

FILED FOR RECORD

2020 NOV 10 AM 4:59

### Notice of Foreclosure Sale

JOANNA BLANCO  
CASTRO COUNTY  
DISTRICT & COUNTY CLERK

1. *Property to Be Sold.* The property to be sold is described as follows:  
*As seen on Exhibit A attached hereto.*

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust recorded in Levelland of the real property records of Castro County, Texas.

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

Date: December 1, 2020

Time: The sale will begin no earlier than 10:00 a.m. The sale will be completed by no later than 1:00 p.m.

Place: Castro County Courthouse in Dimmit, Texas, at the following location: 100 East Bedford Street, Dimmit, Texas 79027

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 refileing 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 their bid immediately in cash if their bid is accepted.

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 non-judicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by RODRIGO AND MICHELLE JACKSON.

The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

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 the promissory note executed by RODRIGO AND MICHELLE JACKSON, and payable to the order of DIANA OLTIVERO. is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiary, DIANA OLTIVERO and JUAN OLTIVERO III at 2121 Tech Drive, Levelland, Texas 79336.

7. *Default and Request to Act.* Default has occurred under the deed of trust, and the beneficiary has requested me, 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.

8. **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: November 10, 2020.



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Brian S. Walsh  
516 Avenue H  
Levelland, Texas 79336  
Telephone: (806) 894-1541  
Facsimile: (806) 894-1543

# EXHIBIT A

Property (including any improvements): **Tract One**, A 3.386 acre tract out of a part of a tract known as 113.8 acres out of the NB part of Section 16, Block M-10-A, Castro County, Texas, as described by notes and bounds as follows:

COMMENCING at a 1/4" steel rod found at the intersection of the southerly line of U.S. Highway 385 and the North line of Section 16, Block M-10-A, for the Northeast corner of a tract known as 113.8 acres as described in Volume 6, Page 617, Field Note Records where a 1/4" IR found for the NW corner of said section bears S5° 57' 30" W 4283.16 feet;

THENCE S 45° 47' 05" E along the southerly line of said highway, 748.09 feet to a 1/4" IR found for a corner of the tract known as 113.8 acres and also being the Northerly and beginning corner of this tract;

THENCE Southerly along the southerly line of said highway and along a curve to the right with a radius of 1382.70 feet and a central angle of 16° 21' 07" in an arc distance of a 394.62 feet to a 3/8" IR set for a corner of Parkway Addition, Tract filing in the City of Dimmit as shown by the plat thereof of record in Volume 106, Page 392, Deed Records and a corner of the tract known as 113.8 acres;

THENCE S 69° 59' 59" W at 42.89 feet pass a 3/8" IR found for a corner of Parkway Addition, Tract filing and the NE corner of a tract known as 40.00 acres as described in Volume 6, Page 366, Field Note Records and at a total distance of 233.17 feet a 3/8" IR found for a corner of the tract known as 113.87 acres and a corner of the tract known as 40.00 acres;

THENCE S 07° 07' 06" E 59.9 feet to a 3/8" IR found for a corner of the tract known as 40.00 acres;

THENCE S 81° 17' 10" E 253.72 feet to the Place of Beginning;

**Tract Two**, A 0.4 acre tract out of a part of a tract known as 113.8 acres and being a part of a tract known as 40.00 acres out of the NB part of Section 16, Block M-10-A in Castro County, Texas and being further described by notes and bounds as follows:

BEGINNING at a 3/8" IR, found for the NW corner of said 40.00 acre tract and being in the SW corner of a tract known as 3.386 acres conveyed to Jerry J. Leffler by Warranty Deed in Volume 257, Page 292 of the Official Public Records of Castro County, Texas;

THENCE S 89° 59' 30" E along the S/line of said 3.386 acre tract for a distance of 170.13 feet to a 3/8" IR found;

THENCE S 67° 16' 17" W for a distance of 321.33 feet to a 3/8" IR with a cap rounded;

THENCE N 05° 15' 47" E for a distance of 125.00 feet to a 3/8" IR found for the SW corner of said 3.386 acre tract;

THENCE S 89° 59' 30" E along the S/line of said 3.386 acre tract for a distance of 112.61 feet to the Place of Beginning.