

#411

REMOVE POSTING BY:
May 8, 2024

Notice of Foreclosure Sale

FILED FOR RECORD
At 10:44 O'clock A M

APR 15 2024

Deed of Trust ("Deed of Trust"):

Dated: September 11, 2014
Grantors: RW Genetex, Inc., a Texas corporation
Trustee: Ervin B. Flencher, Jr.
Lender: Citizens State Bank

VANESSA BURZYNSKI
COUNTY CLERK, GRIMES COUNTY, TX
By Maui Johnson, Deputy

Recorded in: Volume 1522, Page 110, Official Records of Grimes County, Texas and being modified in a Modification, Renewal, and Extension of Adjustable Rate Note and Lien executed by Rick Whitman, Director of RW Genetex, Inc., a Texas corporation, dated June 27, 2019, recorded in Volume 1746, Page 437, Real Property Records of Grimes County, Texas

Legal Description:

All that certain 32.230 acre tract or parcel of land lying and being situated in the Moses Evans Survey, Abstract No. 191, in Grimes County, Texas, being out of the residue of a 66.15 acre tract, a 38.71 acre tract, and a 63.6 acre tract described in Volume 63, Page 459, Deed Records of Grimes County, Texas, being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

Secures: Adjustable-Rate Note ("Note") in the original principal amount of \$600,000.00, executed by Nicole Whitman, President of RW Genetex, Inc. ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender.

Foreclosure Sale:

Date: Tuesday, May 7, 2024
Time: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 a.m.
Place: Grimes County Courthouse
100 South Main Street
Anderson, Texas 77830
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 Citizens State Bank's bid may be by credit against the indebtedness secured by the lien of 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 that default, Citizens State Bank, the owner and holder of the Note, has requested the Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Citizens State Bank's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Citizens State Bank'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, the Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Citizens State Bank 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 Citizens State Bank. 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, 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 the first sale of the day held by the 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.

Ervin B. Flencher Jr.

Ervin B. Flencher, Jr.
155 8th Street
Somerville, Texas 77879

STATE OF TEXAS)

COUNTY OF BURLESON)

This instrument was acknowledged before me on APRIL 13, 2024 by Ervin B. Flencher, Jr., Trustee of Citizens State Bank.

Dorothy A. Schroeder
Notary Public, State of Texas

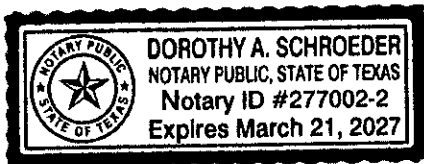


EXHIBIT A

All that certain tract or parcel of land lying and being situated in the Moses Everts Survey, A.B. No. 191, in Grimes County, Texas, being out of the residue of a 66.13 acre tract, a 38.71 acre tract, and a 61.6 acre tract described in Vol. 63, Page 439, Deed Records of Grimes County, Texas, reference being to the record bearing of the east line of said 66.13 and 38.71 acre tracts, and being more particularly described as follows:

COMMENCING at a 3/8 inch iron rod found on the east line of said 66.13 acre tract, same being a west line of a 49.64 acre tract described in a Deed to Felix W. Kinloch, et ux, recorded in Vol. 271, Page 643, Deed Records of Grimes County, Texas;

THENCE N 72 degrees 44' 44" W, along a south right-of-way line of Farm Road 1774, a distance of 481.74 feet to a 1/8 inch iron rod set for the Point of Beginning;

THENCE S 06 degrees 22' 59" E, along a west line of the herein described tract, a distance of 1111.88 feet to a 5/8 inch iron rod set for the SE corner of the herein described tract;

THENCE S 89 degrees 07' 04" W, along a south line of said tract herein described a distance of 1331.99 feet to a 5/8 inch iron rod set on the west line of said 63.6 acre tract and a 206-1/3 acre tract conveyed to J. T. Hunt by instrument recorded in Vol. 213, Page 301, Deed Records of Grimes County, Texas;

THENCE N 19 degrees 57' 38" W, along a line common to said 63.6 acre tract and 206-1/3 acre tract, a distance of 414.13 feet to a 5/8 inch iron rod set for the most southerly NW corner of the tract herein described;

THENCE N 89 degrees 07' 04" E, along a north line of the tract herein described, a distance of 1270.09 feet to a 5/8 inch iron rod set for an interior corner of the tract being described;

THENCE N 11 degrees 34' 43" W, along a west line of the tract being described, a distance of 2906.43 feet to a 5/8 inch iron rod set on said south right-of-way line;

THENCE S 72 degrees 44' 44" E, along the north line of the tract being described, being said south right-of-way line, a distance of 481.78 feet to the Point of Beginning, containing 34,210 acres of land, more or less.

Exhibit A

All that certain tract or parcel of land lying and being situated in Grimes County, Texas, out of the Moses Evans Survey, Abstract No. 191, being a part of a called 32.230 acre tract, more or less, as described in a Warranty Deed with Vendor's Ejecta from Lora Cox Wenzel to Rick Whitman, et ux, dated September 11, 2014, of record in Volume 1522, Page 87 of the Real Property Records of Grimes County, Texas and more fully described by metes and bounds as follows:

COMMENCING at a found 3/8 inch iron rod, at the Northeast base of a 6 inch treated fence corner post, for the Northeast corner of a called 27.230 acre tract, more or less, as described in a Deed to Frances C. Gusa (1709/413), the Northwest corner of a called 1.00 acre tract as described in a Deed to Ricky Kirsch, et ux (373/50) and same being in the South ROW of FM Highway 1774 (80 ft. ROW (208/74));

THENCE N 73°57'06" W, 963.39 ft., along the South ROW of FM Highway 1774, a North line of said 27.230 acre Gusa tract (1709/413) and a North line of a called 32.230 acre tract mentioned above to a point for the Northwest corner thereof and the Northeast corner of a called 32.230 acre tract as described in a Deed to Mary Lavonne Smith (1500/796), from which a found 5/8 inch iron rod, at the Northwest base of a 6 inch treated fence corner post, bvs. N 14°46'36" W, 0/40 ft.;

THENCE S 14°46'36" E, 2,905.97 ft., along a generally fenced and Northeast line of the called 32.230 acre Smith tract (1500/796) and a Southwest line of the called 32.230 acre tract mentioned above to a found 5/8 inch iron rod, at the Westerly base of a 6 inch treated fence corner post, for an interior thereof, the Southwest corner of said 32.230 acre Smith tract and same being the TRUE PLACE OF BEGINNING of the tract of land herein described;

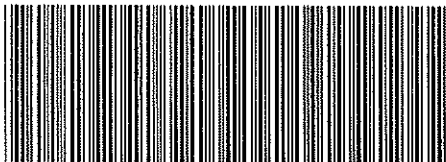
THENCE S 33°03'22" E, 447.34 ft., crossing over the called 32.230 acre tract mentioned above and an East line of the tract of land herein described to a found 5/8 inch iron rod, at the base of a 1/2 inch iron pipe and 1" post, for the Southeast corner thereof, the Southeast corner of the called 32.230 acre tract mentioned above and same being an interior corner of said 27.230 acre Gusa tract (1709/413);

THENCE S 85°58'07" W, 1,351.71 ft., along a North line of said 27.230 acre Gusa tract (1709/413) and the South line of the called 32.230 acre tract mentioned above to a found 5/8 inch iron rod, at the base of a 1/2 inch iron pipe and 1" post, for the Southwest corner thereof, the Westerly Northwest corner of said 27.230 acre Gusa tract and same being in the generally fenced and Northeast line of Eighth Tract, called 206 - 1/5 acres, as described in a Deed to J.T. Horst (271/464);

THENCE N 23°03'40" W, 414.46 ft., along the generally fenced and Northeast line of said 206 - 1/5 acre Horst tract (271/464) and a Southwest line of the called 32.230 acre tract mentioned above to a found 5/8 inch iron rod, at the base of a 1/2 inch iron pipe and 1" post, for the Northwest corner thereof and the Southwest corner of a called 32.230 acre tract as described in a Deed to Mary Lavonne Smith (1500/796);

THENCE N 85°56'42" E, 1,269.80 ft., along the South line of said 32.230 acre Smith tract (1500/796) and a North line of the called 32.230 acre tract mentioned above to the TRUE PLACE OF BEGINNING and containing 11.78 acres of land.

EXHIBIT B
Page 1 of 1



VG-1576-2024-41

Grimes County
Vanessa Burzynski
Grimes County Clerk

Instrument Number: 41

Foreclosure Posting

Recorded On: April 15, 2024 10:44 AM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$7.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 41
Receipt Number: 20240415000012
Recorded Date/Time: April 15, 2024 10:44 AM
User: Mary J
Station: CLERK04

Record and Return To:

BURNS & REYES BURNS PLLC
209 E FAWN STRRET
CALDWELL TX 77836



STATE OF TEXAS
Grimes County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Grimes County, Texas

Vanessa Burzynski
Grimes County Clerk
Grimes County, TX

Vanessa Burzynski