

**NOTICE OF FORECLOSURE SALE**

**FILED**

11:15 AM  
JUL 07 2020

*Brenda Fietsam*  
BRENDA FIETSAM  
CO. CLERK, FAYETTE CO., TEXAS

Date: July 6, 2020

Deed of Trust ("Deed of Trust"):

Dated: January 28, 2010  
Grantor: Tri-S, Inc., a Texas corporation  
Trustee: Gene H. Menn  
Lender: Fayetteville Bank  
Recorded in: Volume 1508, Page 254, Official Records of Fayette County, Texas  
Secures: Promissory Note ("Note") in the original principal amount of \$69,165.96 executed by Tri-S, Inc. ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

Legal Description: Lot Nos. 21, 22, 23, 24, 25 and 26, Block 22, City of Schulenburg, Fayette County, Texas, together with the land lying north of the railroad and south of North Main Street in the City of Schulenburg, Fayette County, Texas, being more particularly described in Exhibit "A" attached hereto

Modifications and Renewals: Modification and Extension Agreement recorded in Volume 1733, Page 335, Official Records of Fayette County, Texas (as used therein, the terms "Note" and "Deed of Trust" mean the Note and Deed of Trust as so modified, renewed and/or extended)

Original Property: The real property, improvements, and personal property described in and mortgaged in the Deed of Trust, including that real property described in Exhibit "A", and all rights and appurtenances thereto

Released Property: The real property described in the attached Exhibit "B" and being the same property described in that certain Partial Release of Lien recorded in Volume 1528, Page 488, Official Records of Fayette County, Texas

Property: The Original Property, save and except the Released Property

Names and Addresses of Substitute Trustees:

**Kevin W. Mutscher**  
Betts, Walters & Mutscher, P.C.  
P. O. Box 1118  
Brenham, Texas 77834

**Kyle Holloway**  
Fayetteville Bank  
P. O. Box 9  
Fayetteville, Texas 78940

Foreclosure Sale:

Date: August 4, 2020  
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.  
Place: Fayette County Courthouse  
151 North Washington Street  
La Grange, Fayette County, Texas

At the area designated for such sales by the Commissioner's Court in document recorded in Volume 1304, Page 162, Official Records of Fayette 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, Lender, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

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.

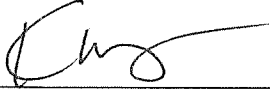
Pursuant to Section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical 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.**

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.

In accordance with Texas Property Code Section 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint those individual(s) named herein as Substitute Trustee(s) to act under and by virtue of said Deed of Trust.



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**KEVIN W. MUTSCHER**, attorney for Lender



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**KEVIN W. MUTSCHER or KYLE  
HOLLOWAY**, Substitute Trustees

**FIRST TRACT:**

Lots Nos. 21, 22, 23, 24, 25 and 26, in Block 22, of the City of Schulenburg, Fayette County, Texas, as shown on the map of said City of Schulenburg, and recorded in Volume 1, page 320, of the Deed Records of Fayette County, Texas.

**SECOND TRACT:**

All that certain lot, parcel or tract of land, situated in the City of Schulenburg, in Fayette County, Texas, being described as follows:

Beginning at a point 50 feet north of the center of the main tract of G. H. & S. A. R. R. in the east margin of West Avenue in said City of Schulenburg;

Thence east 50 feet north and parallel with said R. R. tract 1237-3/10 feet to a stake;

Thence north 58-8/10 feet to a stake in the south margin of North Main Street;

Thence west along said street margin 1237-8/10 feet to stake in said West Avenue Street margin;

Thence south with said Street margin 58-8/10 feet to the place of beginning containing 1-67/100 acres of land.

**LESS, HOWEVER,** the west 405 feet of the above described SECOND TRACT, same being described in the Deed to G. E. Ruhmann, dated March 1940, and recorded in Volume 180, page 199, of the Deed Records of Fayette County, Texas, to which Deed and its record refer.

**THIRD TRACT:**

All that certain tract or parcel of land lying in Fayette County, Texas, described as follows:

Beginning from the southeast corner of a 1-67/100 acre survey deeded by the heirs of Chr. and Ernstine Baumgarten, Deceased, to Baumgarten-Matula Co. by Deed bearing date of January 23, 1917, a point 50 feet north of the center of the main tract of G. F. & S. A. Railroad, in the City of Schulenburg, in Fayette County, Texas;

Thence east 50 feet north of and parallel with said railroad main tract, 64 feet to a stake;

Thence north 58-8/10 feet to a stake in the south margin of North Main Street;

Thence west 64 feet to the northeast corner of said 1-67/100 acre survey;

Thence south 58-8/10 feet to the place of beginning, containing 3,763-2/10 square feet of land.

**LESS, HOWEVER, AND EXCEPT THE FOLLOWING TWO TRACTS OF LAND:**

**First Tract:**

All that certain tract or parcel of land situated in Fayette County, Texas, a part of the Kesiah Crier League, Abstract No. 38, same lying within the City Limits of Schulenburg, Texas, same being all of the Third Tract and part of a Second Tract described in the Deed of Trust from Baumgarten-Matula Co., Inc., to Don Blansitt, dated February 1, 1979, and recorded in Volume 530, page 511, of the Deed of Trust Records of Fayette County, Texas, and described by metes and bounds as follows, to-wit:

**BEGINNING** at the Southeast corner, same lying at the intersection of the North Right-of-Way margin of the Southern Pacific Railroad and the West margin of Wolters Street;

**THENCE** West 168.3 feet along the North Right-of-way margin of said Southern Pacific Railroad to the Southwest corner;

THENCE North 3 degrees 55' West 50.1 feet to the Northwest corner, same lying in the South margin of North Main Street, same lying in the North margin of the said Don Blansitt Second Tract;

THENCE East 171.7 feet along the South margin of said North Main Street to the Northeast corner, same lying at the intersection of the South margin of North Main Street and the West margin of said Wolters Avenue;

THENCE South 50.00 feet along the West margin of said Wolters Avenue to the place of beginning, containing 0.195 acre of land, as surveyed by Ronald A. Voss, Registered Public Surveyor No. 2293, on April 14, 1980, and being the same land described in a Deed from Baumgarten-Matula Co., Inc., to Julia A. Walker, recorded in Volume 554, page 393, of the Deed Records of Fayette County, Texas, to which said Deed and its recordation thereof, reference is hereby made for all pertinent purposes.

**Second Tract:**

All that certain tract or parcel of land situated in Fayette County, Texas, a part of the Kesiah Crier League, A-38, same lying within the City Limits of Schulenburg, Texas, same being a part of that portion of land bounded on the East by Upton Avenue, on the West by Wolters Avenue, the North by North Main Street, and the South by Southern Pacific Railroad, and described by metes and bounds as follows, to-wit:

BEGINNING at the iron pin for the Northeast corner, same lying at the intersection of the West margin of Upton Avenue and the South margin of said North Main Street;

THENCE, SOUTH 00°24' EAST 58.5 feet along the West margin of said Upton Avenue to an iron pin for the Southeast corner, same lying in the North margin of the Southern Pacific Railroad Right-of-Way;

THENCE, WEST 125.0 feet along the North margin of the said Southern Pacific Railroad Right-of-Way to an iron pin for the Southwest corner;

THENCE, NORTH 57.7 feet to an iron pin for the Northwest corner, same lying in the South margin of said North Main Street;

THENCE, NORTH 89°37'-3/4' EAST 124.6 feet along the South margin of said North Main Street to the place of beginning containing 0.166 acres or 7,250 square feet of land.



**FIELD NOTES DESCRIPTION**

Field notes description of a 0.2007 (8,744 sq. ft.) tract of land situated in the City of Schulenburg, in Fayette County, Texas; same being a portion of Abstract 38, Survey No. 7, Kesiah Crier, original grantee; being a portion of that certain 1.67 acre tract of land (Tract 2) conveyed to Baumgarten-Matula Co. by an instrument (105/9) recorded in the Fayette County Deed Records (FCDR); being a portion of that certain 3,763.2 sq. ft. tract of land conveyed to the said Baumgarten-Matula Co. by an instrument (105/11 FCDR); being the easterly portion of that certain tract of land conveyed to TRI-S, Inc. by an instrument (765/757 FCDR); and being more particularly described by metes and bounds as follows:

**BEGINNING** at point on the south right-of-way line of North Main Street (no record R.O.W. width is known), same being the north line of the said 3,763.2 sq. ft. tract, for the northwest corner of that certain 0.166 acre tract of land conveyed to The First National Bank of Schulenburg by an instrument (596/781 FCDR), same being the northeast corner of the herein described tract;

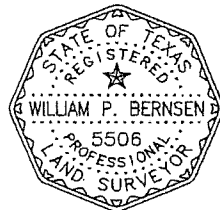
**Thence**, S00°04'46"W, leaving the said right-of-way line, across the said 3,763.2 sq. ft. tract, with the west line of the said Bank tract, same being the common line between the said TRI-S tract and that certain 0.166 acre tract of land conveyed to the City of Schulenburg by an instrument (1203/866) recorded in the Fayette County Official Public Records, at a distance of 1.00 foot passing a Muras rod found ("Muras rod found" denotes a 1/2 inch iron rod found with an orange plastic cap stamped "RPLS 4401") for witness, at a distance of 58.73 feet passing another Muras rod found for witness, and continuing for a total distance of 58.80 feet to a point on the north right-of-way line of the Union Pacific Railroad right-of-way according to the instrument (1/275 FCDR), same being the south line of the said 3,763.2 sq. ft. tract, for the southwest corner of the said Bank tract and the southeast corner of the herein described tract;

**Thence**, West, 148.68 feet (a bearing of due west was assumed on the north line of the railroad right-of-way) with the said right-of-way line, same being the south line of the said 3,763.2 sq. ft. tract, passing the southwest corner of same, same being the southeast corner of the said 1.67 acre tract, and continuing with the south line of same to a point for the southwest corner of the herein described tract;

**Thence**, N00°02'30"E, leaving the said railroad right-of-way, across the said 1.67 acre tract and the said TRI-S tract, at a distance of 0.14 feet passing a Muras rod found for witness, at a distance of 56.90 feet passing another Muras rod found for witness, and continuing for a total distance of 58.80 feet to a point on the said south right-of-way line of North Main Street, same being the north line of the said 1.67 acre tract and of the said TRI-S tract, for the northwest corner of the herein described tract;

**Thence**, East, 148.72 feet with the said south right-of-way line, same being the north line of the said 1.67 acre tract, passing the northeast corner of same, same being the northwest corner of the said 3,763.2 sq. ft. tract, and continuing with the north line of same, to the **POINT OF BEGINNING**, and containing within these metes and bounds, 0.2007 of an acre (8,744 sq. ft.) of land. This description is based on the Land Title Survey and plat prepared by William P. Bernsen, RPLS #5506, on June 30, 2010.

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition 1 survey. This certification shall be null and void for transactions occurring more than 60 days from the date certified.



*William P. Bernsen*

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