

FILED/POSTED  
 AT 11:45 O'CLOCK A M  
 FEB - 8 2024  
 JENNIFER WRIGHT  
 CLERK OF COUNTY COURT  
 JEFF DAVIS COUNTY, TEXAS  
 DEPUTY

**APPOINTMENT OF SUBSTITUTE TRUSTEE AND  
 NOTICE OF SUBSTITUTE TRUSTEE SALE**

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

**APPOINTMENT OF  
 SUBSTITUTE  
 TRUSTEE:**

WHEREAS, in my capacity as the attorney for the Mortgagee and/or its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I hereby name, appoint and designate Jack O'Boyle, Chris Ferguson, Travis Gray, Shelley Nail, Donna Trout, Zane Nail, Zoey Fernandez, Zia Nail, Travis Gray, Chris Ferguson, or Jack O'Boyle, each as Substitute Trustee, to act under and by virtue of said Deed of Trust, including posting and filing the public notice required under Section 51.002 Texas Property Code as amended, and to proceed with a foreclosure of the Deed of Trust lien securing the payment of the Note.

**SUBSTITUTE  
 TRUSTEE'S  
 ADDRESS:**

c/o JACK O'BOYLE & ASSOCIATES, PLLC, Mailing Address: P.O. Box 815369, Dallas, TX 75381; Physical Address: 12300 Ford Road, Suite 212, Dallas, TX 75234.

**NOTICE OF  
 SUBSTITUTE  
 TRUSTEE SALE:**

WHEREAS, default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on March 05, 2024 between the hours of 1pm-4pm the Substitute Trustee will sell said real property at the place hereinafter set out and pursuant to the terms herein described. The sale will begin at the earliest time stated above or within three (3) hours after that time.

**LOCATION OF  
 SALE:**

The place of the sale shall be: At the south entrance to the Jeff Davis County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court in JEFF DAVIS County, Texas or as designated by the County Commissioners.

**INSTRUMENT TO  
 BE FORECLOSED:**

Deed of Trust or Contract Lien dated 02/25/2021 and recorded under Volume, Page or Clerk's File No. INSTRUMENT 2021-32505 BOOK 244 PAGE 735 in the real property records of Jeff Davis County Texas, with ADRIAN JAMES LUCE and SARAH RODRIGUEZ, HUSBAND AND WIFE as Grantor(s) and VETERANS LAND BOARD OF THE STATE OF TEXAS as Original Mortgagee.

**OBLIGATIONS  
 SECURED:**

Deed of Trust or Contract Lien executed by ADRIAN JAMES LUCE AND SARAH RODRIGUEZ, HUSBAND AND WIFE securing the payment of the indebtedness in

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the original principal amount of \$83,125.00 and obligations therein described including but not limited to the promissory note and all the modifications, renewals and extensions of the promissory note (the "Note") executed by ADRIAN JAMES LUCE, SARAH RODRIGUEZ. VETERANS LAND BOARD OF THE STATE OF TEXAS is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

**MORTGAGE  
SERVICING  
INFORMATION:**

The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the property securing the above referenced loan. VETERANS LAND BOARD OF THE STATE OF TEXAS is acting as the Mortgage Servicer for VETERANS LAND BOARD OF THE STATE OF TEXAS who is the Mortgagee of the Note and Deed of Trust associated with the above referenced loan. VETERANS LAND BOARD OF THE STATE OF TEXAS, as Mortgage Servicer, is representing the Mortgagee, whose address is:

VETERANS LAND BOARD OF THE STATE OF TEXAS  
c/o VETERANS LAND BOARD OF THE STATE OF TEXAS  
1 CORPORATE DRIVE, SUITE 360  
LAKE ZURICH, IL 60047

**LEGAL  
DESCRIPTION OF  
PROPERTY TO BE  
SOLD:**

LOTS 9, AND 12, BLOCK 20, DAVIS MOUNTAIN RESORT, AN ADDITION IN JEFF DAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 24. PAGE 13, MAP AND PLAT RECORDS, JEFF DAVIS COUNTY, TEXAS. BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" CAPPED 1983" REBER ROD SET, FOR THE NORTHWEST CORNER OF LOT 9, AND THE NORTHEAST CORNER OF LOT 12, IN THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO GEARY BERT WILSON REVOCABLE TRUST, RECORDED IN VOLUME 223, PAGE 307, OFFICIAL PUBLIC RECORDS. JEFF DAVIS COUNTY, TEXAS;  
THENCE S.89° 58' 58" E. 530.68 FEET (PLAT= S. 88° 10' 44" E). TO A 1/2" CAPPED "1963" REBER ROD SET. FOR THE NORTHEAST CORNER OF LOT 9, BEING THE NORTHWEST CORNER OF LOT 8, OF SAID DAVIS MOUNTAIN RESORT;

THENCE S.0° 47' 38"E. 972.47 FEET (PLAT=SOUTH. 971.93'), ALONG THE COMMON LINE BETWEEN LOTS 9 AND 8, TO A 5/8" FLAG ROD FOUND, IN A NORTH LINE OF CAVALRY COURT, FOR THE SOUTHEAST CORNER OF LOT 9, AND THE SOUTHWEST CORNER OF LOT 8;

THENCE 107.72 FEET, ALONG THE A NORTHWEST LINE OF CAVALRY COURT, BEING A SOUTHEAST LINE OF LOT 9, IN A CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, WHOSE RADIUS IS 50.00 FEET, AND CHORD IS S.26° 25' 24" W., 88.08 FEET. TO A 1/2" CAPPED 1983" REBAR ROD SET;

THENCE S. 24 38 01 W. 75.22 FEET (PLAT = S. 26 33' 54" W. 75.03), ALONG A NORTHWEST LINE OF CAVALRY COURT, BEING A SOUTHEAST LINE OF LOT 9, TO A 5/8" FLAG ROD FOUND, FOR THE SOUTH CORNER OF LOT 9.

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AND THE NORTHEAST CORNER OF LOT 10, OF SAID DAVIS MOUNTAIN RESORT;  
 THENCE N.65°41'48"W., 508.28 FEET (PLAT=N.63°26'06" W., 508.65) ALONG THE COMMON LINE BETWEEN LOT 9, AND LOT 10 TO A 5/8" FLAG ROD FOUND (CONTROL MONUMENT), FOR THE SOUTHWEST CORNER OF LOT 9, THE NORTHWEST CORNER OF LOT 10, AND IN THE EAST LINE OF LOT 12;  
 THENCE S.01°52'58"E. (BASE BEARING PER WGS84 GPS OBSERVATION), 1122.39 FEET (PLAT=SOUTH), ALONG THE EAST LINE OF LOT 12, BEING THE WEST LINE OF LOT 10, AND LOT 11, OF SAID DAVIS MOUNTAIN RESORT, TO A 5/8" FLAG ROD FOUND (CONTROL MONUMENT), IN THE NORTHEAST LINE OF TEJANO TRAIL, FOR THE SOUTHEAST CORNER OF LOT 12, AND THE SOUTHWEST CORNER OF LOT 11;  
 THENCE THE FOLLOWING CALLS ALONG THE NORTHEAST LINE OF TEJANO TRAIL, BEING THE SOUTHWEST LINE OF LOT 12:  
 THENCE N.46°02'11" W., 153.71 FEET (PLAT=N.44°13'54"W.), TO A 5/8" FLAG ROD FOUND; THENCE 276.58 FEET, IN A CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST, WHOSE RADIUS IS 414.21 FEET, AND CHORD IS N.65°09'55"W., 271.47 FEET, TO A 1/2" CAPPED 1983" REBER ROD SET;  
 THENCE N.84°42'20" W., 50.33 FEET (PLAT=N.82°34'06" W., 50.01 FEET), TO A 1/2" CAPPED 1983' REBER ROD SET, FOR THE SOUTHWEST CORNER OF LOT 12 AND THE SOUTHEAST CORNER OF LOT 13, OF SAID DAVIS MOUNTAIN RESORT;  
 THENCE N. 01° 46' 37" W., 1807.64 FEET (PLAT=NORTH, 1607.89), ALONG THE COMMON LINE BETWEEN LOT 12, AND LOT 13, TO A 1/2" CAPPED 1983" REBER ROD SET FOR THE NORTHWEST CORNER OF LOT 12, THE NORTHEAST CORNER OF LOT 13, AND IN THE SOUTH LINE OF SAID WILSON TRACT;  
 THENCE S.89°58' 58" E, 400.00 FEET (PLAT=S 88° 10' 44" E., ALONG THE NORTH LINE OF LOT 12, BEING THE SOUTH LINE OF THE WILSON TRACT, TO THE POINT OF BEGINNING AND CONTAINING 29.52 ACRES OF LAND. (the "Property")

**REPORTED  
 PROPERTY  
 ADDRESS:** 105 CA 302 TEJANO TRAIL, FORT DAVIS, TX 79734

**TERMS OF SALE:** The Substitute Trustee will sell the Property by public auction at the place and date specified herein.

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 and the priority of the lien being foreclosed.

The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the Mortgagee and/or Mortgage Servicer thereunder to have the bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

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Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

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 of public record from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the priority, nature and extent of such matters, if any.

In the event of a defect or other problem with the foreclosure process is discovered that may invalidate the sale, the consideration paid will be returned to the purchaser as the sole and absolute remedy. In the event of any claim or action brought by any person including the purchaser requiring or resulting in the invalidation of the sale and rescission of the Trustee's Deed or Substitute Trustee's Deed, purchaser's damages resulting therefrom are limited to the consideration paid to the Trustee or Substitute Trustee and the sole and absolute remedy shall be the return to purchaser of the consideration paid. The purchaser shall have no further recourse against the Trustee, Substitute Trustee, Mortgagee and/or Mortgage Servicer, or its attorney(s).

The Deed of Trust permits the Mortgagee and/or Mortgage Servicer to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deed of Trust or Substitute Trustee appointed herein need not appear at the date, time and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this sale.

**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.**

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Signed on the 5 day of February, 2024

Respectfully,

JACK O'BOYLE & ASSOCIATES, PLLC



\_\_\_\_ Jack O'Boyle | SBN: 15165300

[jack@jackoboyle.com](mailto:jack@jackoboyle.com)

✓ Travis H. Gray | SBN: 24044965

[travis@jackoboyle.com](mailto:travis@jackoboyle.com)

\_\_\_\_ Chris Ferguson | SBN: 24069714

[chris@jackoboyle.com](mailto:chris@jackoboyle.com)

P.O. Box 815369

Dallas, Texas 75381

P: 972.247.0653 | F: 972.247.0642

ATTORNEYS FOR MORTGAGEE AND/OR ITS  
MORTGAGE SERVICER

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**CERTIFICATE OF POSTING**

My name is Shelley Nail and my address is c/o 12300 Ford Rd, Ste. 212, Dallas, TX 75234.

I declare under the penalty of perjury that on 2-8-24 I filed at the office of the Jeff Davis County Clerk and caused to be posted at the Jeff Davis County courthouse (or other designated place) this notice of sale.

Signed: \_\_\_\_\_

Declarant's Name: \_\_\_\_\_

Date: \_\_\_\_\_

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