

Notice of Foreclosure Sale

March 8, 2024

FILED
MAR 08 2024
1:25 PM
Brenda Fietsam
BREND A FIETSAM
CO. CLERK, FAYETTE CO., TEXAS

Texas Home Equity Fixed/Adjustable Rate Note

Texas Home Equity Security Instrument (First Lien) (“Deed of Trust”):

Dated: July 26, 2018

Grantor: Robert Lee Dornak Jr. and spouse, Heather Dornak

Trustee: Loretta Williams

Lender: Texas Dow Employees Credit Union

Recorded in: Filed of record under clerk’s file number 18-05143 of the real property records of Fayette County, Texas, as corrected by that one certain Correction Instrument as to Recorded Original Instrument under Clerk’s File Number 18-05316

Legal Description: **Being 2.293 acres of land out of the John McGown Survey, Abstract No. 238, in Fayette County, Texas, TOGETHER WITH: Tract Two: all that certain tract or parcel of land Non-Exclusive Easement situated in Fayette County, Texas, a part of the John McGown 3/4 League, Abstract No. 238, and also a part of a 18.9 acre tract of land described in a deed, John Edward Bigley to A.C. Cowan, dated August 15, 1980, of record in Volume 562, Page 31, of the Deed Records of Fayette County, Texas and Tract Three: all that certain tract or parcel of land, 0.43 of One Acre Non-Exclusive Easement situated in Fayette County, Texas, a part of the John McGown League, Abstract No. 238, and also a part of a 18.9 acre tract of land described in a deed to Ernest O. Bigley of record in Volume 544, Page 477, of the Deed Records of Fayette County, Texas; said 2.293 acres of land together with Tract Two easement and Tract Three 0.43 acre easement all being more particularly described in Exhibit “A” (consisting of 4 pages) attached hereto and incorporated herein for all purposes.**

With corrected Exhibit “A” corrected by correction instrument filed under Clerk’s Instrument Number 18-05316 Vol: 1868 Page 838; Real Property Records, Fayette County, Texas. Said Exhibit “A” consisting of two pages.

Property Address: 5202 Cowan Rd., Flatonia, TX 78941

Secures: Texas Home Equity Fixed/Adjustable Rate Note (“Note”) in the original principal amount of \$460,000.00, executed by Robert Lee Dornak Jr. and Heather Dornak (“Borrower”) and payable to the order of Lender

Property: The real property, improvements, and personal property described in and mortgaged in the Deed of Trust, and all rights and appurtenances thereto.

Substitute Trustee: Jacquelyn D. McAnelly, M. H. Cersonsky, John “Cortland” Timm.

Substitute Trustee’s Address: 1770 St. James Place, Suite 150, Houston, Texas 77056

Foreclosure Sale:

Date: April 2, 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: On the Fayette County Courthouse lawn on the west side at the posting board located on the stone wall enclosure of the courthouse facing West Colorado Street near its intersection with North Main Street, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner’s Court.

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, Lender, 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.



Jacquelyn D. McAnelly, Substitute Trustee

HEARITIGE SURVEYING, CO.

TIM D. HEARITIGE
727 West Point Loop
West Point, Texas 78963

Registered Professional Land Surveyor No. 5036
Licensed State Land Surveyor
Phone (979)242-3485

August 3, 2013

**FILED NOTICE DESCRIPTION OF 2.293 ACRES OF LAND OUT OF THE JOHN
McGOWN SURVEY, ABSTRACT NO. 238, IN FAYETTE COUNTY, TEXAS, AND
BEING A PORTION OF THAT CERTAIN (72.50 ACRES) TRACT OF LAND CONVEYED
TO ROBERT LEE DORNAK, SR. AND DORIS LAYERNE DORNAK IN A DEED AS
RECORDED IN VOLUME 659 PAGE 28 OF THE DEED RECORDS OF FAYETTE
COUNTY, TEXAS, AND BEING THAT SAME (2.293 ACRES) TRACT OF LAND
CONVEYED TO ROBERT DORNAK, JR. IN A DEED AS RECORDED IN VOLUME
1518 PAGE 440 OF THE OFFICIAL RECORDS OF FAYETTE COUNTY, TEXAS, AND
BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
FOLLOWS:**

BEGINNING at a 1" axle found at the base of a fence corner post, being at the most northeasterly corner of that certain (72.50 acre) tract of land conveyed to Robert Lee Dornak, sr. and Doris Layerne Dornak in a deed as recorded in Volume 659 Page 28 of the Deed Records of Fayette County, Texas, and being at the most southeasterly corner of that certain (154.80 acre) tract of land conveyed to Tommy B. Tipton and Pamela K. Tipton in a deed as recorded in Volume 993 Page 766 of the Official Records of Fayette County, Texas, and being at an angle in the westerly line of that certain (18.9 acre) tract of land conveyed to Charles Hammback and Mary Hammback in a deed as recorded in Volume 1163 Page 604 of the Official Records of Fayette County, Texas, and also being at the most northerly northeast corner of that certain (2.293 acre) tract of land conveyed to Robert Dornak, jr., in a deed as recorded in Volume 1518 Page 440 of the Official Records of Fayette County, Texas, and being in the westerly line of a 40' access easement described in the Hammback deed, and being for the most northeasterly corner of the tract herein described,

THENCE, with the westerly line described in the Hammback deed, also being the easterly line of the (2.293 acre) Dornak tract, S 02 deg. 07' 05" E 41.20 feet to a 1/2" iron rod found at the base of a fence corner post at the southwesterly terminus of said 40' access easement, and being for the most easterly southeast corner of this tract,

THENCE, leaving said westerly line, and with the southeasterly line of the (2.293 acre) Dornak tract, S 26 deg. 34' 44" W 561.27 feet to a 1/2" iron rod found in the interior of the Dornak (72.5 acre) tract, being for the most southerly southeast corner of this tract,

THENCE, with the southerly line and northwesterly line of the (2.293 acre) Dornak tract, N 78 deg. 28' 14" W 259.79 feet to a 1/2" iron rod found for the most southwesterly corner of this tract, and N 19 deg. 58' 59" E 320.82 feet to a 1/2" iron rod found in the fence along the common line between the Dornak (72.5 acre) tract and the Tipton tract, being for the most northwesterly corner of this tract,

THENCE, with the common line between the Dornak (72.5 acre) tract and the Tipton tract, being the northerly line of (2.293 acre) Dornak tract, EAST 318.34 feet to the PLACE OF BEGINNING, in all containing 2.293 acres of land.

SURVEYED July 11, 2013

BY:

[Handwritten Signature]
Timothy D. Hearitige
Registered Professional Land Surveyor No. 5036
see accompanying map no. C 155088



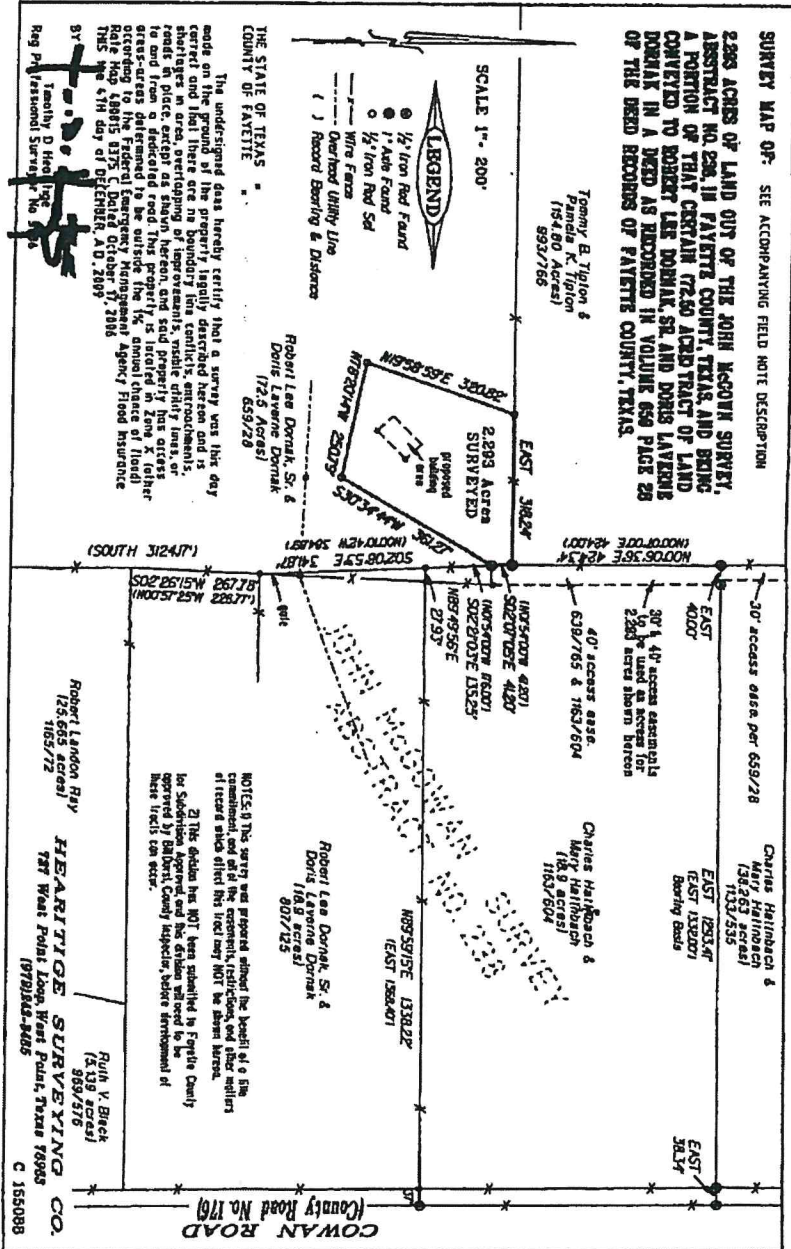


Exhibit "A", Page 2 of 2

Cause No.: 2023V-015

In Re: Order for Foreclosure Concerning	§	IN THE DISTRICT COURT OF
5202 Cowan Rd., Flatonia, TX 78941.	§	
Under Tex. R. Civ. P. 736	§	
	§	
Petitioner:	§	FAYETTE COUNTY, TEXAS
Texas Dow Employees Credit Union	§	
	§	
Respondents:	§	
Robert Lee Dornak Jr., Heather Dornak, and	§	
Occupant of the Property	§	155th DISTRICT COURT

DEFAULT ORDER ALLOWING FORECLOSURE

1. On this day, the Court considered Petitioner's motion for default order granting its application for an expedited order under Rule 736. Petitioner's application complies with the requirements of Texas Rules of Civil Procedure 736.1.

2. The names and last known addresses of each Respondent subject to this order are Robert Lee Dornak Jr., whose last known address is 5202 Cowan Rd., Flatonia, TX 78941, Heather Dornak, whose last known address is 5202 Cowan Rd., Flatonia, TX 78941, and Occupant of the Property, whose last known address is 5202 Cowan Rd., Flatonia, TX 78941. Each Respondent was properly served with the citation, but none filed a response within the time required by law. The return of service for each Respondent has been on file with the court for at least ten days.

3. The property that is the subject of this foreclosure proceeding is commonly known as 5202 Cowan Rd., Flatonia, TX 78941 with the following legal description:

Being 2.293 acres of land out of the John McGown Survey, Abstract No. 238, in Fayette County, Texas, TOGETHER WITH: Tract Two: all that certain tract or parcel of land Non-Exclusive Easement situated in Fayette County, Texas, a part of the John McGown 3/4 League, Abstract No. 238, and also a part of a 18.9 acre tract of land described in a deed, John Edward Bigley to A.C. Cowan, dated August 15, 1980, of record in Volume 562, Page 31, of the Deed Records of Fayette County, Texas and Tract Three: all that certain tract or parcel of land, 0.43 of One Acre Non-Exclusive Easement situated in Fayette County, Texas, a part of the John

McGown League, Abstract No. 238, and also a part of a 18.9 acre tract of land described in a deed to Ernest O. Bigley of record in Volume 544, Page 477, of the Deed Records of Fayette County, Texas; said 2.293 acres of land together with Tract Two easement and Tract Three 0.43 acre easement all being more particularly described in Exhibit "A" (consisting of 4 pages) attached hereto and incorporated herein for all purposes.

With corrected Exhibit "A" corrected by correction instrument filed under Clerk's Instrument Number 18-05316 Vol: 1868 Page 838; Real Property Records, Fayette County, Texas. Said Exhibit "A" consisting of two pages.

4. The lien to be foreclosed is indexed or recorded at Instrument Number: 18-05143 and recorded in the real property records of Fayette County, Texas, with correction instruments 18-05316 and 18-05317 and recorded in the real property records of Fayette County, Texas.

5. The material facts establishing Respondent's default are alleged in Petitioner's application and the supporting affidavit. Those facts are adopted by the court and incorporated by reference in this order.

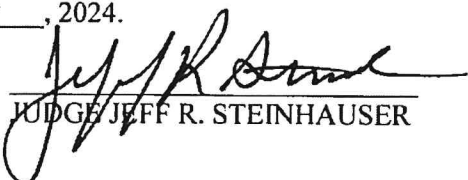
6. Based on the affidavit of Petitioner, no Respondent subject to this order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. App. §501 et. seq.

7. Therefore, the Court grants Petitioner's motion for default order under Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner may proceed with foreclosure of the property described above in accordance with applicable law and the loan agreement, contract, or lien sought to be foreclosed.

8. This order is not subject to a motion for rehearing, a new trial, a bill of review, or an appeal. Any challenge to this order must be made in separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

SIGNED this 7th day of February, 2024.

FILED
At 9:30 o'clock A M


JUDGE JEFF R. STEINHAUSER

FEB 07 2024
UNDA SURCEL
Clerk District Court, Fayette County, Texas
By [Signature] Deputy

HEARITIGE SURVEYING, CO.

TRIM D. HEARITIGE
227 West Park Lane
West Palm, Texas 76063

Registered Professional Land Surveyor No. 5036
Licensed State Land Surveyor
Phone (979) 243-3483

August 1, 2013

**FOR THE PURPOSE OF SURVEYING OF 2.99 ACRES OF LAND OUT OF THE JOHN
MCDOWN SENNETT, ABSTRACT NO. 228, FAYETTE COUNTY, TEXAS, AND
BEING A PORTION OF TRACT CERTAIN 72.50 ACRES TRACT OF LAND CONVEYED
TO ROBERT LEE DORNAK, JR. AND DONNA LAYNE DORNAK IN A DEED AS
RECORDED IN VOLUME 1510 PAGE 440 OF THE DEED RECORDS OF FAYETTE
COUNTY, TEXAS, AND BEING THAT SAME 2.99 ACRES TRACT OF LAND
CONVEYED TO ROBERT DORNAK, JR. IN A DEED AS RECORDED IN VOLUME
1818 PAGE 440 OF THE OFFICIAL RECORDS OF FAYETTE COUNTY, TEXAS, AND
BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
HEREAFTER:**

BEGINNING at a 1" wide found at the base of a fence corner post, being at the most northeasterly
corner of the certain (72.50 acre) tract of land conveyed to Robert Lee Dorcak, et. and Linda
Layne Dorcak in a deed as recorded in Volume 639 Page 24 of the Deed Records of Fayette
County, Texas, and being at the most southeasterly corner of that certain (15.90 acre) tract of land
conveyed to Jimmy B. Dpton and Pamela K. Dpton in a deed as recorded in Volume 993 Page
769 of the Official Records of Fayette County, Texas, and being at an angle in the westerly line of
that certain (1.9 acre) tract of land conveyed to Charles Harnisch and Emily Harnisch in a deed
as recorded in Volume 1163 Page 614 of the Official Records of Fayette County, Texas, and also
being at the tract northerly northeast corner of that certain (2.293 acre) tract of land conveyed to
Robert Dorcak, Jr. in a deed as recorded in Volume 1510 Page 440 of the Official Records of
Fayette County, Texas, and being in the westerly line of a 40' access easement described in the
Harnisch deed, and being for the most northeasterly corner of the tract herein described,

THENCE N, with the westerly line described in the Harnisch deed, also being the easterly line of
the (2.293 acre) Dorcak tract, S 82 deg. 45' 45" E 41.70 feet to a 1/2" iron rod found at the base of a
fence corner post at the southeasterly terminus of said 40' access easement, and being for the most
westerly southeast corner of this tract,

THENCE leaving said westerly line, and with the southeasterly line of the (2.293 acre) Dorcak
tract, S 82 deg. 54' 41" W 30.127 feet to a 1/2" iron rod found in the interior of the Dorcak (72.5
acre) tract, being for the most easterly southeast corner of this tract,

THENCE, with the southeasterly line and northeasterly line of the (2.293 acre) Dorcak tract, N 28
deg. 24' 14" W 25.79 feet to a 1/2" iron rod found for the most northeasterly corner of this tract,
and N 19 deg. 01' 38" E 332.82 feet to a 1/2" iron rod found in the hedge along the common line
between the Dorcak (72.5 acre) tract and the Dpton tract, being for the most northeasterly corner
of this tract,

THENCE, with the distance line between the Harnisch (1.5 acre) tract and the Dpton tract, being
the southeasterly line of (2.293 acre) Dorcak tract, EAST 218.34 feet to the PLACE OF
BEGINNING, in all enclosing 2.293 acres of land.

SURVEYED July 11, 2013

BY:

[Handwritten Signature]
Timothy D. Hearitige
Registered Professional Land Surveyor No. 5036
see accompanying map no. C-155063



Exhibit "A", Page 2 of 2

