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FILED FOR RECORD

JUL 11 2023

Nancy E. Roster  
County Clerk, Williamson Co., TX

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**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.**

THE STATE OF TEXAS       §  
  §   KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF WILLIAMSON §

WHEREAS, by that certain Deed of Trust dated February 10, 2022, filed of record as Document Number 2022-018782 in the Official Public Records of WILLIAMSON County, Texas (as same may have been heretofore amended, the "**Deed of Trust**"), Leander Associates, Ltd., a Texas limited partnership, as Grantor ("**Grantor**"), conveyed to GEORGE BARBER, ESQ., as trustee (the "**Trustee**"), for the benefit of STEARNS BANK NATIONAL ASSOCIATION ("**Lender**"), that certain real property together with all improvements thereon and appurtenances thereto located in WILLIAMSON County, Texas, being more commonly known as 301 S. Bagdad Road, Leander, Texas 78641, and being more particularly described as follows (such land, improvements and appurtenances being hereinafter referred to as the "**Property**");

See the attached **Exhibit A**, which is attached to this Notice of Substitute Trustee's Sale and made a part of this Notice of Substitute Trustee's Sale as if fully set forth herein, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; and all easements, rights of way, and appurtenances; all water and water rights; and all other rights, royalties, and profits relating to the real property, including without limitation such rights as Granter may have in all minerals, oil, gas, geothermal and similar matters, as more particularly described in the Deed of Trust; and that certain personal property ("**Personal Property**") situated on or related to the land, being more particularly described on **Exhibit "B"** attached hereto and incorporated herein by reference for all purposes

to secure the payment of all obligations of Grantor under that certain Promissory Note (as same may have been heretofore amended, the "**Note**") dated February 10, 2022, in the original principal amount of \$805,000.00, executed by Grantor, and payable to Lender, and to secure payment and performance of all future advances and other obligations that Grantor (or any successor in interest to Grantor) may agree to pay and/or perform under said Note (whether as principal, surety, or guarantor) to for the benefit of Lender however evidenced (collectively referred to herein as the "**Secured Obligations**");

WHEREAS, the undersigned DAVID L. PRATT, and/or GABRIELLA ALONSO, and/or SCOTT SLOAN, and/or JESSIE MANZEWITSCH, as alternate Substitute Trustees ("**Substitute Trustees**") have been duly appointed, individually and severally, and not jointly, as the substitute trustees in the place and stead of the said Trustee under the Deed of Trust, to act alone, without the necessity of the joinder of the other Substitute Trustees, said appointment having been made as of July 10, 2023 pursuant to the Texas Property Code Section 51.0075 to succeed to all title, powers, and duties of the original Trustee;

WHEREAS, the Substitute Trustee's address is in care of: David L. Pratt, Esq., Bradley Arant Boult Cummings LLP, Fountain Place, 1445 Ross Avenue, Suite 3600, Dallas, Texas 75202;

WHEREAS, default has occurred under the terms of the Secured Obligations secured by the Deed of Trust, and the indebtedness evidenced therein is now wholly due, therefore, Lender as the owner and holder of said indebtedness has requested one of the Substitute Trustees to sell the Property to satisfy same; and

WHEREAS, the Deed of Trust may encumber both real and personal property, and formal notice is now given of Lender's election to proceed against and sell both the real property and personal property described in the Deed of Trust, consistent with Lender's rights and remedies under the Deed of Trust and Section 9.604 of the Texas Business and Commerce Code.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, August 1, 2023, at no earlier than 10:00 a.m. and no later than 4:00 p.m. CT, the undersigned Substitute Trustees, or any one of them, will to sell the Property at the County Courthouse of WILLIAMSON COUNTY, TEXAS. The sale will be conducted in the area designated by the County Commissioner's Court as the location where foreclosure sales are to take place pursuant to Section 51.002 of the Texas Property Code: at the Northeast side of the Justice Center Annex at 405 Martin Luther King, Georgetown, Texas, 78626; or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court as the location where foreclosure sales are to take place pursuant to Section 51.002 of the Texas Property Code. If no area has been so designated, the sale will occur at the place where this notice was posted. The Property will be sold by public auction to the highest bidder for cash.

Pursuant to Section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any express or implied warranties (except as to the warranties (if any) provided for under the Deed of Trust) and with all faults, and the Property shall be **ACCEPTED SUBJECT TO** any and all restrictions, covenants, conditions, agreements, assessments, maintenance charges, liens, leases, easements, previously conveyed or reserved mineral interests, to the extent that any of the aforementioned relating to the Property are still in effect and are shown of record.

Pursuant to Section 51.0075(a) of the Texas Property Code, the Substitute Trustee reserves the right to set further reasonable conditions for conducting the Substitute Trustee Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the Substitute Trustee.

**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.**

WITNESS MY HAND this 10<sup>th</sup> day of July, 2023.

**SUBSTITUTE TRUSTEES:**

*David L. Pratt*

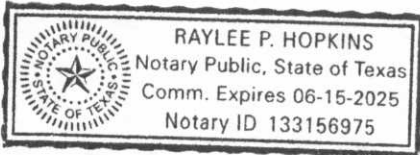
DAVID L. PRATT, and/or GABRIELLA ALONSO,  
and/or SCOTT SLOAN, and/or JESSIE  
MANZEWITSCH, as alternate Substitute Trustees

STATE OF TEXAS )  
COUNTY OF DALLAS )

Before me, the undersigned notary public, on this day personally appeared David L. Pratt, who is the Substitute Trustee, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 10<sup>th</sup> day of July, 2023.

*Raylee P. Hopkins*  
\_\_\_\_\_  
Notary Public, State of Texas



**BRADLEY ARANT BOULT CUMMINGS LLP**

By: 

DAVID PRATT, Partner  
State Bar of Texas No. 00789556  
Fountain Place  
1445 Ross Avenue, Suite 3600  
Dallas, Texas 75202  
(214) 939-8700 [phone]  
(214) 939-8787 [facsimile]  
Email: [dpratt@bradley.com](mailto:dpratt@bradley.com); and  
Email: [galonso@bradley.com](mailto:galonso@bradley.com)

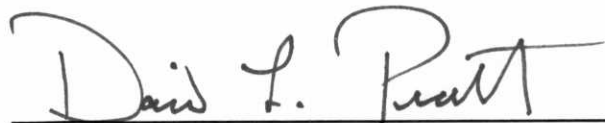
**ATTORNEYS FOR LENDER  
STEARNS BANK NATIONAL ASSOCIATION**

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the above and foregoing instrument was served on the below listed persons and entities by certified mail, return receipt requested, and by regular first-class mail on this 10th day of July 2023:

**Leander Associates, LTD.  
8800 Village Dr., Ste. 106  
San Antonio, TX 78217**

**James T. Walesa  
2150 W. Magnolia Avenue  
San Antonio, TX 78201**



DAVID L. PRATT, and/or GABRIELLA ALONSO,  
and/or SCOTT SLOAN, and/or JESSIE  
MANZEWITSCH, as alternate Substitute Trustees

## EXHIBIT A

### Legal Description of Land

#### FIELD NOTES

**FIELD NOTES FOR 4.7054 ACRES OUT OF THE MOSES S. HORNSBY SURVEY, ABSTRACT NO. 292 AND THE ELIJAH D. HARMON SURVEY ABSTRACT NO. 6 IN WILLIAMSON COUNTY, TEXAS BEING THE SAME PROPERTY CALLED "TRACT 2" IN DEED RECORDED IN DOC. NO. 2002075727 OF THE REAL PROPERTY RECORDS OF WILLIAMSON COUNTY, TEXAS INCLUDING ALL OF LOT 1, SHIN OAK ESTATES, A SUBDIVISION RECORDED IN CABINET J SLIDE 211 OF THE WILLIAMSON COUNTY, TEXAS PLAT RECORDS. SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a ½" iron pin found on the West R.O.W. of Bagdad Road at the Southeast corner of a 183.37 acre tract conveyed to Nancy Gilpin in Cause No. 01-0379-CP2 of the Probate Records of Williamson County, Texas also being the Northeast corner of said Lot 1 for the Northeast corner of this tract and the **POINT OF BEGINNING**.

THENCE with the West R.O.W. of Bagdad Road and the East line of said Lot 1 and "Tract 2" the following five (5) courses:

- 1) S 37° 44' 45" E, 44.94 feet to a 60 nail found at a point of curve to the right.
- 2) Along said curve to the right whose elements are R= 25.00, L= 5.49 whose chord bears S 31° 17' 32" E, 5.48 feet to a ½" iron pin set at a point of reverse curve to the left, being the Southeast corner of said Lot 1
- 3) Along said curve to the left whose elements are R= 3738.42, L= 321.98 whose chord bears S 33° 48' 10" E, 321.88 feet to a ½" iron pin set.
- 4) S 36° 16' 12" E, 33.55 feet to a ½" iron pin found.
- 5) S 08° 49' 20" W, 56.48 feet to a ½" iron pin found at the intersection of the West R.O.W. of Bagdad Road and the North R.O.W. of Vista Ridge Drive for the Southeast corner of this tract.

THENCE with the North R.O.W. of Vista Ridge Drive the following three (3) courses:

- 1) S 54° 03' 31" W, 133.05 feet to a ½" iron pin found at a point of curve to the left.
- 2) Along said curve to the left whose elements are R= 1088.00, L= 58.19 whose chord bears S 52° 21' 33" W, 58.19 feet to a ½" iron pin found.
- 3) S 50° 52' 54" W, 163.48 feet to a ½" iron pin found at the Southeast corner of Final Plat of Vista Ridge, Phase 1, a subdivision recorded in Cabinet V Slide 241 of the Williamson County, Texas Plat Records for the Southwest corner of this tract.

THENCE with the East line of Final Plat of Vista Ridge the following four (4) courses:

- 1) N 39° 10' 00" W, 315.28 feet to a ½" iron pin found.
- 2) N 33° 56' 43" W, 89.21 feet to a ½" iron pin found.
- 3) N 24° 19' 58" W, 50.00 feet to a ½" iron pin found.
- 4) N 19° 42' 17" W, 118.89 feet to a ½" iron pin found at the Northeast corner of said Final Plat of Vista Ridge, Phase 1, also being on the South line of said 183.37 acre tract for the Northwest corner of this tract.

THENCE N 70° 26' 00" E with the South line of said 183.37 acre tract, at 228.94 feet pass the Northwest corner of said Lot 1 in all a distance of 392.29 feet to the **POINT OF BEGINNG** and containing 4.7054 acres more or less.

I hereby certify that the foregoing field notes were prepared from a survey on the ground under my supervision and are true and correct to the best of my knowledge and belief

Witness my hand and seal December 18, 2006.

Herman Crichton, R.P.L.S. 4046  
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CRICHTON AND ASSOCIATES, INC.  
LAND SURVEYORS  
107 NORTH LAMPASAS  
ROUND ROCK, TEXAS 78664  
512-244-3395

EXHIBIT "B"

Personal Property

1. All materials, supplies, equipment, apparatus and other items attached to, installed in or used (temporarily or permanently) in connection with any of the Property (as herein defined) at any time from and after the date of the Deed of Trust through and including the date of foreclosure of the lien of the Deed of Trust, and all renewals, replacements, and substitutions thereof and additions thereto.

2. All of the right, title and interest of Grantor in and to all personal property (other than fixtures) of any kind as defined in Chapter 9 of the Texas Uniform Commercial Code, including but not limited to all furniture, furnishings, equipment, machinery, goods, general intangibles, money, accounts, contract rights, and inventory, located upon, within or about the Property, together with all accessories, replacements and substitutions therefor and the proceeds thereof.