

FILED 12/17/2024 11:35:25 AM
FRCL-2024-7050
TENESHIA HUDSPETH, COUNTY CLERK, HARRIS COUNTY, TEXAS

"Land"), together with all improvements and all other property more fully described in the Deed of Trust including, without limitation, all personal property in which a security interest is granted to Fairport under the Deed of Trust (collectively, the "Property"), the Land being described as set forth on Exhibit A hereto.

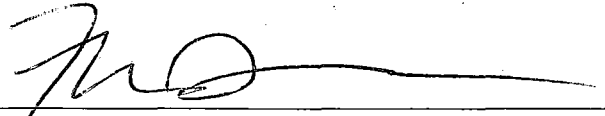
SUBSTITUTE TRUSTEE CONDUCTING THE SALE: Fairport has appointed **BRIAN W. CLARK, CHARLES E. ASTER, AND LESLIE J. SCHMIDT** (each of whose address is 901 Main Street, Suite 5200, Dallas, Texas, 75202 / Phone: (214) 777-4200); **FORREST M. SMITH III AND KARI D. LUTRINGER** (each of whose address is 5151 San Felipe Street, Suite 800, Houston Texas 77056/ Phone: (713) 425-7400) or any of them, individually and severally, and not jointly (collectively "Substitute Trustees" or individually, each a "Substitute Trustee"), each of whom may act alone, without the necessity of joinder of any other Substitute Trustee in the place and stead of, and to succeed to all the rights, titles, powers, and estates granted under the Deed of Trust to, the Trustee to act under and by virtue of the Deed of Trust to sell the Property for cash and that the proceeds of such sale be applied in accordance with the provisions of the Deed of Trust, the other Settlement Documents and under applicable law. Therefore, ~~on the date and at the time and place set forth above,~~ Substitute Trustee will sell the Property to the highest bidder for cash pursuant to the terms of the Deed of Trust and applicable law, subject to the right of Fairport to enter a credit bid on the Property, and further subject to the right of Fairport to direct Substitute Trustee to postpone and resume the foreclosure sale or to cancel the foreclosure sale in its sole and absolute discretion.

PURSUANT TO SECTION 51.009 OF THE TEXAS PROPERTY CODE, THE PROPERTY WILL BE SOLD AND CONVEYED BY THE SUBSTITUTE TRUSTEE "AS IS," AND THE PURCHASER AT THE FORECLOSURE SALE SHALL ACQUIRE THE FORECLOSED PROPERTY AT THE PURCHASER'S OWN RISK AND "AS IS" AND WITHOUT ANY EXPRESS OR IMPLIED WARRANTIES, EXCEPT AS TO THE WARRANTY OF TITLE GIVEN TO THE PURCHASER BY AND ON BEHALF OF THE GRANTOR OF THE DEED OF TRUST, ITS SUCCESSORS, ASSIGNS, HEIRS AND LEGAL REPRESENTATIVES BY VIRTUE OF AND PURSUANT TO THE AUTHORITY CONFERRED BY THE DEED OF TRUST, ANY SUCH OTHER WARRANTIES BEING EXPRESSLY DISCLAIMED; AND SUCH PURCHASER IS AND SHALL NOT BE A CONSUMER.

Pursuant to Section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the foreclosure sale. Any such further conditions shall be announced before bidding is opened for this foreclosure sale.

[signature page to follow]

IN WITNESS WHEREOF, this Notice of Substitute Trustee's Sale is hereby executed on the 16th day of December 2024.

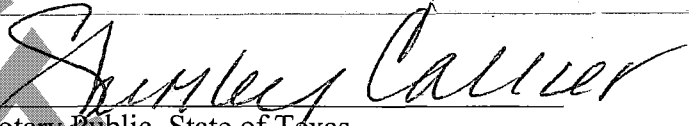


Forest M. Smith III
As Substitute Trustee

10R

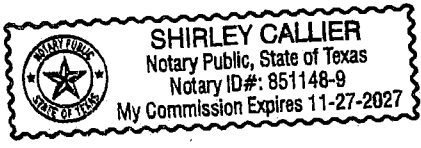
STATE OF TEXAS §
 §
COUNTY OF HARRIS §

The foregoing instrument was acknowledged before me on the 16th day of December, 2024, by Forrest M. Smith III as Substitute Trustee.



Notary Public, State of Texas

(seal)



Return To: //
Brian Clark
901 Main St., Ste. 5200
Dallas, TX 75202

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EXHIBIT A

LEGAL DESCRIPTION OF LAND

Property: 0 FM 2100 Rd, Crosby, TX 77532

Being a 13.741 acre tract of land situated in the L. A. Levy Survey, Abstract Number 517, of Harris County, Texas, and being the same land called 13.7416 acres as described in deed recorded in Clerk's File Number 20090506258 of the Real Property Records of Harris County, Texas; said 13.741 acres being more particularly described as follows with all bearings based on North line of the subject property per the recorded deed;

BEGINNING at a 1/2 inch iron rod, found for the Northwest corner of the herein described tract, same being in the South line of a called San Jacinto River Authority Tract as described in deed recorded in Clerk's File. Number C317848 of said Real Property Records and being the Northeast corner of NEWPORT, Section 3, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 195, Page 74 of the Map Records of Harris County, Texas, and proceeding:

THENCE N 78°34'20"E, along the North line of the herein described tract, common with the South line of the San Jacinto River Authority Tract, a distance of 659.06 feet, to a 5/8 inch iron rod, found for the upper Northeast corner of the herein described tract, common with the Northwest corner of GORDON OAKS, Section 2, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Film Code Number 591018 of said Real Property Records;

THENCE along interior lines of the herein described tract, common with exterior lines of GORDON OAKS, the following bearings and distances:

S 12°20'03"E, a distance of 211.47 feet, to a point and

N 86°25'45"E, a distance of 372.79 feet (called 373.07), to an iron rod with survey cap, found for the lower Northeast corner of the herein described tract, same being in the West right-of-way line of FM 2100 (100 feet wide) recorded in Volume 3114, Page 531 of said Real Property Records, from which a brass disk bears S 86°25'45"W 21.28 feet, found for reference;

THENCE S 11°58'31"E, along the East line of the herein described tract and the West right-of-way of FM 2100, at a distance of 22.95 feet, passing a concrete monument, found for reference, and continuing a distance of 60.20 feet in all, to a 1/2 inch iron rod, found for the upper Southeast corner of the herein described tract, common with the Northeast corner of a called 1.500 acres as described in deed recorded in Clerk's File Number G218842 of said Real Property Records;

THENCE S 86°25'45"W, along an interior line of the herein described tract, common with the North line of the 1.500 acres, at a distance of 21.26 feet, passing a brass disk, found for

reference, and continuing a distance of 475.65 feet in all, to an interior point for the herein described tract, common with the Northwest corner of the 1.500 acres;

THENCE S 10°35'11"E, continuing along an interior line of the herein described tract, common with the West line of the following tracts: the 1.500 acres; the West line of a called 2.35 acres as described in deed recorded in Clerk's File Number F046247 of said Real Property Records; the residual of a called Fannie May Tract as described in deed recorded in Clerk's File Number B491121 of said Real Property Records and the called 2.5947 acres as described in deed recorded in Clerk's File Number X202159 of said Real Property Records, a distance of 674.62 feet, to an iron rod with survey cap, found for the lower Southeast corner of the herein described tract, common with the Southwest corner of the 2.5947 acres, same being in the North line of the residual of a called 9.552 acres as described in deed recorded in Clerk's File Number S076098 of said Real Property Records;

THENCE S 87°50'37"W, along the South line of the herein described tract, common with the North line of the 9.552 acres, a distance of 690.86 feet, (called 690.73) to a point for the Southwest corner of the herein described tract, same being in the East line of NEWPORT, Section 1, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 190, Page 105 of said Map Records;

THENCE N 02°23'02"W, (called N 02°24'44"W) along the West line of the herein described tract, common with the East line of NEWPORT Section 1 & 3, a distance of 831.15 feet, back to the POINT OF BEGINNING and containing 13.741 acres of land as computed based on the survey and plat prepared by C & C Surveying, Inc., dated September 15, 2016.

SAVE AND EXCEPT the property as described in the following metes and bounds:

BEING a 0.0276 of an acre (1,203 square feet) parcel of land located in the L.A. Levy Survey, Abstract No. 517, Harris County, Texas, and being a portion of that certain called 13.7416 acre tract of land conveyed from Paul C. Gordon and Oralia Gordon to John Wilkerson by deed dated November 2, 2009 and recorded under Harris County Clerk's File (H.C.C.F.) No. 20090506258, Film Code No. 068-65-1082 of the Official Public Records of Real Property Harris County, Texas (O.P.R.O.R.P.H.C.T.); said 0.0276 of an acre tract being more particularly described by metes and bounds as follows:

COMMENCING at a found 5/8-inch iron rod with cap for an angle point in the interior line of said 13.7416 acre tract, being the southwesterly corner of Restricted Reserve "A", Block 1, Gordon Oaks 2, a subdivision of record under Film Code No. 591018 of the Harris County Map Records (H.C.M.R.), same being the southwesterly corner of that certain called 1.004 acre tract of land conveyed from Doris L. Mittag to Wesley Zarsky by deed dated May 4, 2010 and recorded under H.C.C.F. No. 20100190471, Film Code No. 071-81-1318 of said Official Public Records, thence as follows:

THENCE, North 86°25'57" East, a distance of 351.91 feet along the interior line of said 13.7416 acre tract, being the southerly line of said Restricted Reserve "A" and said 1.004 acre tract to a set 5/8-inch iron rod with Texas Department of Transportation (TxDOT) aluminum cap in the proposed westerly right-of-way line of Farm-to-Market Road 2100 (F.M. 2100) (120 foot R.O.W.) and for the POINT OF BEGINNING of the herein described parcel having surface

coordinates of N = 13,906,018.06, E = 3,213,116.45, located 60.00 feet left of and perpendicular to baseline station 33+21.13;

1) THENCE, North 86°25'57" East, a distance of 20.20 feet continuing along the interior line of said 13.7416 acre tract, being the southerly line of said Restricted Reserve "A" and said 1.004 acre tract, passing at 6.17 feet a dedicated right-of-way per said Gordon Oaks 2 subdivision, from which a 5/8-inch iron rod with cap bears North 51°57' East, 0.53 feet and continuing along the interior line of said 13.7416 acre tract to a point in the existing westerly right-of-way line of F.M. 2100 (100 foot R.O.W.), being the easternmost northeasterly corner of said 13.7416 acre tract, said existing right-of-way conveyed to the State of Texas by deed January 16, 1956 and recorded under Volume 3114, Page 531 of the Harris County Deed Records (H.C.D.R.)

2) THENCE, South 11°43'14" East, a distance of 60.16 feet along the existing westerly right-of-way line of F.M. 2100, being the easterly line of said 13.7416 acre tract, passing at 22.96 feet a point from which a concrete monument (disturbed) bears North 78°17' East, 1.51 feet and continuing to the northeasterly corner of that certain called 1/2 acre tract (designated as Tract Two) of land conveyed from Frank A. Marek and wife, Vivian F. Marek to Vernon E. Hord and wife, Joni M. Hord by deed dated August 21, 1979 and recorded under Harris County Clerk's File (H.C.C.F.) No. G218842, Film Code No. 137-91-1981, being the easternmost southeasterly corner of said 13.7416 acre tract, from which a found 1/2-inch iron rod (bent) bears North 70°09' East, 1.13 feet;

3) THENCE, South 86°25'57" West, a distance of 20.20 feet along the northerly line of said 1/2 acre tract, being an interior line of said 13.7416 acre tract to a set 5/8-inch iron rod with TxDOT aluminum cap in the proposed westerly right-of-way line of F.M. 2100 and located 60.00 feet left of and perpendicular to baseline station 32+60.97;

4) THENCE, North 11°43'14" West, a distance of 60.16 feet along the proposed westerly right-of-way line of F.M. 2100 to the POINT OF BEGINNING and containing 0.0276 of an acre (1,203 square feet) of land, more or less.

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