

STATE OF TEXAS                   §  
  §  
COUNTY OF WILLACY           §

**NOTICE OF FORECLOSURE SALE**

Date: June 16, 2020

Re: Deed of Trust dated December 2, 2016, recorded in Book 0626, Page 5555 of the Official Records of Willacy County, Texas (Document Number 20160002027)

Dated: December 2, 2016

Grantors: Julian Silva, Jr. and San Juanita Vela Silva (“Borrower”)

Lender: Rio Bank, as Successor in Interest to Elsa State Bank & Trust Co., is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust

Recorded in: Book 0626, Page 5555 of the Official Records of Willacy County, Texas (Document Number 20160002027)

Secures: Promissory Note (“Note”) dated December 2, 2016, in the original principal amount of ONE HUNDRED NINETY THREE THOUSAND AND FIFTY DOLLARS AND NO/100 (\$193,050.00), executed by Julian Silva, Jr. and San Juanita Vela Silva ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

Guaranty: The Note and all other indebtedness of Borrower to Lender is guaranteed by a Guaranty Agreement dated December 2, 2016, and executed by Macaria Salinas in favor of Lender.

Property: The real property, improvements, and personal property described in and mortgaged in the Deed of Trust, including the real property described in the attached Exhibit A, and all rights and appurtenances thereto.

Substitute Trustee: Erick L. Lucio  
805 Old Port Isabel Road  
Brownsville, Texas 78521  
Phone: (956) 504-5500

**Foreclosure Sale:**

- Date: Tuesday, **July 7, 2020**
- Time: The sale of the Property ("Foreclosure Sale") will take place between the hours of 10:00 o'clock a.m. and 4:00 o'clock p.m. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 o'clock a.m. or no later than three hours after that time.
- Place: **The foreclosure sale will be conducted at the Willacy County Courthouse in Raymondville, Texas, at the following location: the area in front of the entrance to the Judicial Section of the Willacy County Courthouse located in the 500 block of West Hidalgo Street, Raymondville, Willacy County, Texas.**
- Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that the Lender's bid may be by credit against the indebtedness secured by the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of the default, Lender, the owner and holder of the Note, has requested Erick L. Lucio as Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Lender's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Lender passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure 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 Foreclosure 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. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Lender.

Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (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(a) of the Texas Property Code, Substitute Trustee reserved the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

**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.**

Respectfully submitted,

HAMILTON & LUCIO, P.C.

By: \_\_\_\_\_



Erick L. Lucio  
Texas Bar No. 24047312  
Bryant Touchy  
Texas Bar No. 24093270  
805 Old Port Isabel Road  
Brownsville, Texas 78521  
Tel: 956-504-5500  
Fax: 956-504-3866  
Email: elucio@hamiltonlucio.com  
Email: btouchy@hamiltonlucio.com

## EXHIBIT A

### Tract I:

A 12.257 acre tract of land out of a certain 36.772 acre tract out of Lot Sixteen [16], Block Three [3], Missouri-Texas Land and Irrigation Company's Subdivision, Willacy County, Texas, according to the map or plat thereof recorded in Volume 1, Page 29, Map Records, Hidalgo County, Texas, and according to Warranty Deed with Vendor's Lien recorded under County Clerk's Document No. 20140002159, Official Records, Willacy County, Texas, reference to which is here made for all purposes and being more particularly described by metes and bounds as follows:

Beginning at a ½" iron rod with cap stamped RPLS 4856 set in the centerline of County Road No. 2900 for the Southwest corner of Lot 16 and the Southwest corner of this tract;

Thence, North, along the West line of Lot 16, passing a ½" iron rod found at 20.00 feet for the North right of way line of County Road No. 2900 West, passing a ½ inch iron rod found at 1,305.00 feet for reference, a total distance of 1,320.00 feet to a point for the Northwest corner of Lot 16 and the Northwest corner of this tract;

Thence, East, along the North line of Lot 16, a distance of 404.48 feet to a point for the Northeast corner of this tract;

Thence, South, passing a ½" iron rod with cap stamped RPLS 4856 set at 15.00 feet for reference, passing a ½" iron rod with cap stamped RPLS 4856 set at 1,300.00 feet for the North right of way line of County Road No. 2900, a total distance of 1,320.00 feet to a ½" iron rod with cap stamped RPLS 4856 set on the South line of Lot 16 and in the centerline of said County Road No. 2900 for the Southeast corner of this tract;

Thence, West, along the South line of Lot 16 and the centerline of said County Road No. 2900, a distance of 404.48 feet to the Point of Beginning and containing 12.257 acres of land, more or less.

Note: The Company is prohibited from insuring the area or quantity of land described herein. Any statement in the above legal description is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override or alter the insuring provisions of item two [2] of Schedule "B" hereof.

### Tract II:

A 12.257 acre tract of land out of a certain 36.772 acre tract out of Lot Sixteen [16], Block Three [3], Missouri-Texas Land and Irrigation Company's Subdivision, Willacy County, Texas, according to the map or plat thereof recorded in Volume 1, Page 28, Map Records, Hidalgo County, Texas, and according to Warranty Deed with Vendor's Lien recorded under County Clerk's Document No. 20140002159, Official Records, Willacy County, Texas, reference to which

is here made for all purposes and being more particularly described by metes and bounds as follows:

Beginning at a ½” iron rod with cap stamped RPLS 4856 set on the South line of Lot 16 and in the centerline of County Road No. 2900 for the Southwest corner of this tract, said rod bears East, 404.48 feet from the Southwest corner of Lot 16;

Thence, North, passing a ½” iron rod with cap stamped RPLS 4856 set at 20.00 feet for the North right of way line of County Road No. 2900, passing a ½ inch iron rod with cap stamped RPLS 4856 set at 1,305.00 feet for reference, a total distance of 1,320.00 feet to a point on the North line of Lot 16 for the Northwest corner of this tract;

Thence, East, along the North line of Lot 16, a distance of 404.48 feet to a point for the Northeast corner of this tract;

Thence, South, passing a ½” iron rod with cap stamped RPLS 4856 set at 15.00 feet for reference, passing a ½” iron rod with cap stamped RPLS 4856 set at 1,300.00 feet for the North right of way line of County Road No. 2900, a total distance of 1,320.00 feet to a ½” iron rod with cap stamped RPLS 4856 set on the South line of Lot 16 and in the centerline of said County Road No. 2900 for the Southeast corner of this tract;

Thence, West, along the South line of Lot 16 and the centerline of said County Road No. 2900, a distance of 404.48 feet to the Point of Beginning and containing 12.257 acres of land, more or less.

Note: The Company is prohibited from insuring the area or quantity of land described herein. Any statement in the above legal description is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override or alter the insuring provisions of item two [2] of Schedule “B” hereof.

**Tract III:**

A 12.257 acre tract of land out of a certain 36.772 acre tract out of Lot Sixteen [16], Block Three [3], Missouri-Texas Land and Irrigation Company’s Subdivision, Willacy County, Texas, according to the map or plat thereof recorded in Volume 1, Page 29, Map Records, Hidalgo County, Texas, and according to Warranty Deed with Vendor’s Lien recorded under County Clerk’s Document No. 20140002159, Official Records, Willacy County, Texas, reference to which is here made for all purposes and being more particularly described by metes and bounds as follows:

Beginning at a ½” iron rod with cap stamped RPLS 4856 set on the South line of Lot 16 and in the centerline of County Road No. 2900 for the Southwest corner of this tract, said rod bears East 808.98 feet from the Southwest corner of Lot 16;

Thence, North, passing a ½" iron rod with cap stamped RPLS 4856 set at 20.00 feet for the North right of way line of County Road No. 2900, passing a ½ inch iron rod with cap stamped RPLS 4856 set at 1,305.00 feet for reference, a total distance of 1,320.00 feet to a point on the North line of Lot 16 for the Northwest corner of this tract;

Thence, East, along the North line of Lot 16, a distance of 162.56 feet to a point for the Northeast corner of the Rio Farms, Inc. Tract [a 2.00 acre tract out of Lot 16, Block 3, Missouri-Texas Land and Irrigation Company's Survey, according to Correction Deed of Trust recorded in Volume 149, Page 252, Official Records, Willacy County, Texas] and an exterior corner of this tract;

Thence, South, along the West line of the Rio Farms, Inc. Tract passing a ½" iron rod at 15.00 feet for reference, a total distance of 250.00 feet to a ½" iron rod found for the Southwest corner of said tract and an interior corner of this tract;

Thence, East, along the South line of the Rio Farms, Inc. Tract, a distance of 298.48 feet to a ½" iron rod found on the West right of way line of F.M. 88 for the Northeast corner of this tract;

Thence, South, along the West right of line of F.M. 88, passing a ½" iron rod found at 1,050.00 feet for the North right of way line of County Road No. 2900, a total distance of 1,070.00 feet to a ½" iron rod found on the South line of Lot 16 and in the centerline of said County Road No. 2900 for the Southeast corner of this tract;

Thence, West, along the South line of Lot 16 and the centerline of said County Road No. 2900, a distance of 461.04 feet to the Point of Beginning and containing 12.257 acres of land, more or less.

*Posted*  
**FILED**  
**COUNTY COURT**  
JUN 16 2020 9:56  
am  
SUSANA R. GARZA, CLERK  
WILLACY COUNTY, TEXAS  
BY: *[Signature]* DEPUTY