

**NOTICE OF TRUSTEE'S SALE (NON-JUDICIAL FORECLOSURE)**

**NOTICE DATE: JANUARY 14, 2019**

**SALE DATE: FEBRUARY 5, 2019**

**NOTICE IS HEREBY GIVEN OF A PUBLIC,  
NON-JUDICIAL FORECLOSURE SALE PURSUANT TO:**

1. "DEED OF TRUST" (AND RELATED ASSIGNMENT OF RENTS, ETC.): AND
2. "CONTRACT FOR IMPROVEMENTS WITH DEED OF TRUST AND POWER OF SALE" as follows:

1. **"DEED OF TRUST" (AND RELATED ASSIGNMENT OF RENTS, ETC.):**

**Dated: March 30, 2017**

**Grantor: OAK LAWN MEDICAL PROPERTIES, L.P., a Texas Limited Partnership**  
**Address: 1951 Fort Worth Highway, Suite 105**  
**Weatherford, Parker County, Texas 76086**

**Original Trustee: Carey Stewart**  
**Address: 400 Fisk Avenue**  
**Brownwood, Brown County, Texas 76801**

**Substitute Trustee: J. M. SZABUNIEWICZ**  
**Address: 6750 Locke Ave., Suite 103-B**  
**Fort Worth, Tarrant County, Texas 76116**

**Original Lender: TEXAS BANK, A Banking Corporation**  
**Address: 400 Fisk Avenue**  
**Brownwood, Brown County, Texas 76801**

**Transferee Lender: GUARANTY FINANCE COMPANY, a Texas Corporation,**  
**Address: ITS SUCCESSORS AND ASSIGNS**  
**1951 Fort Worth Highway, Suite 105**  
**Weatherford, Parker County, Texas 76086**

**Recorded In: BROWN COUNTY AS:**  
**Clerk's Instrument No.: 1701936 and related 1701937**  
**Official Public Records of Brown County, Texas**

**ERATH COUNTY AS:**  
**Clerk's File No.: 2017-02138 and related 2017-02139**  
**Official Public Records of Erath County, Texas**

**HOOD COUNTY AS:**  
**Clerk's File No.: 2017-0006434 and related 2017-0006435**  
**Official Public Records of Hood County, Texas**

**POSTED**

**\_\_\_\_\_ A.M. 12:24 P.M.**

**JAN 14 2019**

**GWINDA JONES, COUNTY CLERK**  
**ERATH COUNTY, TEXAS**

By \_\_\_\_\_ *CW* Deputy

**Securing:** Promissory Note (the "Promissory Note") in the sum of \$421,216.00, executed by OAK LAWN MEDICAL PROPERTIES, L.P., a Texas Limited Partnership, as Borrower, and payable originally to TEXAS BANK, a Banking Corporation of 400 Fisk Avenue, Brownwood, Brown County, Texas; And subsequently endorsed, transferred and assigned payable to the order of Guaranty Finance Company, a Texas Corporation, as subsequent Lender.

**Property:** Being all of that certain real property more particularly described in the hereto attached Exhibit "A". which Exhibit "A" is incorporated herein by this reference & is made part hereof for all purposes (the "Subject Property(ies)").

AND THE

**2. "CONTRACT FOR IMPROVEMENTS WITH DEED OF TRUST AND POWER OF SALE":**

**Dated:** October 3, 2017

**Grantor:** OAK LAWN MEDICAL PROPERTIES, L.P., a Texas Limited Partnership  
**Address:** 1951 Fort Worth Highway, Suite 105  
Weatherford, Parker County, Texas 76086

**Trustee:** J. M. SZABUNIEWICZ  
**Address:** 1951 Fort Worth Highway, Suite 105  
Weatherford, Parker County, Texas 76086

**Lender:** GUARANTY FINANCE COMPANY, A Texas Corporation  
**Address:** 1951 Fort Worth Highway, Suite 105  
Weatherford, Parker County, Texas 76086

**Contractor:** WILLOW PARK CONSTRUCTION, INC., A Texas Corporation,  
**Address:** 900 North Houston Street  
Granbury, Hood County, Texas 76048

**Recorded In:** BROWN COUNTY AS:  
Clerk's Instrument No.: N.A.  
Official Public Records of Brown County, Texas

ERATH COUNTY AS:  
Clerk's File No.: 2019-00180  
Official Public Records of Erath County, Texas

HOOD COUNTY AS:  
Clerk's File No.: N.A.  
Official Public Records of Hood County, Texas

**Securing:** Promissory Note (the "Promissory Note") in the sum of \$636,000.00, executed

by Grantor, OAK LAWN MEDICAL PROPERTIES, L.P., a Texas Limited Partnership, as Borrower, and payable originally to CONTRACTOR that was transferred and assigned by CONTRACTOR to the hereof LENDER, Guaranty Finance Company, a Texas Corporation.

**Property:** Being all of that certain real property more particularly described in the hereto attached Exhibit "A". which Exhibit "A" is incorporated herein by this reference & is made part hereof for all purposes (the "Subject Property(ies)").

**FORECLOSURE SALE (the "SALE"):**

**Date:** Tuesday, February 5, 2019.

**Time:** The Sale of the Brown County Property and the sale of the Erath County Property shall begin no earlier than 10:00 A.M., or no later than three (3) hours thereafter. The Sale shall be completed by no later than 1:00 P.M.

The Sale of the Hood County Property shall begin no earlier than 1:00 P.M., or no later than three (3) hours thereafter. The Sale shall be completed by no later than 4:00 P.M.

**Place:** The Sale will be held in the area designated for foreclosure sales by the Commissioner's Court of Brown County, Texas, of Erath County, Texas, and of Hood County, Texas, pursuant to Section 51.002 of the Texas Property Code.

**Terms of Sale:**

The Sale pursuant to this NOTICE shall be conducted concurrently, contemporaneously and jointly of the hereof described (1) "DEED OF TRUST; and (2) "CONTRACT FOR IMPROVEMENTS WITH DEED OF TRUST AND POWER OF SALE" (the "Contract"), as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust, and/or the Note, and/or the Contract, permitting the Lender thereunder to have a bid credited in no certain order, to the Note secured by the Contract, and the Note secured by the Deed of Trust, up to the amount of the unpaid debts of both Notes secured by the Deed of Trust and the companion Contract at the time of Sale.

Pursuant to the Deed of Trust, and/or the Note, and/or the Contract, the Lender (or Subsequent Lender) has the right to direct Trustee (or Substitute Trustee), to sell the Subject Property(ies) in one or more amounts, and applicable to one or more parcels and/or to sell all or only a part of the Subject Property(ies).

The Deed of Trust, and/or the Note, and/or the Contract permits the Lender (or Subsequent Lender) to postpone, withdraw, or reschedule the Sale for another day. In that case, the Trustee, or Substitute Trustee, under the Deed of Trust and/or the Contract 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 re-posted and re-filed in accordance with the

posting and filing requirements of the Texas Property Code. Such re-posting or re-filing may be after the date originally scheduled for this Sale.

Those desiring to purchase the Subject Property will need to demonstrate their ability to pay cash on the day the Subject Property is sold. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Subject Property.

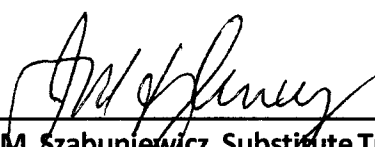
The Sale is a jointly conducted non-judicial Deed of Trust lien together with the Contract lien, and security interest foreclosure sale being conducted pursuant to the Power of Sale granted by the Deed of Trust and the Contract.

The Sale will be made expressly subject to any title matters set forth in the Deed of Trust and the Contract, but prospective bidders are reminded that by law, the Sale will necessarily be made subject to all prior matters of record affecting the Subject Property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. Pursuant to Section 51.0075 of the Texas Property Code, the Trustee or Substitute 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 Substitute Trustee.

Pursuant to Section 51.009 of the Texas Property Code, the Subject Property shall be sold on an "AS IS, WHERE IS, TOGETHER WITH ALL FAULTS, DEFECTS, OTHER INCUMBRANCES, AND RIGHTS OF PARTIES IN POSSESSION" basis, without any express or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust and the Contract.

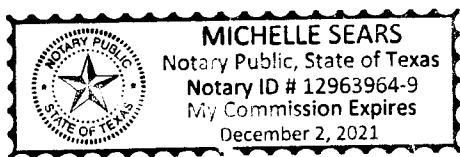
Default has occurred under the Deed of Trust securing the described \$421,216.00 Promissory Note, and the Contract securing the described \$636,000.00 Promissory Note, and the Lender (and Subsequent Lender) has requested me, as the duly appointed Substitute Trustee, to conduct the Sale. Notice is given that before the Sale, the Lender may appoint another person as Substitute Trustee to conduct the Sale.

EXECUTED January 14, 2019.

By:   
J. M. Szabuniewicz, Substitute Trustee  
1951 Fort Worth Highway, Suite 105  
Weatherford, Parker County, Texas 76086  
Tel. (817) 771-9526

THE STATE OF TEXAS       \*  
COUNTY OF PARKER       \*

This instrument was acknowledged before me on the 14<sup>th</sup> day of January, 2019, by J. M. SZABUNIEWICZ.



  
Notary Public – State of Texas

EXHIBIT "A"

Real Property Descriptions

The Property(ies) to which this "CONTRACT FOR IMPROVEMENTS WITH DEED OF TRUST AND POWER OF SALE" (the "Contract") is applicable are as follows:

(1) Being that certain Property commonly known as: 107 S. Park Dr., Brownwood, Brown County, Texas 76801, and being more particularly described by that certain legal description stated in the hereto attached EXHIBIT "A-1" called TRACT ONE and TRACT TWO, which is incorporated herein by this reference and is made a part hereof for all purposes; and

(2) Being that certain Property commonly known as: 763 N. Graham St., Stephenville, Erath County, Texas 76401, and being more particularly described by that certain legal description stated in the hereto attached EXHIBIT "A-2" called TRACT THREE, which is incorporated herein by this reference and is made a part hereof for all purposes; and

(3) Being that certain Property commonly known as: y510 U. S. Highway 377, Granbury, Hood County, Texas 76048; and being more particularly described by that certain legal description stated in the hereto attached EXHIBIT "A-3" called TRACT FOUR, which is incorporated herein by this reference and is made a part hereof for all purposes; and

collectively called the "Subject Property" or the "Property".

EXHIBIT "A-1"

Legal Description of the Brown County Property

TRACT ONE:

All that certain 0.229 acre tract, lot, or parcel of land being out of the Taylor Smith Survey No. 600, Abstract No. 821, being situated in Brownwood, Brown County, Texas, and being part of Lot No. 4 of Block One of the South Park Plaza, an addition to the City of Brownwood, Brown County, Texas, being of record in Volume 2, Page 363, Plat Records of Brown County, Texas, and being part of the same land as conveyed by a Warranty Deed from J.B. Land Co. to Robert H. Johnson dated September 13, 1980, being of record in Volume 715, Page 799, Deed Records of Brown County, Texas, said 0.229 acre tract being further described as follows:

BEGINNING at an iron rod set in the southeasterly line of a 20 foot wide alleyway of said addition, being the West corner of Lot No. 4, and the West corner of said Johnson Lot, for the West corner of this;

THENCE N 43-29 E with the southeasterly line of said alleyway, 42.0 feet, to an iron rod set for the North corner of this;

THENCE S 46-31 E, being parallel with the southwesterly line of said Lot No. 4, 228.0 feet, to a railroad spike set in the westerly line of South Park Drive, for the East corner of this;

THENCE with the curves of said South Park Drive, to the left having a radius of 434.8 feet, and arc distance of 19.97 feet, the L.C. of S 07-05 W, 19.97 feet an iron rod set, continuing with a curve to the right, having a radius of 15.0 feet, the arc distance of 22.1 feet, the L.C. of S 47-53 W, 20.1 feet to an iron rod set in the northerly line of Moore Drive, continuing with a curve to the left, having a radius of 190.54 feet, the arc distance of 8.15 feet, the L.C. of S 87-27 W 8.15 feet to an iron rod found in place being one of the original corners of said Subdivision being the South corner of said Lot No. 4 and Johnson Lot, for the South corner of this;

THENCE N 46-31 W, with the southwesterly line of said Lot No. 4, 232.66 feet, to the place of beginning and calculated to contain 0.229 acre of land in area.

EXHIBIT "A-1"

Legal Description of the Brown County Property

TRACT TWO:

Being all of that lot, tract or parcel of land in Brown County, Texas, out of Taylor Smith Survey No. 600, Abstract No. 821, being all of Lot 4, out of Block 1 of the South Park Plaza Subdivision recorded in Volume 2, Page 357, Plat Records of Brown County, Texas and being all of a tract of land described in a Warranty Deed from J.B. Land Company, a partnership of Marion Baugh, Jr., and O.C. Jarvis to Robert Henry Johnson, filed for record on August 26, 1977, in Volume 715, Page 799, Deed Records of Brown County, Texas, and being all of a tract of land described in a Warranty Deed dated September 18, 1980, from J.B. Land Company, a partnership of Marion Baugh, Jr. and O.C. Jarvis to Robert Henry Johnson; and is more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found in the North line of a 20 foot alley being at the occupied North corner of said Lot 4 and being the occupied North corner of said J.B. Land Company to Robert Henry Johnson tract recorded in Volume 715, Page 799, and being the occupied West corner of Lot 3 of said Block 1, currently owned by Robert Henry Johnson,

and being 488.46 feet, S. 43° 29' 00" W, from a 1/2 inch iron rod found at the intersection of the Southeast line of said 20 foot alley and the Southwest line of Stephen F. Austin Drive, and being the North corner hereof,

THENCE S 43° 29' 00" E, 144.97 feet, with occupied Northwest line of said Lot 4, being the occupied Southeast line of a 20 foot alley to a 3/8 inch iron rod found at the occupied West corner of said Lot No. 4, and being the West corner hereof;

THENCE S 46° 31' 11" E, 232.99 feet, with the occupied Southwest line of said Lot 4 to a 1/2 inch iron rod found in the North line of Moore Drive, being an occupied Southerly corner of said Lot 4 and being a southerly corner hereof;

THENCE with an occupied Southerly line of said Lot 4 being the Northerly line of Moore Drive with a horizontal curve to the right with a radius of 190.5 feet and a chord bearing of N 86° 04' 35" E, and a chord distance of 7.53 feet to a 1/2 inch iron rod found for a Southerly corner hereof,

THENCE with an occupied Southerly line of Lot 4 with a horizontal curve to the left with a radius of 15.00 feet, and a chord bearing of N 49° 36' 15" E, and a chord distance of 21.52 feet to a 1/2 inch iron rod found in the Northwest right-of-way line of South Park Drive, being an occupied Southerly corner of said Lot 4, and being a Southerly corner,

THENCE with the occupied Southeasterly line of said Lot 4, being the occupied Northwesterly right-of-way line of South Park Drive with a horizontal curve to the right with a radius of 434.80 feet and chord bearing on N 14° 48' 52" E, and chords distance of 135.82 feet to a 1/2 inch iron rod found at the occupied East corner of said Lot 4 and being the occupied South corner of Lot 3 currently owned by Robert Henry Johnson being the East corner hereof,

THENCE N 46° 53' 34" W, 175.22 feet with the occupied Northeast line of said Lot 4, being the occupied Southwest line of said tract currently owned by Robert Henry Johnson to the place of beginning.

EXHIBIT "A-2"

Legal Description of the Erath County Property

TRACT THREE:

All that certain Lot 9, Block 1, of the MILLER ADDITION to the City of Stephenville, Erath County, Texas, according to the Final Plat of a Replat of Lots 3-A and 4-A, recorded in Cabinet A, Slide 194, Plat Records, Erath County, Texas, and being a portion of the land described in Warranty Deed from Lindy Boyd to Martin E. McGonagle, dated March 7, 1988, recorded in Volume 739, Page 239, Deed Records, Erath County, Texas.



EXHIBIT "A-3"

Legal Description of the Hood County Property

TRACT FOUR:

Lot 3 and a portion of Lot 2 in Block 3 or THE SHORES, a subdivision in Hood County, Texas according to the plat thereof recorded in Volume 1, Page 90-A, Plat Records, Hood County, Texas, that portion of Lot 2 being more particularly described by metes and bound as follows:

BEGINNING at an iron rod in the north right of way line of United States Highway No. 377 for the southeast corner of said Lot 2;

THENCE N 02 deg. 00 min. W a distance of 113.23 feet to an iron rod for the northwest corner of said Lot 2;

THENCE with the north line of said Lot 2, N 85 deg. 06 min. E a distance of 39.05 feet to an iron rod for corner;

THENCE S 02 deg. 00 min. E a distance of 115.22 feet to an iron rod for corner in the said north right-of-way line;

THENCE with said north right-of-way line S 88 deg. 00 min. W a distance of 39.0 feet to the POINT OF BEGINNING.