

AUG 12 2021

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

Elaine H. Cardenas
COUNTY CLERK

THE STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HAYS

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WHEREAS, on August 22, 2019 , **Alyssa Diane Alvarado and Gilbert Joshua DeLeon** ("Grantor") executed and delivered a Deed of Trust,(the "Deed of Trust") conveying to **David Zalman** , as Trustee; the herein below described property to secure **Prosperity Bank** in the payment of all indebtedness (collectively the "Note") therein described, the Deed of Trust being filed and recorded under Instrument No. 19029469, in the Official Public Records of Real Property of Hays 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, Sharlet Watts, Angela Zavala, Michelle Jones and Richard Zavala, Jr.** 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, **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, September 7, 2021. The earliest time at which the sale will occur shall be at 1:00 o'clock P.M. and it may take place not later than three hours after said time, and the sale shall take place at the South Door of the Hays County Government Center located at 712 South Stagecoach Trail, San Marcos, Hays County, Texas, or any other area which has been designated by the Hays County Commissioner's Court as the area for foreclosures to take place. 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:

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Lot 19, Block 7, of CREEKSIDE VILLAGE SECTION 4, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Document Number 18025014 of the Official Public Records of Hays County, Texas; more commonly known as 385 Cibolo Creek Drive, Kyle, TX 78640.

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, Sharlet Watts, Angela Zavala, Michelle Jones and Richard Zavala, Jr.,

c/o L. David. Smith
2618 Kittansett Circle

Katy Texas 77450
Telephone: 281-788-3666
Email: ldslaw7@gmail.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 4th day of August, 2021.

L. David Smith Substitute Trustee

L. David. Smith, Substitute Trustee
2618 Kittansett Circle
Katy Texas 77450
Telephone: 281-788-3666
Email: ldslaw7@gmail.com

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STATE OF TEXAS §
COUNTY OF HAYS §

KNOW ALL PERSONS BY THESE PRESENTS
COUNTY CLERK
HAYS COUNTY, TEXAS

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Pursuant to authority conferred upon me by that Deed of Trust (with Security Agreement and Assignment of Rents and Leases), dated January 23, 2012, executed by Pritor Longhorn Buda Hotel, LLC, a Delaware limited liability company, whose mailing address is 10565 North 114th Street, Suite 102, Scottsdale, Arizona 85259, as Grantor, to Dan W. McCrary, as Trustee, and duly recorded on January 26, 2012, as Document No. 2012-12002019 in the Official Public Records of Hays County, Texas (the "Deed of Trust"); I, the undersigned duly appointed Substitute Trustee under said Deed of Trust or another such duly appointed Substitute Trustee or Successor Substitute Trustee under said Deed of Trust, having an address of 8101 Boat Club Road, Suite 320, Fort Worth, Texas 76179, will, in order to satisfy the indebtedness secured thereby and at the request of Members Choice Credit Union, the owner and holder of said indebtedness, and whose mailing address is 18211 Katy Freeway, Houston, Texas 77094, default having been made in the payment of said indebtedness and/or default having been made under the covenants set out in the said Deed of Trust, sell on **Tuesday, September 7, 2021**, to the highest bidder for cash in the area designated by the Commissioners Court of Hays County, pursuant to § 51.002 of the Texas Property Code, as the place where foreclosure sales are to take place (if no such place is so designated, the sale will take place in the area where this Notice of Substitute Trustee's Sale is posted), further described as South Door of the Hays County Government Center located at 712 South Stagecoach Trail, at a time not earlier than **10:00 AM** and within three hours after that time, the following described property, to-wit:

The real property located at 1285 Cabelas Drive, Buda, Texas 78610 in Hays County, Texas, described in the Deed of Trust, as more particularly described in **Exhibit A** attached hereto and made a part hereof by reference for all purposes, together with all buildings, structures, fixtures, personal property, and improvements thereon, and any and all equipment, apparatus, fixtures, inventory and all other property, belonging to the Grantor and, used or situated on the real property described in Exhibit A or the improvements thereon, including, but not limited to, all heating, lighting, refrigeration, plumbing, ventilating, incinerating, water-heating, cooking, dish washing, radio, communication, electrical and air-conditioning equipment, together with all appliances, generators, engines and machinery, elevators, pumps, motors, compressors, boilers, condensing units, disposals, range hoods, furniture, furnishings, sprinklers, wiring, pipe, doors, windows, window screens, draperies, awnings, shelving, mantels, cabinets, paneling, wall coverings and floor coverings, and such other goods and chattels and personal property as are ever used or furnished in operating a building or buildings or in conducting any activity therein, upon the real property herein described, and all renewals, replacements and substitutions thereof and additions and accessions thereto, whether or not the same are or shall be attached to the realty in any manner, together with all building materials and equipment delivered to such premises and intended to be installed thereon, together with all the rights, hereditament and appurtenances in anywise appertaining or belonging thereto.


THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE(S), EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY

DISCLAIMED. NEITHER THE HOLDER OF THE PROMISSORY NOTE NOR THE SUBSTITUTE TRUSTEE(S) MAKE(S) ANY REPRESENTATIONS OR WARRANTIES WITH THE 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.

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ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. If you 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 holder immediately.

EXECUTED August 16, 2021.



Substitute Trustee

WHEN RECORDED RETURN TO:

Attn: Eric Zukoski
Quilling, Selander, Lownds, Winslett & Moser, P.C.
2001 Bryan Street, Suite 1800
Dallas, Texas 75201
ezukoski@qslwm.com
(214) 871-2100
Our File No. 8107.0011

EXHIBIT A

Legal Description

TRACT 1:

LOT 1B, AMENDED PLAT OF LOT 1A AND LOT 1E OF THE FINAL PLAT, LOTS 1A-1F, BLOCK C, CABELA'S SECTION ONE BEING A REPLAT OF LOT 1, BLOCK "C" CABELA'S SECTION ONE, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 15, PAGE 256, PLAT RECORDS, HAYS COUNTY, TEXAS.

TRACT 2:

EASEMENT ESTATE CREATED IN THAT CERTAIN DECLARATION OPERATION AND RECIPROCAL EASEMENT AGREEMENT DATED OCTOBER 8, 2009, RECORDED IN VOLUME 3764, PAGE 579, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, AS AMENDED IN VOLUME 3947, PAGE 797, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, OVER AND ACROSS LOTS 1A-1F, FINAL PLAT, LOTS 1A-1F, BLOCK C, CABELA'S SECTION ONE BEING A REPLAT OF LOT 1, BLOCK "C" CABELA'S SECTION ONE, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 15, PAGE 256, PLAT RECORDS, HAYS COUNTY, TEXAS.

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