

FILED FOR RECORD

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

AUG 08 2023

1. *Property to Be Sold.* The property to be sold is described as follows:

SEE EXHIBIT "A"

AT 9:15 O'CLOCK A M.  
 CARLA KERN  
 County Clerk, Mitchell County, Texas  
 By [Signature] Deputy

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust recorded in Document # 221881 of the real property records of Mitchell County, Texas.

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: September 5, 2023

Time: The sale will begin no earlier than 10:00 A.M. The sale will be completed by no later than 4:00 P.M.

Place: The Courthouse of Mitchell County, Texas, before the courthouse door, or at the place so designated by the county commissioners in accordance with Texas law for such sales, or if no such area has been so designated, at the place where Substitute Trustee's Foreclosure Sales of real property are customarily and regularly held in Mitchell County, Texas.

The deed of trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the deed of trust 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.

4. *Terms of Sale.* 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 cash on the day the property is sold.

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 nature and extent of such matters, if any.

Pursuant to the deed of trust, the beneficiary has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property.

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.

Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.


5. *Type of Sale.* The sale is a nonjudicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed September 6, 2022.

6. *Obligations Secured.* The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to (a) the promissory note in the original principal amount of \$44,100.00 executed by Elias E. Olguin and Ashley Lopez and payable to the order of Tierra Group, LLC. Tierra Group, LLC is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

7. *Default and Request to Act.* Default has occurred under the deed of trust, and the beneficiary has requested me, Eric Jancovech, Scott Horton, or J. Brandon Waits as substitute trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

Questions concerning the sale may be directed to the undersigned, or to the beneficiary, Tierra Group, LLC at 4200 South Hulen, Suite 533, Fort Worth, TX 76109, (817) 763-0997.

Dated August 2, 2023

  
Eric Jancovech, ~~Scott Horton,~~  
or ~~J. Brandon Waits~~  
Substitute Trustee

Re: 344 E. 6th, Colorado City, TX 79512

## **Exhibit “A”**

The East Ninety (90) feet of Lot 6, in Block Seventy-five (75), Original Town of Colorado City, Mitchell County, Texas, according to the map or plat thereof recorded in Slide 12, Plat Records of Mitchell County, Texas.

344 E 6<sup>th</sup>, Colorado City, TX 79512