

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

THE STATE OF TEXAS  
COUNTY OF LIVE OAK

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

THAT, WHEREAS, SEASIM, LLC, A TEXAS LIMITED LIABILITY COMPANY ("Borrower") became indebted to SPRING BRANCH FUNDING, LLC ("Lender"), as evidenced by that certain real estate lien note (the "Note"), dated July 19, 2022, in the original principal amount of ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00), executed and delivered by Borrower to the order of SPRING BRANCH 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 Borrower, 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. 238615, Book OR, Volume 466, Page 471, of the Official Public Records of Live Oak County, Texas, covering the Real Property described as follows, to-wit:

A tract of land being 19.79 acres, more or less, out of the Seth Carey Survey No. 36, Abstract No. 136 in Live Oak County, Texas; and also being a part of Lot No. 18 of the Kittie Block Subdivision of the George W. West Ranch according to a plat of said Kittie Block recorded in Volume 29, Pages 234 and 235, of the Deed Records of Live Oak County, Texas; and being all of a called 5.00 acres - Tract 2, described in a Warranty Deed from Theodore K. Arnst and Helen Lynn Arnst to Seasim LLC, dated June 20, 2014, and recorded in Volume 290, Page 293 et seq., of the Official Public Records of Live Oak County, Texas; a portion of a called 10.01 acres - Tract 1, described in said Warranty Deed from Theodore K. Arnst and Helen Lynn Arnst to Seasim LLC, dated June 20, 2014, and recorded in Volume 290, Page 293 et seq., of the Official Public Records of Live Oak County, Texas; and a portion of a called 9.80 acres described in a Warranty Deed with Vendor's Lien from Karl R. Arnst and Rita Arnst to Seasim LLC, dated June 20, 2014, and recorded in Volume 290, Page 274 et seq., of the Official Public Records of Live Oak County, Texas; Said 19.79 acres being more fully described by metes and bounds on Exhibit "A" attached hereto and made a part hereof.

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

FILED Jan. 17 A.D. 2023  
LIVE OAK COUNTY, TEXAS  
Donna VanWay CLERK, COUNTY COURT  
BY Denise M. VanWay DEPUTY  
AT 11:21 O'CLOCK am

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, SPRING BRANCH 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 **JO WOOLSEY, BOB FRISCH, JANICE STONER, JODI STEEN AND WAYNE DAUGHERTY**, 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 JO WOOLSEY, BOB FRISCH, JANICE STONER, JODI STEEN AND WAYNE DAUGHERTY, 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 1:00p.m. and not later than 4:00p.m. on the first Tuesday in February next, the same being February 7, 2023 at the County Courthouse in Live Oak 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 JO WOOLSEY, BOB FRISCH, JANICE STONER, JODI STEEN AND WAYNE DAUGHERTY, SUBSTITUTE TRUSTEE, IS 206 PRIMERA DRIVE, SAN ANTONIO, TEXAS 78212. ALL INQUIRIES SHOULD BE SENT TO THIS ADDRESS.

EXECUTED on this the 17<sup>th</sup> day of January 2023.



Substitute Trustee: Jo Woolsey  
Bob Frisch  
Janice Stoner  
Jodi Steen  
Wayne Daugherty

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

MILLS SURVEYING  
P. O. BOX 270  
THREE RIVERS, TX 78071  
PH: 361-786-3446

SEASIM LLC  
19.79 ACRES  
OUT OF LOT NO. 18  
KITTIE BLOCK

STATE OF TEXAS §  
COUNTY OF LIVE OAK §

A field note description of a tract of land being 19.79 acres, more or less, out of the Seth Carey Survey No. 36, Abstract No. 136 in Live Oak County, Texas; and also being a part of Lot No. 18 of the Kittie Block Subdivision of the George W. West Ranch according to a plat of said Kittie Block recorded in Volume 29, Pages 234 and 235, of the Deed Records of Live Oak County, Texas; and being all of a called 5.00 acres – Tract 2, described in a Warranty Deed from Theodore K. Arnst and Helen Lynn Arnst to Seasim LLC, dated June 20, 2014, and recorded in Volume 290, Page 293 et seq., of the Official Public Records of Live Oak County, Texas; a portion of a called 10.01 acres – Tract 1, described in said Warranty Deed from Theodore K. Arnst and Helen Lynn Arnst to Seasim LLC, dated June 20, 2014, and recorded in Volume 290, Page 293 et seq., of the Official Public Records of Live Oak County, Texas; and a portion of a called 9.80 acres described in a Warranty Deed with Vendor's Lien from Karl R. Arnst and Rita Arnst to Seasim LLC, dated June 20, 2014, and recorded in Volume 290, Page 274 et seq., of the Official Public Records of Live Oak County, Texas;

Said 19.79 acres being more fully described by metes and bounds as follows:

BEGINNING at a beat 3/4 inch iron rod found in the east boundary of U. S. Highway 281 for the southwest corner of a called 22.00 acre tract of land described in a Special Warranty Deed to Maverick Terminals Three Rivers, LLC, recorded in Volume 276, Page 392 et seq., of the Official Public Records of Live Oak County, Texas; the northwest corner of said 5.00 acres – Tract 2, and the northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE North 69° 39' 10" East (called North 69° 39' 14" East) with the south boundary of said 22.00 acres and the north boundary of said 5.00 acres, a distance of 1157.48 feet (called 1157.27 feet) to a 1/2 inch iron rod found in the west boundary of the Missouri Pacific Railroad Right of Way for the southeast corner of said 22.00 acres, the northeast corner of said 5.00 acres and the northeast corner of this tract;

THENCE South 16° 04' 14" East (called South 16° 06' 32" East) with the west boundary of said Missouri Pacific Railroad Right of Way and with the east boundary of said 5.00 acres, a distance of 189.57 feet (called 189.69 feet) to a 1/2 inch iron rod found for the southeast corner of said 5.00 acres and the northeast corner of said 10.01 acres, Tract 1;

Exhibit "A"

MILLS SURVEYING  
P. O. BOX 270  
THREE RIVERS, TX 78071  
PH: 361-786-3446

SEASIM LLC  
19.79 ACRES  
OUT OF LOT NO. 18  
KITTY BLOCK

THENCE South 15° 58' 20" East (called South 16° 02' 31" East) continuing with the west boundary of the Missouri Pacific Railroad Right of Way and with the east boundary of said 10.01 acres, a distance of 387.26 feet (called 387.09 feet) to a 1/2 inch iron rod found for the southeast corner of said 10.01 acres – Tract 1, and the northeast corner of said 9.80 acres;

THENCE South 15° 58' 28" East (called South 15° 50' 26" East) continuing with the west boundary of said Missouri Pacific Railroad Right of Way and with the east boundary of said 9.80 acres, a distance of 214.10 feet (called 214.39 feet) to a 5/8 inch iron rod with plastic cap stamped 'MILLS 5182' found for the northeast corner of a called 12.55 acres described in a Warranty Deed to Safety Net Properties, LLC, recorded in Volume 201, Page 732 et seq., of the Official Public Records of Live Oak County, Texas; the southeast corner of said 9.80 acres and the southeast corner of this tract;

THENCE South 44° 46' 11" West (called South 44° 46' 36" West) with the northwest boundary of said 12.55 acres and with the southeast boundary of said 9.80 acres, a distance of 835.29 feet (called 835.18 feet) to a capped iron rod stamped 'TOPOGRAPHIC' found for the east corner of a called 0.23 acre tract described in a General Warranty Deed from Karl R. Arnst and wife, Rita Arnst to VTX Telecom, LLC, recorded in Volume 218, Page 169 et seq., of the Official Public Records of Live Oak County, Texas; and the easterly south corner of this tract;

THENCE North 45° 47' 21" West (called North 45° 41' 04" West) with the northeast boundary of said 0.23 acre tract a distance of 99.46 feet (called 99.48 feet) to a 5/8 inch iron rod found for the north corner of said 0.23 acre tract and an interior corner of this tract;

THENCE South 45° 18' 28" West (called South 45° 16' 43" West) with the northwest boundary of said 0.23 acre tract, a distance of 100.03 feet (called 100.36 feet) to a 5/8 inch iron rod found in the westerly northeast boundary of said 12.55 acres, in the southwest boundary of said 9.80 acres and in the southwest boundary of said Lot 18, for the west corner of said 0.23 acre tract and the westerly south corner of this tract;

THENCE North 46° 26' 56" West (called North 46° 27' 09" West) with the westerly northeast boundary of said 12.55 acres, with the southwest boundary of said 9.80 acres and with the southwest boundary of said Lot 18, a distance of 346.30 feet to 5/8 inch iron rod found for the south corner of a called 5.00 acre tract described in a Warranty Deed from Seasim LLC, to Diana Self dated November 2, 2015, and recorded in Volume 325, Page 830 et seq., of the Official Public Records of Live Oak County, Texas; and an exterior westerly corner of this tract;

MILLS SURVEYING  
P. O. BOX 270  
THREE RIVERS, TX 78071  
PH: 361-786-3446

SEASIM LLC  
19.79 ACRES  
OUT OF LOT NO. 18  
KITTE BLOCK

THENCE North 69° 38' 10" East (called South 69° 37' 16" West) across said 9.80 acres with the south boundary of said 5.00 acres, a distance of 524.38 feet (called 524.23 feet) to a 5/8 inch iron rod through a plastic cap found for the southeast corner of said 5.00 acres and an interior corner of this tract;

THENCE North 20° 29' 45" West (called South 20° 30' 35" East) with the east boundary of said 5.00 acres, crossing the north boundary of said 9.80 acres and the south boundary of said 10.01 acres, and continuing for a total distance of 382.78 feet (called 382.77 feet) to a capped iron rod stamped 'RPLS 6178' found for the northeast corner of said 5.00 acres and an interior corner of this tract;

THENCE South 69° 36' 48" West (called North 69° 37' 16" East) with the north boundary of said 5.00 acres, a distance of 576.18 feet (called 576.11 feet) to a capped iron rod stamped 'RPLS 6178' found in the east boundary of U. S. Highway 281 and in the west boundary of said 10.01 acres for the northwest corner of said 5.00 acres and a westerly exterior corner of this tract;

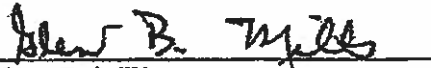
THENCE North 20° 30' 03" West (called North 20° 30' 09" West) with the east boundary of U. S. Highway 281 and with the west boundary of said 10.01 acres, a distance of 208.79 feet to a 1/2 inch iron rod found for the northwest corner of said 10.01 acres and the southwest corner of said 5.00 acres;

THENCE North 20° 23' 28" West (called North 20° 20' 25" West) with the east boundary of U. S. Highway 281 and with the west boundary of said 5.00 acres, a distance of 189.23 feet (called 189.37 feet) to the POINT OF BEGINNING; said described tract containing 19.79 acres, more or less.

Bearings are determined from a global position survey in the Texas State Plane Coordinate System, NAD 1983, south central zone.

See accompanying Plat for further detail.

Written from a survey on the ground completed by me on October 1, 2019.

  
Glen B. Mills  
Registered Professional Land Surveyor  
No. 5182