

**NOTICE OF SUBSTITUTE TRUSTEES' SALE**

January 8, 2021

**REAL ESTATE LIEN NOTES**

Date: September 9, 2006  
Makers: Vinod D. Patel and wife, Ilaben V. Patel  
Original Payee: Southwestern National Bank  
Current Payee: SW Capital, LLC, a Texas limited liability company  
Original Principal Amt.: \$2,800,000.00

Date: February 6, 2007  
Makers: Vinodbhai D. Patel and wife, Ilaben V. Patel  
Original Payee: Southwestern National Bank  
Current Payee: SW Capital, LLC, a Texas limited liability company  
Original Principal Amt.: \$1,200,000.00

Date: May 29, 2008  
Makers: Vinodbhai D. Patel and wife, Ilaben Vinodbhai Patel  
Original Payee: Southwestern National Bank  
Current Payee: SW Capital, LLC, a Texas limited liability company  
Original Principal Amt.: \$195,000.00

**DEEDS OF TRUST**

Date: September 9, 2006  
Grantors: Vinod D. Patel (also known as Vinod Patel and also known as Vinodbhai D. Patel) and wife, Ilaben V. Patel (also known as Ilaben Patel)  
Original Beneficiary: Southwestern National Bank  
Current Beneficiary: SW Capital, LLC, a Texas limited liability company  
Original Trustee: Gary L. Owens  
Substitute Trustees: Brad E. Porter, David L. Smitherman, J. Robert MacNaughton, and Shane M. Waddell  
Recording Data: Recorded under Clerk's File No. 200612534 in the Official Public Records of Victoria County, Texas

Date: February 6, 2007  
Grantors: Vinodbhai D. Patel and wife, Ilaben V. Patel  
Original Beneficiary: Southwestern National Bank  
Current Beneficiary: SW Capital, LLC, a Texas limited liability company  
Original Trustee: Gary L. Owens  
Substitute Trustees: Brad E. Porter, David L. Smitherman, J. Robert MacNaughton, and Shane M. Waddell  
Recording Data: Recorded under Clerk's File No. 200702684 in the Official



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Public Records of Victoria County, Texas

MAKERS:

Vinodbhai D. Patel (also known as Vinod Patel and also known as Vinod D. Patel) and wife, Ilaben V. Patel (also known as Ilaben Vinodbhai Patel and also known as Ilaben Patel)

MAKERS' ADDRESS:

4725 SW Moody Street, Victoria, Texas, 77905

CURRENT

PAYEE/BENEFICIARY:

SW Capital, LLC, a Texas limited liability company

PROPERTIES:

See, Exhibit "A" attached hereto and made a part hereof for all intents and purposes.

DATE AND TIME OF  
SUBSTITUTE TRUSTEES'  
SALE OF PROPERTIES:

February 2, 2021, being the first Tuesday of February 2021, to commence at 1:00 P.M., or within three (3) hours thereafter

SUBSTITUTE TRUSTEES:

Brad E. Porter  
David L. Smitherman  
J. Robert MacNaughton  
Shane M. Waddell  
1776 Yorktown Street, Suite 300  
Houston, Texas 77056

PLACE OF SUBSTITUTE  
TRUSTEES' SALE OF  
THE PROPERTIES:

Victoria County Courthouse, Victoria County, Texas

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**DEFAULT HAS OCCURRED IN THE PAYMENT OF THE NOTES AND THE PERFORMANCE OF THE OBLIGATIONS OF THE DEEDS OF TRUST WHICH SECURES THE NOTES. BECAUSE OF SUCH DEFAULT, PAYEE/BENEFICIARY, THE CURRENT HOLDER OF THE NOTES, HAS REQUESTED THE SUBSTITUTE TRUSTEES TO SELL THE PROPERTIES.**

**THE DEEDS OF TRUST MAY ENCUMBER BOTH REAL AND PERSONAL PROPERTY. FORMAL NOTICE IS HEREBY GIVEN OF PAYEE'S/BENEFICIARY'S ELECTION TO PROCEED AGAINST AND SELL BOTH THE REAL PROPERTY AND ANY PERSONAL PROPERTY DESCRIBED IN THE DEEDS OF TRUST, IN ACCORDANCE WITH PAYEE'S/BENEFICIARY'S RIGHTS AND REMEDIES UNDER THE DEEDS OF TRUST AND §9.604, TEXAS BUSINESS AND COMMERCE CODE.**

**THEREFORE, NOTICE IS GIVEN ON THE DATE AND TIME OF SUBSTITUTE TRUSTEES' SALE OF PROPERTY AND AT THE PLACE OF SUBSTITUTE**

TRUSTEES' SALE OF PROPERTY, THE UNDERSIGNED, AS SUBSTITUTE TRUSTEE, WILL SELL THE PROPERTIES, SEPARATELY OR TOGETHER, BY PUBLIC SALE TO THE HIGHEST BIDDER FOR CASH OR OTHER FORM OF PAYMENT ACCEPTABLE TO THE SUBSTITUTE TRUSTEE, IN ACCORDANCE WITH THE DEEDS OF TRUST.

IF PAYEE/BENEFICIARY 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 DEEDS OF TRUST AND THE TEXAS PROPERTY CODE.

THE FORECLOSURE SALE WILL BE MADE EXPRESSLY SUBJECT TO ANY TITLE MATTERS SET FORTH IN THE DEEDS OF TRUST, BUT PROSPECTIVE BIDDERS ARE REMINDED BY LAW THE FORECLOSURE SALE WILL NECESSARILY BE MADE SUBJECT TO ALL PRIOR MATTERS OF RECORD AFFECTING THE PROPERTIES, IF ANY, TO THE EXTENT THEY REMAIN IN FORCE AND EFFECT AND HAVE NOT BEEN SUBORDINATED TO THE DEEDS OF TRUST. FOR THE AVOIDANCE OF DOUBT, THE FORECLOSURE SALE WILL NOT COVER ANY PART OF THE PROPERTIES WHICH HAS BEEN RELEASED OF PUBLIC RECORD FROM THE LIENS AND/OR SECURITY INTERESTS OF THE DEEDS OF TRUST BY PAYEE/BENEFICIARY. PROSPECTIVE BIDDERS ARE STRONGLY URGED TO EXAMINE THE APPLICABLE PROPERTY RECORDS TO DETERMINE THE NATURE AND EXTENT OF SUCH MATTERS, IF ANY.

PURSUANT TO §51.009, TEXAS PROPERTY CODE, THE PROPERTIES WILL BE SOLD "AS IS, WHERE IS" WITHOUT ANY EXPRESSED OR IMPLIED WARRANTIES, EXCEPT AS TO THE WARRANTIES, IF ANY, PROVIDED FOR UNDER THE DEEDS OF TRUST. PROSPECTIVE BIDDERS ARE ADVISED TO CONDUCT AN INDEPENDENT INVESTIGATION OF THE NATURE AND PHYSICAL CONDITION OF THE PROPERTIES.

PURSUANT TO §51.0075(a), 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.

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**ACTIVE DUTY MILITARY NOTICE**

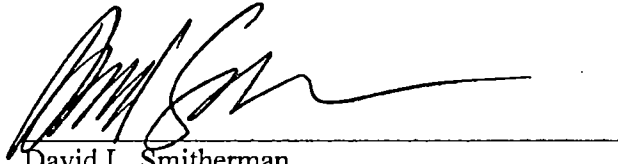
ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE, OR YOUR SPOUSE IS, SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE, OR AS A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY

**MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.**

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**NOTICE**

**THE ATTORNEY SENDING THIS COMMUNICATION IS A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED SOLELY FOR THAT PURPOSE.**

A handwritten signature in black ink, appearing to read 'David L. Smitherman', written over a horizontal line.

David L. Smitherman,  
One of the Substitute Trustees

**EXHIBIT "A"**  
**Legal Description of the Properties**

**Tract 1**

BEING LOT NUMBER FOUR (4), IN BLOCK NUMBER ONE (1), OF STONEBRIDGE SUBDIVISION, A RESUBDIVISION OF LOT 19 AND THE SOUTHWEST ONE-HALF OF LOT 18, BLOCK 4 OF TANGLEWOOD SUBDIVISION, SECTION VI, AN ADDITION TO THE CITY OF VICTORIA, VICTORIA COUNTY, TEXAS, ACCORDING TO THE ESTABLISHED MAP AND PLAT OF SAID ADDITION OF RECORD IN VOLUME 6, PAGE 91 OF THE DEED RECORDS OF VICTORIA COUNTY, TEXAS, TO WHICH REFERENCE IS HERE MADE. TOGETHER WITH AN UNDIVIDED 1/5 INTEREST IN ALL COMMON DRIVEWAYS AND OTHER COMMON AREAS SHOWN ON PLAT.

**Tract 2**

BEING A 4.97 ACRE TRACT OF LAND AND BEING SITUATED IN A PORTION OF LOT THREE (3), BLOCK FOUR (4), RANGE SIX (6), EAST ABOVE TOWN IN THE FOUR LEAGUE GRANT TO THE TOWN OF VICTORIA, VICTORIA COUNTY, TEXAS, AND BEING THAT SAME 5 ACRE TRACT OF LAND CONVEYED TO LOYD M. GOSSETT FROM EDGAR M. GOSSETT ACCORDING TO INSTRUMENT RECORDED IN VOLUME 509, PAGE 133 OF THE DEED RECORDS OF VICTORIA COUNTY, TEXAS.

Tract 3

BEING 12.50 acres of land situated in the James Road Survey, Abstract 286 in Victoria County, Texas, and being all that certain 4.66 acres of land conveyed to A. E. York by Victoria County by deed dated February 24, 1962 and recorded in Volume 369, Page 94 of the Deed Records of Victoria County, Texas, and all the remainder of that certain 9.47 acre tract of land conveyed to A. E. York by Orbin G. Heall et al by deed dated July 31, 1947 and recorded in Volume 224, Page 407 of the Deed Records of Victoria County, Texas, said 12.50 acres of land being more fully described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod set at the intersection of the Northeast right-of-way line of Burroughsville Road (60 feet wide) and the Southeast right-of-way line of U. S. Highway 59 (140 feet wide), said iron rod also being the Northwest corner of the herein described tract;

THENCE, N.63°02'00"E., a distance of 3840.12 feet along the Southeast right-of-way line of U. S. Highway 59 to an existing Texas Highway Department concrete monument marking the Northeast corner of the herein described tract;

THENCE, S.58°42'52"W., a distance of 3767.51 feet along the Northwest right-of-way line of the Southern Pacific Railroad right-of-way, 50 feet Northwest of and parallel to the centerline of the track to a 5/8 inch iron rod now at the intersection of the Northwest right-of-way line of railroad right-of-way and the Northeast right-of-way line of Burroughsville Road, said iron rod also being the Southwest corner of the herein described tract;

THENCE, N.43°19'44"W., a distance of 295.71 feet along the Northeast right-of-way line of Burroughsville Road to the PLACE OF BEGINNING, containing within these metes and bounds 12.50 acres of land.

The above bearing N.63°02'00"E., along U. S. Highway 59 is based on bearing shown on plat of G. Totah Subdivision No. 1 as recorded in Volume 6, Page 174 of the Map and Plat Records of Victoria County, Texas.

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS



*Heidi Easley*

Heidi Easley, County Clerk

Victoria County Texas

January 11, 2021 10:42:08 AM

Ronnie Orsak

FEE: \$36.00

202100480

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FILED *lo*

2021 JAN 11 A 10:33

*Heidi Easley*  
COUNTY CLERK  
VICTORIA COUNTY, TEXAS

**Notice of Trustee's Sale**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

Date: January 11, 2021

Trustee: Jose Alberto Flores  
3502 Wildwood  
Victoria, TX 77901

Lender: David L. Rhode  
410 Charleston Dr.  
Victoria, TX 77904

**FILED**

2021 JAN 11 A 10:33

*M. A.*  
*Dalia Cozart*  
COUNTY CLERK  
VICTORIA COUNTY, TEXAS

Deed of Trust

Date: March 8, 2012

Grantor: Estate of Stevan Hernandez and Angelica Maria Ybarra  
1308 E Mistletoe  
Victoria, TX 77901

Lender: David L. Rhode  
410 Charleston Dr.  
Victoria, TX 77904

Recording information: County Clerk No. 201202793, Victoria County, Texas

Property:

1308 E Mistletoe: BEING Lot Number Sixteen (16), in Block Number Two (2) of PARKWOOD SUBDIVISOIN, an addition to the City of Victoria, Victoria County, Texas, according to the established map and plat of said addition of record in Volume 3, Page 26 of the Deed Records of Victoria County, Texas, to which reference is here made for descriptive purposes.

County: Victoria County, Texas

Date of Sale: February 2, 2021

Time of Sale: 12:30 PM

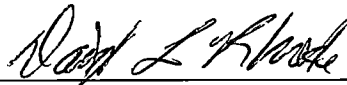
Place of Sale: Area in front of the east door of the Victoria County Courthouse building located at 115 North Bridge Street, Victoria, Texas.

Lender has appointed **Jose Alberto Flores** as Substitute Trustee under the Deed of Trust. Lender has instructed Substitute Trustee to offer the Property for sale toward the satisfaction of the Note.

Notice is given that on the Date of Sale, Substitute Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash. **Purchasers are buying the property AS IS, without any warranty on the part of the Seller, either written or implied.** The earliest time the sale will occur is the Time of Sale, and the sale will be conducted no later than three hours thereafter.

#### NOTICE

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 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.



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David L Rhode  
Lender



FILE No. 9956  
County Clerk, Victoria County, Texas

FILED

Notice of Trustee's Sale

2021 JAN 12 P 1:22

Date: January 12, 2021

Trustee: Stephen A. Beal

*P. M. A.*  
*P. M. A.*  
COUNTY CLERK  
VICTORIA COUNTY, TEXAS

Street Address for Trustee: PO Box 195607, Dallas County, Texas 75219

Current Owner and Holder of the Note and Deed of Trust: BP-Residential, L.L.C.

Obligation: Real Estate Lien Note dated May 16, 2014, from Maker, Jonobel Coutino and Guadalupe Rojas to Payee, BP-Residential, L.L.C., in the original principal amount of \$30,385.00

Deed of Trust

Date: May 16, 2014

Recording Information: Filed on June 5, 2014, and recorded under document number 201406166 Official Public Records of VICTORIA County, Texas

Grantor: Jonobel Coutino and Guadalupe Rojas

Trustee: Stephen A. Beal

Beneficiary: BP-Residential, L.L.C.

Property: BEING Lot number Six (6), in Block Number Six (6), of HIGH SCHOOL TERRACE, an addition to the City of Victoria, Victoria County, Texas, according to the established map and plat of said addition of record in Volume 1, Page 72 of the Plat Records of Victoria County, Texas, to which reference is here made for described purposes. Transfer of Lien to BP- Residential on January 9, 2019.

Date of Sale (first Tuesday of month): February 2, 2021

Time of Sale: The sale will begin no earlier than 10:00 AM, and no later than three hours thereafter.

Place of Sale: Victoria County Courthouse

Default has occurred under the Deed of Trust. The current owner and holder of the Real Estate Lien Note and the Deed of Trust has instructed the Trustee to offer the Property for sale toward the satisfaction of the Real Estate Lien Note, by a nonjudicial foreclosure sale in accordance with the power of sale granted by the Deed of Trust.

**Notice is given that on the Date of Sale, the Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash, "AS IS", without any express or implied warranties, except warranties of title.**

*Terms of Sale.* The sale will be conducted as a public auction to the highest bidder. If the highest bidder is someone other than the Lender, the purchase price will be payable in cash or its equivalent, at the discretion of the Trustee, and will be payable immediately on acceptance of the bid by the Trustee. If the Lender is the highest bidder, payment will be by a credit on the Obligation, as permitted by the Deed of Trust.

Those persons and entities desiring to purchase the Property at the public auction, other than the Lender, will need to demonstrate their ability to pay cash on acceptance of the bid by the Trustee.

The 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 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. The sale shall not cover any part of the Property that has been released from the lien of the Deed of Trust, as shown in the public records of the county where the Property is located. Prospective bidders are strongly urged to examine the applicable public records to determine the nature and extent of such matters, if any.

The Trustee may sell the Property in one or more parcels and/or sell all or only part of the Property.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (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 of the Texas Property Code, the Trustee reserves the right to set further reasonable conditions for conducting the 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 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."



STEPHEN A. BEAL, TRUSTEE