

FILED AND RECORDED

DEC 12 2023



Sharon Blasig
SHARON BLASIG
COUNTY CLERK, LEE COUNTY, TEXAS

NOTICE OF FORECLOSURE SALE

1. **Foreclosure Sale.**

Date of Sale: January 2, 2024

Time of Sale: The sale shall begin no earlier than 10:00 a.m. and shall end no later than three hours after, or by 1:00 p.m.

Place of Sale: At the Lee County Courthouse located at 843 E. Industry in Giddings, Texas at the following location: the West side of 843 E. Industry (the County Clerk's Building) or as designated by the County Commissioner's Office or as designated by the County Commissioner's Court.

2. **Lien Instrument:**

Date of Instrument: September 22, 2012

Name of Instrument: Builder's and Mechanic's Lien Contract

Grantor(s): Gary C. Orts and Linda S. Orts, husband and wife

Substitute Trustees: Jim Mills, Susan Mills, Ed Henderson, George Hawthorne and Andrew Mills-Middlebrook

Address: 9130 Jollyville Rd., Suite 100-21, Austin, TX 78759

Lender & Holder: United Built Homes, L.L.C.

Recording location: Document No. 2012-03145 on September 26, 2012. Refiled on October 10, 2012 as Document No. 2012-03318. Refiled on November 28, 2012 as Document No. 2012-03938.

Filed in Bastrop County, Texas on September 26, 2012 as Document No. 2012-12185. Refiled on October 10, 2012 as Document No. 2012-12738, Book 2180, Pages 211-221.

Legal Description: SEE ATTACHED EXHIBIT "A"

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3. **Debt Secured.**

Date of Instrument: September 22, 2012
Name of Instrument: Retail Installment Contract
Debtor(s): Gary C. Orts and Linda S. Orts, husband and wife
Lender & Holder: United Built Homes, L.L.C.
Original amount: \$101,816.00

4. **Default and Request to Act:** Default has occurred in the payment of the Retail Installment Contract and in the performance of the obligations of the Builder's and Mechanic's Lien Contract. Because of that default, United Built Homes, L.L.C., the owner and holder of the Retail Installment Contract and Builder's and Mechanic's Lien Contract, has requested Substitute Trustee to sell the Property. Therefore, notice is given that on and at the Date, Time and Place for Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described below, the Builder's and Mechanic's Lien Contract, and the Texas Property Code.
5. **Postponement, Withdrawing, or Rescheduling of the Sale** - The Builder's and Mechanic's Lien Contract permits the Holder to postpone, withdraw, or reschedule the sale for another day. In that case, the Substitute Trustee need not appear at the scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of any rescheduled foreclosure sale will be re-posted and re-filed, and may be after the date originally scheduled for this sale.
6. **Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Builder's and Mechanic's Lien Contract permitting the Holder to have the bid credited up to the amount of the unpaid debt secured by the Builder's and Mechanic's Lien Contract. Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold. The sale will be made expressly subject to any title matters set forth in the Builder's and Mechanic's Lien Contract. Prospective bidders are reminded that, by law, the sale will be subject to all prior matters of record affecting the property. Prospective bidders are strongly urged to examine the property records to determine the nature and extent of such matters, if any.
7. **Property Sold "AS IS."** 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 Builder's and Mechanic's Lien Contract.** Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.
8. **Conditions.** 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 the first sale of the day held by Substitute Trustee.
9. **Inquiries.** Questions concerning the sale may be directed to the undersigned Agent and Attorney for the Lender

10. 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.
11. THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEES IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY AND AUTHORIZED AGENT OF THE LENDER AND HOLDER.
12. IF A FORECLOSURE HAPPENS IT SHOULD OCCUR IN LEE COUNTY OR BE READ IN LEE COUNTY.

DATED December 1, 2023.



C. Alan Gaudin
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EXHIBIT "A"

Field notes for a 43.30 acres tract of land being partially in Bastrop County, Texas and partially in Lee County, Texas and being out of the George W. Davis Survey, Abstract 82 in Lee County, Texas and Abstract 146 in Bastrop County, Texas. Said 43.30 acres being the same land as described in a Partition Deed (Tract Seven), recorded in Volume 750, Page 725 of the deed records of Lee County, Texas. Said 43.30 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch steel pin found at the intersection of the East line of August Anne Road with the south right-of-way line of State Highway 21 for the northwest corner of the herein described tract.

THENCE along the south right-of-way line of State Highway 21, North $56^{\circ} 32' 33''$ East, a distance of 1042.75 feet to a 5/8 inch steel pin found for the northeast corner of this tract., same being the northwest corner of a called 299.758 acres tract as described in Volume 658, Page 909 of the Real Property Records of Lee County, Texas.

THENCE with the east line of this tract, South $03^{\circ} 21' 43''$ East, a distance of 1564.06 feet to a fence post and South $13^{\circ} 20' 02''$ East, a distance of 1149.60 feet to a 5/8 inch steel pin found for the southeast corner of this tract and being on the north line of a 60 foot wide road.

THENCE along the north line of said Road, South $83^{\circ} 39' 00''$ West, a distance of 737.60 feet to a 5/8 inch steel pin found for the southeast corner of this tract and being on the east line of August Anne Road.

THENCE along the east right-of-way line of August Anne Road the following five calls: North $04^{\circ} 34' 59''$ East, a distance of 149.10 feet to a 5/8 inch steel pin found; North $06^{\circ} 33' 51''$ West, a distance of 826.99 feet to a 5/8 inch steel pin found; North $31^{\circ} 18' 37''$ West, a distance of 223.36 feet to a 5/8 inch steel pin found; North $25^{\circ} 10' 17''$ West, a distance of 678.15 feet to a 5/8 inch steel pin found and North $03^{\circ} 15' 18''$ West, a distance of 443.42 feet to the place of the **BEGINNING**.

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