° 40' 59" East along the west right of way line of said Farm to Market Highway Number 92, the east line of said 20 acre tract, the east line of said Lot 11 in said Whispering Pines Subdivision, the east line of said called 0.832 acre tract and the east line of the herein described property a distance of 117.47 feet to a 1/4 inch iron rod with cap stamped "SESCO" SET on the west right of way line of said Farm to Market Highway Number 92, the east line of said called 20 acre tract, the east line of Lot 11 in said Whispering Pines Subdivision and the east line of said called 0.832 acre tract marking the most southerly northeast corner of the remainder of said called 0.832 acre tract and the southeast corner of the herein described property;

THENCE South 88° 52' 56" West, leaving the west right of way line of said Farm to Market Highway Number 92, along the most southerly north line of the remainder of said called 0.832 acre tract and south line of the herein described property a distance of 118.63 feet to a 1/4 inch iron rod with cap stamped "SESCO" SET marking an interior corner in the north line of the remainder of said called 0.832 acre tract and the southwest corner of the herein described property;

THENCE North 30° 26' 50" West along the most southerly northeast line of the remainder of said called 0.832 acre tract and the most southerly west line of the herein described property a distance of 45.90 feet to a 1/4 inch iron rod with cap stamped "SESCO" SET marking an interior corner in the northeast lines of the remainder of said called 0.832 acre tract and exterior corner in the west lines of the herein described property;

THENCE North 11° 07' 26" West along the most northerly northeast line of the remainder of said called 0.832 acre tract and the most northerly west line of the herein described property a distance of 77.83 feet to a 5/8 inch iron rod FOUND on the south right of way line of said Bryant Drive, the north line of said called 20 acre tract, the north line of said Whispering Pines Subdivision, the north line of said Lot 11 and the north line of said called 0.832 acre tract marking the most northerly northeast corner of the remainder of said called 0.832 acre tract and the northwest corner of the herein described property;

THENCE North 89° 14' 00" East (north line of said Whispering Pines Subdivision called North 89° 14' East - Basis of Bearings) along the south right of way line of said Bryant Drive, the north line of said called 20 acre tract, the north line of said Whispering Pine Subdivision, the north line of said Lot 11, the north line of said called 0.832 acre tract and the north line of the herein described property a distance of 135.12 feet to the place of BEGINNING.

Said tract of land herein described contains 0.352 acre, more or less.