

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

Notice is hereby given that a public sale at auction of the Property (as that term is defined and described below) will be held at the date, time and place specified herein.

### **Information regarding the indebtedness and lien that is the subject of this sale:**

Note:

Date: March 22, 2019  
Maker: Jason E. Klein and Rebecca E. Klein  
Payee: Capital Farm Credit, FLCA  
Original Principal Amount: \$50,000.00  
Capital Farm Credit, FLCA Loan No. 964326

Deed of Trust:

Date: March 22, 2019  
Grantor: Jason E. Klein and Rebecca E. Klein  
Trustee: Ben R. Novosad  
Recorded in: Document No. 19-1422, Official Public Records of Andrews County, Texas.

Property:

The following described real property, together with all mineral interests, improvements, fixtures, personal property and intangible property, if any, described in and presently covered by the Deed of Trust and all other rights, privileges and appurtenances pertaining thereto:

Certain parcels of land in Andrews County, Texas, more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.

Together with all rights, easements, appurtenances, royalties, surface, subsurface and/or mineral rights, now owned or hereafter acquired, oil and gas rights, crops, timber, all diversion payments or third party payments made to crop producers, all water and riparian rights, wells, ditches, reservoirs, and water stock and all existing and future improvements,

structures, fixtures and replacements that may now, or at any time in the future, be part of the real estate described above (all referred to as "Property").

Notwithstanding any other provision, reservation or exception contained in said Deed of Trust or on any exhibit thereto, the lien shall cover all of Grantor's water rights, including, but not limited to, rights to surface water, groundwater, underground water, percolating waters, rights to any water from lakes, streams or other bodies of water, adjudicated or permitted water rights, riparian and other water rights which are owned or which are hereafter acquired by Grantor whether or not expressly excepted from the description of the Property.

Prior Modification of Note and/or Deed of Trust:

Present Owner of Note and Beneficiary under Deed of Trust:

Capital Farm Credit, FLCA

**Information regarding the public sale to be held:**

Substitute Trustee:     **Shelley Nail, Johnie Eads, and Donna Trout**

Appointed by written instrument dated January 6, 2021, executed by Capital Farm Credit, FLCA and recorded or to be recorded in the appropriate Official Public Records of Andrews County, Texas.

Date of Sale:             March 2, 2021, being the first Tuesday in said month.

Time of Sale:            The earliest time at which the sale will occur is 1:00 p.m., Andrews, Texas local time, and shall begin not later than 3 hours thereafter.

Place of Sale:            The designated area of the County Courthouse as designated by the Commissioners Court of Andrews County, Texas

Default has occurred in the payment of the indebtedness evidenced by the Note. Because of such default, Capital Farm Credit, FLCA appointed Substitute Trustee and has requested Substitute Trustee to enforce the Deed of Trust.

Therefore, notice is given that on the date and time and at the place set forth hereinabove, any one of the above-named Substitute Trustees will sell the above-referenced Property by public sale to the highest bidder for cash in accordance with the Deed of Trust and the laws of the State of Texas.

Prospective bidders are advised to make their own examination of title to the Property to determine the existence of any easements, restrictions, liens or other matters affecting title to the Property. Neither Substitute Trustee nor the Capital Farm Credit, FLCA make any representation or warranty (express or implied) regarding title to or the condition of the Property. The Property to be sold at the public sale will be sold in its present "AS IS" condition and subject to all ad valorem taxes then owing with respect to the Property.

  
\_\_\_\_\_, Substitute Trustee

Please return File-Stamped Copy to:

Will C. Griffis  
McCleskey, Harriger, Brazill & Graf, L.L.P.  
311 S. Abe, Suite B  
San Angelo, TX 76903

## EXHIBIT "A"

A 11.49 acre tract of land out of 22.82 acres of land situated in Section 17, Block A-47, Public School Land Survey, Andrews County, Texas and being more particularly described as follows:

BEGINNING at N (Y) 6813136.0' - E (X) 670215.1' a one half inch iron rod with red plastic cap marked "TX 1985 NM 14729" (RPC), set for the Southeast corner hereof, from which a 60d nail found at the Southeast corner of said Section 17 bears S. 13°48'41"E. 2623.9 feet and N. 76°14'15"E., 1797.2 feet;

THENCE S 77°34'32"W., 799.4 feet to a ½" iron pipe found for the Southwest corner hereof;

THENCE N. 12°41'39"W., 627.0 feet to a RPC, set for the Northwest corner hereof;

THENCE N. 76°58'29"E., 787.0 feet to a RPC, set an exterior corner hereof;

THENCE S. 13°48'41"E., 635.4 feet to the point of beginning and containing 11.49 acres of land.

### ROADWAY EASEMENT

A strip of land 25.1 feet in width crossing in the E/2 of Section 17, Block A-47, Public School Land, Andrews County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron rod with cap marked "WOE INC." found for the Southwest corner of this survey, from which a 60d nail found at the Southwest corner of said E/2 of Section 17 bears S. 75°41'00"W. 849.8 feet and S. 12°41'05"E. 50.5 feet (bearings compared to the Texas Coordinate System of 1983. North Central Zone, distances are true at an averaged surface elevation);

THENCE N. 13°48'25"W., at 2558.4 feet pass a found 3/8" iron rod with cap marked "WOE INC.", in all 3829.6 feet to a ½" iron pipe with plug marked "WOE INC." found for the Northeast corner of that certain 11.41 acre tract of land described in Instrument No. 18-4458, Official Public Records, Andrews County, Texas, and for the Northwest corner of this tract;

THENCE N. 76°20'55"E. 25.1 feet to a ½" iron pipe with plug marked "WOE INC." found for the Northwest corner of that certain 41.68 acre tract of land described in Instrument No. 18-4449, Official Public Records, Andrews County, Texas, and for the Northeast corner of this tract;

THENCE S. 13°48'25"E., at 1839.2 feet pass the Southwest corner of said 41.68 acre tract, in all 3829.4 feet to a 3/8" iron rod with cap marked "WOE INC." found for the Southeast corner of this tract;

THENCE S. 75°54'40"W. 25.1 feet to the PLACE OF BEGINNING.

A 6.32 acre tract of land out of 11.41 acres of land situated in Section 17, Block A-47 Public School Land Survey, Andrews County, Texas and being more particularly described as follows:

BEGINNING AT n (y) 6813753 0' - E (X) 670063 4', a one-half inch iron rod with red plastic cap marked "TX 1985 NM 14729" (RPC), set for the Southeast corner hereof, from which a 600 nail found at the Southeast corner of said Section 17 bears S 13°48'41"E. 3259.2 feet and N 76°14'15"E. 1796.2 feet;

THENCE S 76°58'43"W. 787.0 feet to a RPC, set for the Southwest corner hereof;

THENCE N 12°41'30"W., 627.1 feet to a ½" iron pipe found for the Northwest corner hereof;

THENCE N 76°21'21"E., 308.0 feet to a RPC, set for an exterior corner hereof;

THENCE S 13°48'31" E., 466.6 feet to a RPC, set for an interior or corner hereof;

THENCE N 76°21'44"E., 466.7 feet to a RPC, set for an exterior corner hereof;

THENCE S 13°48'41"E., 168.8 feet to the point of beginning and containing 6.32 acres of land.

RECEIVED  
2021 FEB -9 P 3:15  
VICKI SCOTT  
COUNTY CLERK  
ANDREWS COUNTY