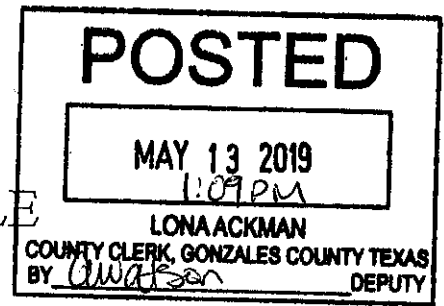


12703 Hwy 90A  
Gonzales, Texas 78629

THE ORIGINAL WAS



NOTICE OF TRUSTEE'S SALE  
and  
APPOINTMENT OF 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.

WHEREAS, on September 8, 2008, Myron Miller and Julie Miller executed a Deed of Trust conveying to North O. West, Trustee, the real property hereinafter described, to secure 12703 US Hwy. 90A West Land Trust, in the payment of a debt therein described, said Deed of Trust being recorded in Volume 989, Page 0190, Official Public Records of Gonzales County, Texas.

WHEREAS, default has occurred in the payment of said indebtedness, and the same is now wholly due, and the owner and holder of said debt has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

WHEREAS, in my capacity as the attorney for the present owner and holder of the note, and pursuant to Section 51.0076(3) Texas Property Code, I hereby name, appoint and designate Dick Veters or Mark Cummings or Jason West, the Substitute Trustee(s) in the above described Deed of Trust and/or to act under and by virtue of said Deed of Trust, including posting and filing the public notice required under Section 51.002 Texas Property Code as amended, and to proceed with a foreclosure of the Deed of Trust lien securing the payment of said note.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, June 4, 2019, at 1:00 o'clock p.m. or within three (3) hours thereafter, the Substitute Trustee will sell said real property at the place hereinafter set out, to the highest bidder for cash. The place of sale shall be in the area designated by the Commissioners Court of such County, pursuant to §51.002 of the Texas Property Code as the place where foreclosure sales are to take place (if such place is not so designated, the sale will take place in the area where this Notice of Substitute Trustee's Sale is posted), in the City of Gonzales, Gonzales County, Texas.

Said real property is described as follows:

Being 1.00 acre of land situated in a tract called 2.739 acres in a conveyance to John Flach and Mary Ann Flach, in Volume 543, Page 596, Deed Records, Eliza Dewitt League, Abstract No. 13, Gonzales County, Texas, and being more particularly described by metes and bounds in the Exhibit "A" attached hereto and made a part hereof.

The Deed of Trust permits the Beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deed of Trust or Substitute Trustee appointed herein need not appear at the date, time and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiled may be after the date originally scheduled for this sale.

Pursuant to Section 51.009 of the Texas Property Code, the property will be sold in "AS IS, WHERE IS" condition, without any express or implied warranties, except as to the warranties of title (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 and the priority of the lien being foreclosed.

The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the Beneficiary thereunder to have the bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

The 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 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. The sale shall not cover any part of the property that has been released of public record from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the priority, nature and extent of such matters, if any.


In the event of a defect or other problem with the foreclosure process is discovered that may invalidate the sale, the consideration paid will be returned to the purchaser as the sole and absolute remedy. In the event of any claim or action brought by any person including the purchaser requiring or resulting in the invalidation of the sale and rescission of the Trustee's Deed or Substitute Trustee's Deed, purchaser's damages resulting therefrom are limited to the consideration paid to the Trustee or Substitute Trustee and the sole and absolute remedy shall be the return to purchaser of the consideration paid. The purchaser shall have no further recourse against the Trustee, Substitute Trustee, Mortgagor, Mortgagee or the Mortgagee's attorney.

Default has occurred under the Deed of Trust, and the beneficiary has requested the above named Trustee or Substitute Trustee(s), to conduct this public sale. Notice is given that before the sale the beneficiary or the Beneficiary's attorney, agent or servicer may appoint another person substitute trustee to conduct the 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 Substitute Trustee's address is c/o WEST & WEST ATTORNEYS, 2929 Mossrock, Suite 204, San Antonio, Texas 78230.

WITNESS MY HAND on 13<sup>th</sup> day of May 2019.

  
NORTH O. WEST, State Bar No. 21204000  
Attorney or Authorized Agent for the  
Mortgagee or Mortgagee's Servicer  
WEST & WEST ATTORNEYS, P.C.  
2929 Mossrock, Suite 204  
San Antonio, Texas 78230

### Exhibit "A" Legal Description

All that certain parcel of land situate in the County of Gonzales, State of Texas, bounded and described as follows:

Being 1.00 acre of land situated in a tract called 2.739 acres in a conveyance to John Fisch and Mary Ann Mach, Volume 543, Page 596, Deed Records, Elizz DeWitt League, Abstract No. 13, Gonzales County, Texas, and described by metes and bounds as follows:

Beginning at an iron pipe found marking the west corner of the called 2.739 acre tract, the west corner of the herein described 1.00 acre tract, the north corner of the Paul Allen Jr. 351.29 acre tract described in Volume 295, Page 416, Deed Records and situated in the southeast line of a 1.978 acre tract described in a conveyance to John Fisch and Mary Ann Towns Fisch, Volume 41.0, Page 210, Deed Records.

Thence N 04 deg. 45' 32" E 175.04 feet to an iron pin set for the north corner of the called 2.739 acre tract, the north corner of the herein described 1.00 acre tract, the elk corner of the 1.978 acre tract described in Volume 41.0, Page 210, Deed Records and situated in the southwest R.O.W. of U.S. Highway No. 90-A;

Thence with the southwest R.O.W. of U.S. Highway No. 90-A S 63 deg. 17' 00" E 302.82 feet to a concrete R.O.W. monument and S 69 deg. 15' 00" E 1.84 feet to an iron pin set for the east corner of the herein described 1.00 acre tract;

Thence across the called 2.739 acre tract S 04 deg. 22' 01" W 133.28 feet to an iron pin set for the south corner of the herein described 1.00-acre tract and situated in the southwest line of the called 2.739 acre tract;

Thence with the southwest line of the 2.739 acre tract N 71 deg. 19' 15" W 139.14 feet to a concrete monument and N 70 deg. 42' or W 153.39 feet to the place of beginning and containing 1.00 acre of land. The orientation of the bearings is based on the use of S 63 deg. 17' 00" E for the southwest R.O.W. of U. S. Highway No. 90-A.

The above field notes were prepared from a survey made on the ground under the supervision of Raymond Dietel, R.P.L.S. 1868 in April, 2004.

STATE OF TEXAS COUNTY OF GONZALES  
I hereby certify that this instrument  
was filed on the date and time stamped  
hereon by me and was duly recorded in  
the Official Records of Gonzales County,  
Texas in Volume and page as stamped  
hereon by me.

SEP 17 2008

FILED this 16 day of SEPT., 2008  
at 11:11 AM  
LEE RIEDEL  
COUNTY CLERK, GONZALES COUNTY, TEXAS  
By *[Signature]* Deputy



*[Signature]*  
County Clerk, Gonzales County, Texas

██████████