

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

THE STATE OF TEXAS §
COUNTY OF GONZALES §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on February 27, 2006, Ronald W. DuBose and Stephannie S. DuBose, ("Grantor") executed and delivered a Deed of Trust (the "Deed of Trust") conveying to **Sam Urso**, as Trustee, the hereinbelow described property to secure **Prosperity Bank, the successor by merger with State Bank**, in the payment of an indebtedness (the "Note") therein described, the Deed of Trust being filed and recorded under Clerk's File No. 227882, Volume 939, Page 0389, et. seq., et. seq., in the Official Public Records of Real Property of Gonzales County, Texas, to which reference is hereby made for all purposes; and

WHEREAS, default has occurred in the payment of the Note and the same is now wholly due, and **Prosperity Bank** (the "Beneficiary"), the owner and holder of the Note, has requested the undersigned to sell the Property to satisfy the Note; and

WHEREAS, the above named Trustee and any previously appointed Substitute Trustee was removed under and in accordance with the Deed of Trust and the Beneficiary designated and appointed **L. David Smith, Bob Frisch, Jamie Steen, Jo Woolsey and Jodi Steen**, any of whom **may act independently** as Substitute Trustee to enforce the Trust, and any of whom may conduct the sale of the Property and may be contacted as indicated on the signature block below.

NOW, THEREFORE, pursuant to the authority conferred upon me by the Deed of Trust, I, **L. David Smith**, hereby give notice that I or one of the other Substitute Trustees whose names and addresses are set out below, will sell the Property at public auction to the highest bidder, for cash,

on **Tuesday, April 3, 2018**. The earliest time at which the sale will occur shall be at **10:00 o'clock A.M.** and it may take place not later than three hours after said time, and the sale shall take place in the area which has been designated as the area for foreclosures to take place, being the Southeast entrance of the Downtown Courthouse (414 St. Joseph, Gonzales, Gonzales County Texas 78629), or as designated by the Gonzales County Commissioner's Court as the area for foreclosures to be conducted. This conveyance will be made subject to any exceptions referenced in the Deed of Trust to the extent the same are still in effect and shall not cover any part of the Property that has been released from the liens of the Deed of Trust. The Property that will be sold at the foreclosure sale includes the following described real property, together with all improvements and fixtures thereon and appurtenances thereto:

Being all that certain tract or parcel of land, containing 1.000 acres of land, lying and being situated in Gonzales County, Texas, and being part of the Jose de la Baume Six Leagues, Abstract No. 34, and more particular being part of that certain tract of 20.9 acres of land described in Deed of Gift dated September 30, 1987, executed by Leonard Jones and Ethel Mae Jones, to Willie L. Sutton, recorded in Volume 605, Page 836, of the Official Records of Gonzales County, Texas, and the particular portion thereof hereby intended to be described by metes and bounds on **Exhibit "A"** attached hereto and incorporated herein as if repeated verbatim.

THE SALE OF THE PROPERTY IS "AS-IS" AND "WHERE-IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. THE SUBSTITUTE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE COMPLIANCE WITH THE LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, 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.

SUBSTITUTE TRUSTEES

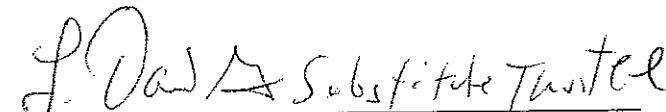
NOTICE IS HEREBY PROVIDED THAT ONE OF THE FOLLOWING NAMED SUBSTITUTE TRUSTEES WHOSE ADDRESS AND CONTACT INFORMATION FOR PURPOSES HEREOF IS AS FOLLOWS MAY CONDUCT THE SALE:

L. David Smith, Bob Frisch, Jamie Steen, Jo Woolsey and Jodi Steen
c/o CHERNOSKY, SMITH, RESSLING & SMITH, PLLC

Attention: **L. David Smith**
4646 Wild Indigo, Suite 110
Houston, Texas 77027
Telephone: (713) 800-8604
Facsimile: (713) 622-1026
Email: smith@csrslaw.com

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.

Dated this 8th day of March, 2018.



L. David Smith, Substitute Trustee
Chernosky, Smith, Ressling & Smith, PLLC
4646 Wild Indigo, Suite 110
Houston, Texas 77027
Telephone: (713) 800-8604
Facsimile: (713) 622-1026
Email: smith@csrslaw.com

EXHIBIT "A"

399-126 1.000 acre of land surveyed for Sutton.

Being all that certain tract or parcel of land, containing 1.000 acres of land, lying and being situated in Gonzales County, Texas, and being part of the Jose de la Baume Six Leagues, Abstract No. 34, and more particular being part of that certain tract of 20.9 acres of land described in Deed of Gift dated September 30, 1987, executed by Leonard Jones and Ethel Mae Jones, to Willie L. Sutton, recorded in Volume 605, Page 836, of the Official Records of Gonzales County, Texas, and the particular portion thereof hereby intended to be described by metes and bounds as follows, to wit:

Beginning at 5/8 inch iron rod set in the southeast line of County Road No. 109 and in the north line of said Sutton tract, said Point of Beginning being located North 37°00'00" East 316.92 feet from the westerly corner of said 20.9 acre tract, for the westerly corner of this tract hereby intended to be described;

Thence North 37°00'00" East 208.71 feet with the northwesterly line of said 20.9 acre tract and the southeasterly line of said County Road to a 5/8 inch iron rod set in said lines for the north center of this tract or parcel of land hereby intended to be described;

Thence South 53°00'00" East 208.71 feet and entering said 20.9 acre tract to a 5/8 inch iron rod set for the easterly corner of this tract or parcel of land hereby intended to be described;

Thence South 37°00'00" West 208.71 feet to a 5/8 inch iron rod set for the southerly corner of this tract or parcel of land hereby intended to be described;

Thence North 53°00'00" West 208.71 feet the Place of Beginning containing within said bounds 1.000 acres of land, more or less.

These field notes were prepared from and on the ground survey done under my supervision and are true and correct to the best of my knowledge on September 23, 1999 and the same are of record in Book "S" Page _____, Recorded of Private survey, Gonzales County, Texas.

ROBERT K. BURCHARD
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 1607

