

## Notice of Foreclosure Sale

June 2, 2020

### Deed of Trust ("Deed of Trust"):

**Dated:** December 1, 2006

**Grantor:** SIRILO R. VASQUEZ, JR.

**Trustee:** Catherine Kenjura

**Lender:** Tommie L. Wellmann

**Recorded in:** Volume 1226, Page 670 of the real property records of Washington County, Texas.

**Legal Description:** Being all that certain tract or parcel of land containing 8,757 square feet, or 0.2010 acres of land, more or less, lying and being situated in the City of Brenham, Washington County, Texas, being part of the A. Harrington Survey, Abstract No.55, and being a portion of the same land described in a Deed from Andrea Lisette Bell, et al, to Beverly Randle, dated March 16, 2004, and recorded in Volume 1114, Page 898, Official Records of Washington County, Texas, said 8,757 square feet, or 0.2010 acre tract of land, more or less, being more particularly described by metes & bounds in Warranty Deed dated December 1, 2006, from Tommie L Wellman, a single man, to Sirilo R. Vasquez, Jr., and recorded on December 4, 2006, in Volume 1226, Page 670, Deed Records, Washington County, Texas, and being more particularly described by metes and bounds in Exhibit "A".

Street Address: 401 N. Austin St, Brenham, Tx 77833

Tax Account: R25263

**Secures:** Real Estate Lien Note ("Note") in the original principal amount of \$115,000.00, executed by SIRILO R. VASQUEZ, JR. ("Borrower") and payable to the order of Lender

**Substitute Trustee:** John D. Winkelmann

**Substitute Trustee's**

**Address:** P.O. Box 2488, Brenham, Texas, 77834

**Foreclosure Sale:**

*Book A. Rothman*  
WASHINGTON COUNTY CLERK

2020 JUN - 2 AM 9: 01

FILED FOR RECORD  
WASHINGTON COUNTY TEXAS

Date: Tuesday, July 7, 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. and not later than three hours thereafter.

Place: The sale will be conducted in Washington County in the area designated by the Commissioners Court, pursuant to Section 51.002 of the Texas Property Code, as the place where foreclosure sales are to take place. If no place is designated by the Commissioners Court, sale will be conducted at the place

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 Tommie L. Wellmann's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

The sale is pursuant to the Judgement for Delinquent Taxes, Foreclosure of Tax Liens and Order of Sale signed by Judge Carson T. Campbell on January 16, 2020 in *Cause No. 37,080, Ovation Services, LLC v Sirilo R. Vasquez, ET AL, in the 21<sup>st</sup> Judicial Distcit Court of Washington County, Texas*, as well as a default that has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Tommie L. Wellmann, 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 Tommie L. Wellmann's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Tommie L. Wellmann'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 Tommie L. Wellmann 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

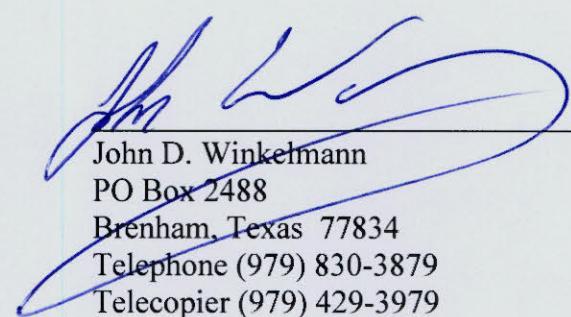
Tommie L. Wellmann. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

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.**

**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.**



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John D. Winkelmann  
PO Box 2488  
Brenham, Texas 77834  
Telephone (979) 830-3879  
Telecopier (979) 429-3979

## EXHIBIT "A"

All that certain tract or parcel of land, lying and being situated in the City of Brenham, Washington County, Texas, part of the A. Harrington Survey, A-55, being a portion of the same land described in a deed from Andrea Lisette Bell, et al to Beverly Randle, dated March 16, 2004, recorded in Volume 1114, Page 898, Official Records of Washington County, Texas (1114/898, O.R.W.C., Tx), metes and bounds description in 354/918, D.R.W.C., Tx, and being more fully described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2" iron rod set on a west margin of North Austin Street for the northeast corner hereof and for the southeast corner of the residue of an Ida M. Luhn tract (F. W. Luhn 57/367, D.R.W.C., Tx), also being set for the northwest corner of a City of Brenham, Texas tract (359/749, D.R.W.C., Tx) which was part of said original tract;

THENCE, along a west line of North Austin Street, S 13° 39' 51" E, 59.26 feet, to a 1/2" iron rod set for the southeast corner hereof and for the southwest corner of said City of Brenham tract, being in a west line of North Austin Street and being the northeast corner of a Juan Carlos Martinez tract (999/964, O.R.W.C., Tx);

THENCE, along the south line hereof, common with the north line of said Martinez tract, S 79° 03' 02" W, 155.67 feet, to a 1/2" iron pipe found for the southwest corner hereof and of said original tract and for the northwest corner of said Martinez tract, being in an occupied east line of a Herman Wessinger tract (130/188, D.R.W.C., Tx);

THENCE, along the west line hereof, N 13° 07' 34" W, 53.54 feet, to corner in a 12" hackberry tree for the northwest corner hereof and of said original tract in an occupied south line of said Luhn tract, being the occupied northeast corner of said Wessinger tract, a mag nail set for reference in the base of said tree bears N 19° 40' W, 0.48 feet;

THENCE, along the north line hereof, N 76° 56' 49" E, 155.00 feet, to the PLACE OF BEGINNING, containing 8,757 SQUARE FEET of land, more or less, as surveyed by Donald W. Lampe, Registered Professional Land Surveyor No. 1732 of the State of Texas.

FILED FOR RECORD  
WASHINGTON COUNTY, TEXAS

2006 DEC - 1 PM 2:32

BETH A. ROTHERMEL  
WASHINGTON COUNTY CLERK

STATE OF TEXAS  
COUNTY OF WASHINGTON

I hereby certify that this instrument was FILED on the date and at the time affixed hereon by me and was duly RECORDED in the volume and page of the OFFICIAL RECORDS of Washington County, Texas, as stamped hereon by me on

DEC 04 2006

*Beth A. Rothermel*  
Beth Rothermel, County Clerk  
Washington County, Texas



2020 JUN -2 PM 3: 27

*Beth A. Rothemel*  
WASHINGTON COUNTY CLERK

## **NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**STATE OF TEXAS** §  
**COUNTY OF WASHINGTON** §

NOTICE is hereby given that on October 31, 2013, KENNETH SIMON and BRENDA SIMON executed a Deed of Trust to WENDY YATES, Trustee, for the use and benefit of LEONARD I. PHILLIPS and REBECCA PHILLIPS, on the hereinafter described real estate, which Deed of Trust appears of record at Volume 1453, Page 202, Official Records, Washington County, Texas (hereinafter the "Deed of Trust"); and which Deed of Trust described above was to secure the payment of a Real Estate Lien Note in the original principal sum of TWO HUNDRED TWENTY-EIGHT THOUSAND AND NO/100 DOLLARS (\$228,000.00) (hereinafter the "Note") to which reference is here had and made for all purposes pertinent; and, whereas, the said KENNETH SIMON and BRENDA SIMON have made default in the payment of sums due under the Note and Deed of Trust; and whereas, the undersigned has been appointed as Substitute Trustee in the place and stead of WENDY YATES, Trustee, in the aforesaid Deed of Trust; said appointment being in the manner provided by the Deed of Trust, and whereas, LEONARD I. PHILLIPS and REBECCA PHILLIPS, the owner and holder of the Note and liens securing same, has requested the undersigned to enforce such trust; and

NOW, THEREFORE, I, CHRISTOPHER S. HARDY, SUBSTITUTE TRUSTEE, as aforesaid, hereby give notice that I will accordingly, after due posting of this notice as required by such Deed of Trust and the law, sell, beginning at 10:00 o'clock a.m. or not later than three (3) hours thereafter at public venue to the highest bidder or bidders for cash on the south steps/entrance of the Washington County Courthouse, 100 E. Main Street, Brenham, Texas 77833 on the first Tuesday in July, same being the 7<sup>th</sup> day of July, 2020, the following described real estate so described in and covered by such Deed of Trust:

## **TRACT 1:**

All that certain tract or parcel of land, lying and being situated in Washington County, Texas, out of the David Lawrence Survey, Abstract No. 75, containing 0.631 acres of land, more or less, and being the same property described as Tract One in Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

**TRACT 2:**

All that certain tract or parcel of land, lying and being situated in Washington County, Texas, out of the David Lawrence Survey, Abstract No. 75, containing 0.789 acres of land, more or less, and being the same property described as Tract Two in Exhibit "A" attached hereto.

**TRACT 3:**

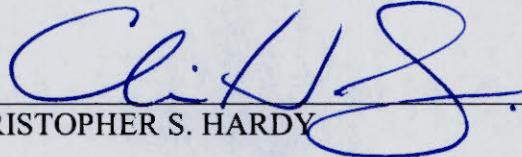
All that certain tract or parcel of land, lying and being situated in Washington County, Texas, out of the David Lawrence Survey, Abstract No. 75, containing 1.742 acres of land, more or less, and being the same property described as Tract Three in Exhibit "A" attached hereto.

**LESS: HOWEVER:**

All that certain tract or parcel of land, lying and being situated in Washington County, Texas, out of the David Lawrence Survey, Abstract No. 75, containing 0.789 acres of land, more or less, and being the same property described on Page 3 of Exhibit "A" attached hereto.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY, OR OTHERWISE, ANY WARRANTY OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER THE LENDER NOR THE TRUSTEE MAKES ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS, OR SPECIFICATIONS, NOR WITH RESPECT TO 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.

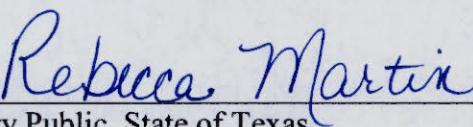
WITNESS MY HAND this 29<sup>th</sup> day of May, 2020.

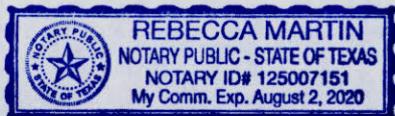
  
CHRISTOPHER S. HARDY

STATE OF TEXAS

COUNTY OF WASHINGTON

This instrument was acknowledged before me on the 29<sup>th</sup> day of May, 2020, by CHRISTOPHER S. HARDY, Substitute Trustee for the benefit of LEONARD I. PHILLIPS and REBECCA PHILLIPS.

  
Rebecca Martin  
Notary Public, State of Texas



## EXHIBIT "A"

### TRACT ONE:

All that tract or parcel of land situate in Washington County, Texas, out of the David Lawrence A-75 Survey and being a portion of the 351.489 acre tract conveyed to Bailey-Metzger, Inc. by deed recorded in Volume 347, Page 853, Washington County, Deed Records, more particularly described as follows:

BEGINNING at an iron pin in the North line of the U. S. Highway 290 at a point S 86 deg. 53 min. 27 sec. W, 196.69 ft. from the Southeast corner of the original tract;

THENCE with said highway line S 86 deg. 53 min. 27 sec. W, 156.31 ft. to an iron pin at the corner of Bluebonnet Blvd.;

THENCE with said boulevard East line N 3 deg. 23 min. 38 sec. W, 144.04 ft; N 21 deg. 58 min. 10 sec. E, 9.74 ft.; N 52 deg. 56 min. 30 sec. E, 22.23 ft.; N 70 deg. 34 min. 30 sec. E, 63.42 ft.; N 49 deg. 00 min. E 70.47 ft. to an iron pin;

THENCE S 7 deg. 39 min. E, 227.08 ft. to the point or place of beginning containing 0.631 acres of land, more or less.

And being the same property described in a deed dated May 23, 1978, from Bailey-Metzger, Inc. to A. E. Bailey, recorded in Volume 365, Page 636, Deed Records of Washington county, Texas, to which reference is here had and made.

### TRACT TWO:

ALL THAT TRACT OR PARCEL OF LAND situated in Washington County, Texas out of and a part of the David Lawrence Survey A-75 containing a portion of the 1.742 acre tract of land described in deed dated 18 September 1990 from Bluebonnet Hills Inn, Inc. to Roger Metzger, et ux recorded in Volume 633 at Page 663 of the Official Records of Washington County, Texas.

BEGINNING at the southwest corner of this survey, an iron pin found on the north margin of U. S. Highway 290 for the southeast corner of the Bluebonnet Hills Inn 0.631 acre tract and southwest corner of the original 1.742 acre tract of which this survey is a part;

## EXHIBIT "A"

THENCE departing from said highway line, N 7° 39' 00" W 227.08 ft. with the east boundary of said Bluebonnet Hills Inn tract to the northeast corner thereof, an iron pin found on the south or southeast margin of Bluebonnet Boulevard for the northwest corner of said 1.742 acre original tract;

THENCE with said street line and northwestern boundary of the 1.742 acre tract, N 49° 00' 00" E 29.53 ft. to an iron pin and N 25° 09' 40" E 86.84 ft. to an iron pin set for the northeast corner hereof;

THENCE departing from said street line, S 23° 38' 40" E 342.75 ft. with the west line of a 0.953 acre parcel surveyed herewith and east line of a 0.233 acre roadway easement contained herein to an iron pin set on the north margin of Highway No. 290 common with the south boundary of Bluebonnet Hills Section One and south boundary of the original 1.742 acre tract of which this survey is a part;

THENCE with said common boundary, S 86° 53' 27" W 166.69 ft. to the place of beginning, containing 0.789 acre of land, more or less.

### TRACT THREE:

ALL THAT TRACT OR PARCEL OF LAND situated in Washington County, Texas, out of the David Lawrence Survey A-75 and containing a portion of the 351.489 acre tract described in deed dated 1 August 1976 from Leroy Melcher, Sr., et ux to Bailey-Metzger, Inc. recorded in Volume 347 at Page 853 of the Deed Records of Washington County, Texas, and being a part of Bluebonnet Hills Subdivision Section One per plat recorded in 124A-B, 125A Plat File.

BEGINNING at the southeast corner of this survey, an iron pin found at a fence corner on the north margin of U.S. Highway No. 290 for the southeast corner of the original 351.489 acre tract of which this survey is a part, also being the southeast corner of Bluebonnet Hills Subdivision Section One;

THENCE with said highway line and south boundary of the original tract, S 86° 53' 27" W 196.69 ft. to an iron pin found at the southeast corner of a 0.631 acre parcel conveyed to Bluebonnet Hills Inn, Inc. (420/803 O.R.W.C.);

THENCE leaving said highway and original boundary, N 7° 39' 00" W 227.08 ft. with the east line of said 0.631 acre parcel to the northeast corner of same, an iron pin found on the southeast margin of Bluebonnet Boulevard;

THENCE with said street line, N 49° 00' 00" E 29.53 ft. to an iron pin and N 25° 09' 40" E 94.84 ft. to an iron pin for the northwest corner of this parcel;

## EXHIBIT "A"

THENCE departing from said street line, N 81° 07' 19" E 208.56 ft. to an iron pin set on the east boundary of the original tract;

THENCE with said original boundary, S 6° 48' 56" W 354.28 ft. to the place of beginning, containing 1.742 acre of land, more or less.

### LESS, HOWEVER, THE FOLLOWING DESCRIBED:

ALL THAT TRACT OR PARCEL OF LAND situated in Washington County, Texas out of and a part of the David Lawrence Survey A-75 containing a portion of the 1.742 acre tract of land described in deed dated 18 September 1990 from Bluebonnet Hills Inn, Inc. to Roger Metzger, et ux recorded in Volume 633 at Page 663 of the Official Records of Washington County, Texas.

BEGINNING at the southwest corner of this survey, an iron pin found on the north margin of U. S. Highway 290 for the southeast corner of the Bluebonnet Hills Inn 0.631 acre tract and southwest corner of the original 1.742 acre tract of which this survey is a part;

THENCE departing from said highway line, N 7° 39' 00" W 227.08 ft. with the east boundary of said Bluebonnet Hills Inn tract to the northeast corner thereof, an iron pin found on the south or southeast margin of Bluebonnet Boulevard for the northwest corner of said 1.742 acre original tract;

THENCE with said street line and northwestern boundary of the 1.742 acre tract, N 49° 00' 00" E 29.53 ft. to an iron pin and N 25° 09' 40" E 86.84 ft. to an iron pin set for the northeast corner hereof;

THENCE departing from said street line, S 23° 38' 40" E 342.75 ft. with the west line of a 0.953 acre parcel surveyed herewith and east line of a 0.233 acre roadway easement contained herein to an iron pin set on the north margin of Highway No. 290 common with the south boundary of Bluebonnet Hills Section One and south boundary of the original 1.742 acre tract of which this survey is a part;

THENCE with said common boundary, S 86° 53' 27" W 166.69 ft. to the place of beginning, containing 0.789 acre of land, more or less.