

# 34

**NOTICE OF SALE BY TRUSTEE AND SUBSTITUTE TRUSTEE**

THE STATE OF TEXAS  
COUNTY OF HILL

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

THAT, WHEREAS, WHIT AIR INVESTMENTS, LLC, A TEXAS LIMITED LIABILITY COMPANY ("Borrower") became indebted to CHATTINGTON FUNDING, LLC ("Lender"), as evidenced by that certain real estate lien note (the "Note"), dated January 21, 2023, in the original principal amount of THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00), executed and delivered by Borrower to the order of CHATTINGTON FUNDING, LLC, as payee, bearing interest and being due and payable as therein provided; and

WHEREAS, the indebtedness evidenced by the Note (the "Indebtedness") is secured by, among other items, that certain Deed of Trust (the "Deed of Trust") dated of even date with the Note, executed by WHIT AIR INVESTMENTS, LLC, A TEXAS LIMITED LIABILITY COMPANY, FORMERLY KNOWN AS FTTPA, LLC, A PENNSYLVANIA LIMITED LIABILITY COMPANY, to SARA E. DYSART, Trustee, for the benefit of Lender, said Deed of Trust being filed for record and recorded under Clerk's Document No. 00144292, Volume 2239, Page 718, of the Official Public Records of Hill County, Texas, covering the Real Property described as follows, to-wit:

**Tract I:**

Field notes for the survey of a certain lot, tract, or parcel of land being a part of Lot 6 and all of Lots 7 and 8, Block 3 of the Circle Addition to the City of Whitney in Hill County, Texas, according to plat recorded in Slide A-216 of the Official Plat Records of Hill County. Said land is a part of those certain tracts described in a deed from Sherry Bottcher to FTTPA, LLC recorded in Volume 2184, Page 414 of the Official Public Records of Hill County, more particularly described on Exhibit "A" attached hereto and made a part hereof.

**Tract II:**

Field notes for the survey of a certain lot, tract, or parcel of land being all of Lots 9, 10, and 11, Block 3 of the Circle Addition to the City of Whitney in Hill County, Texas, according to plat recorded in Slide A-216 of the Official Plat Records of Hill County. Said land is a part of those certain tracts described in a deed from Sherry Bottcher to FTTPA, LLC recorded in Volume 2184, Page 414 of the Official Public Records of Hill County, more particularly described on Exhibit "A" attached hereto and made a part hereof.

FILED  
NICOLE TANNER, COUNTY CLERK  
HILL COUNTY, TEXAS  
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along with any and all appurtenances, improvements, fixtures and personal property of any kind located thereon or pertaining thereto, including, without limitation, any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other facilities to the extent same pertain to or benefit all or any portion of the Property, including, without limitation, all reservations of or commitments or letters covering any such use in the future, whether now owned or hereafter acquired, and any leases and rents relating thereto, which are described therein (all of which is hereinafter referred to as the "Premises")

WHEREAS, to the full extent the Deed of Trust or any other security agreement held by Lender covers both real and personal property, including, without limitation, any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other utility facilities to the extent same pertain to or benefit all or any portion of the Property, including, without limitation, all reservations of or commitments or letters covering any such use in the future, any of said personal property which is part of the Premises or which is otherwise covered by a lien or security interest in favor of Lender will be hereinafter included in the definition of Premises as used herein and sold at public sale, hereinafter described, pursuant to Section 9.501(d) of the Texas Uniform Commercial Code;

WHEREAS, CHATTINGTON FUNDING, LLC ("Beneficiary") is the current holder and owner of the Deed of Trust and the note secured thereby;

WHEREAS, there may be certain leases, rental agreements, easements and/or other matters (collectively, the "Other Matters") covering and/or affecting the Premises currently in existence;

WHEREAS, the liens securing the payment of the Indebtedness may be senior and superior to one or more of the Other Matters and junior and inferior to one or more of the Other Matters;

WHEREAS, with respect to the liens securing the payment of the Indebtedness, which are senior to the Other Matters and may not so subordinate liens to one or more of the Other Matters;

WHEREAS, in the event Lender/Beneficiary chooses to subordinate its liens securing the Indebtedness of any Other Matters, such decision will be announced at the foreclosure sale;

WHEREAS, default has been made in the payment of the Note and the Indebtedness, and the Note is now unpaid, delinquent and in default;

WHEREAS, Lender/Beneficiary has given all required notices to Borrower and any and all other necessary parties with regard to the defaulted Indebtedness or such notices to such other necessary parties have been waived;

WHEREAS, pursuant to the authority granted in the Deed of Trust, Lender/Beneficiary has appointed **DONNA STOCKMAN, GUY WIGGS, DAVID STOCKMAN, MICHELLE SCHWARTZ, JANET PINDER, BRADY BACON, JAMIE DWORSKY, ANGELA COOPER AND DAVID GARVIN**, to act jointly or separately as Substitute Trustee along with **SARA E. DYSART**, Trustee, under the Deed of Trust pursuant to a duly authorized and executed appointment document;

WHEREAS, Lender/Beneficiary has requested the undersigned to enforce the liens of the Deed of Trust by sale of the Premises in the manner set forth under the terms of the Deed of Trust and pursuant to the laws of the State of Texas and has instructed the undersigned to offer the Property for sale toward the satisfaction of the Note; and

WHEREAS, the undersigned Trustee and/or Substitute Trustee, acting upon the request of said Lender/Beneficiary, by these presents is hereby posting, filing, and giving notice of foreclosure of the Deed of Trust and the lien thereto in accordance with applicable Texas law and the terms and provisions of the Deed of Trust

**NOW, THEREFORE, I, the undersigned, SARA E. DYSART and/or DONNA STOCKMAN, GUY WIGGS, DAVID STOCKMAN, MICHELLE SCHWARTZ, JANET PINDER, BRADY BACON, JAMIE DWORSKY, ANGELA COOPER AND DAVID GARVIN, acting jointly or separately as Trustee or Substitute Trustee, do hereby give notice that after due publication of this notice as required by law and the Deed of Trust, I will sell the Premises at public venue, to the highest bidder or bidders, for cash, which sale will begin no earlier than 11:00a.m. and not later than 2:00p.m. on the first Tuesday in June next, the same being June 4, 2024 at the County Courthouse in Hill County, Texas, in the area where foreclosure**

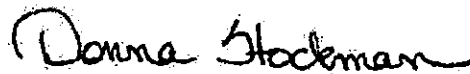
sales are to take place as designated by the Commissioner's Court of said county, said designation having been recorded in the Official Public records of said county.

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.

THERE WILL BE NO WARRANTY RELATING TO TITLE, POSSESSION, QUIET ENJOYMENT, OR THE LIKE FOR THE PERSONAL PROPERTY IN THIS DISPOSITION.

THE ADDRESS OF SARA E. DYSART, TRUSTEE AND DONNA STOCKMAN, GUY WIGGS, DAVID STOCKMAN, MICHELLE SCHWARTZ, JANET PINDER, BRADY BACON, JAMIE DWORSKY, ANGELA COOPER AND DAVID GARVIN, SUBSTITUTE TRUSTEE, IS 206 PRIMERA DRIVE, SAN ANTONIO, TEXAS 78212. ALL INQUIRIES SHOULD BE SENT TO THIS ADDRESS.

EXECUTED on this the 9 day of May 2024.



Substitute Trustee: Donna Stockman  
Guy Wiggs  
David Stockman  
Michelle Schwartz  
Janet Pinder  
Brady Bacon  
Jamie Dworsky  
Angela Cooper  
David Garvin

AFTER FILING RETURN TO:  
SARA E. DYSART  
Attorney at Law  
206 Primera Drive  
San Antonio, Texas 78212

EXHIBIT "A"  
Page 1 of 2

Tract I:

Field notes for the survey of a certain lot, tract, or parcel of land being a part of Lot 6 and all of Lots 7 and 8, Block 3 of the Circle Addition to the City of Whitney in Hill County, Texas, according to plat recorded in Slide A-216 of the Official Plat Records of Hill County. Said land is a part of those certain tracts described in a deed from Sherry Botcher to FTTPA, LLC recorded in Volume 2184, Page 414 of the Official Public Records of Hill County, more particularly described as follows:

BEGINNING at a 1/2" iron rod with cap stamped "INCE RPLS #3175" found in the south line of State Highway 22/East Jefferson Avenue for the northwest corner of that certain 3.741 acre tract described in a deed to Ladonna Rae Poteet recorded in Volume 2076, Page 113 of the Official Public Records of Hill County, for the northeast corner of said Circle Addition, for the northeast corner of said Block 3, for the northeast corner of said Lot 8, and for the northeast corner of this:

THENCE with the west line of said Poteet tract and with the east line of said Circle Addition, S30°52'59"E 150.13 feet to a 1/2" iron rod found in the north line of a 15 foot alley for the southeast corner of said Lot 8 and for the southeast corner of this;

THENCE with the north line of said alley, S57°57'52"W, at 100.00 feet passing the southeast corner of said Lot 6, in all a distance of 140.42 feet to a 5/8" iron rod found in a chain link fence line for the southeast corner of that certain 0.206 acre tract described in a deed to Blue Sky Residential Properties, LLC recorded in Volume 2041, Page 731 of the Official Public Records of Hill County and for the southwest corner of this;

THENCE generally along a chain link fence and with the extension thereof, N30°46'45"W 150.22 feet to a 1/2" iron rod found in the north line of said Lot 6 and in the south line of State Highway 22/East Jefferson Avenue for the northeast corner of said Blue Sky Residential Properties, LLC tract and for the northwest corner of this;

THENCE with the south line of State Highway 22/East Jefferson Avenue, N57°59'57"E, at 40.14 feet passing the northeast corner of said Lot 6, in all a distance of 140.14 feet to the place of beginning, containing 0.483 acres of land.

**EXHIBIT "A"**

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**Tract II:**

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**BEGINNING** at a 1/2" iron rod set at the intersection of the south line of a 15 foot alley with the west line of that certain 3.741 acre tract described in a deed to Ladonna Rae Poteet recorded in Volume 2076, Page 113 of the Official Public Records of Hill County and with the east line of said Circle Addition for the northeast corner of said Lot 9 and for the northeast corner of this, said rod being S30°39'25"E 15.00 feet from a 1/2" iron rod found for the southeast corner of Lot 8, Block 3 of said Circle Addition:

**THENCE** with the west line of said Poteet tract and with the east line of said Circle Addition, S30°39'25"E 150.23 feet to a 1/2" iron rod found in the north line of Davis Street (Center Street) for the southeast corner of said Block 3, for the southeast corner of said Lot 9, and for the southeast corner of this;

**THENCE** with the north line of Davis Street, S58°04'30"W 149.59 feet to a railroad spike found for the southwest corner of said Lot 11 and for the southwest corner of this;

**THENCE** N30°55'20"W 150.89 feet to a 1/2" iron rod found in the south line of said alley for the northwest corner of said Lot 11 and for the northwest corner of this;

**THENCE** with the south line of said alley, N53°19'56"E 150.28 feet to the place of beginning, containing 0.518 acres of land.