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NOTICE OF SUBSTITUTE TRUSTEE'S SALE

DATE: June 9, 2025

NOTE: Multifamily Note described as follows:

Date: March 8, 2004
Borrower: Crockett Cole Creek Apartments, LP
Lender: Bank of America, N.A.
Original Principal Amount: \$1,368,000

(Note).

DEED OF TRUST: Multifamily Deed of Trust, Assignment of Rents and Security Agreement and Fixture Filing described as follows:

Date: March 8, 2004
Trustee: Burr Buckalew
Lender: Bank of America, N.A.
Recorded: Official Public Records of Houston County, Texas
on March 12, 2004 as document 041159.

(Deed of Trust).

CURRENT LENDER/MORTGAGEE: Cole Creek Investments, LLC (**Lender/Mortgagee**).

CURRENT MORTGAGE SERVICER: Cole Creek Investments, LLC (**Mortgage Servicer**).

BORROWER/MORTGAGOR: Crockett Cole Creek Apartments, LP (**Borrower/Mortgagor**).

PROPERTY: The real property and improvements located at 1406 Cole Creek Lane, Crockett, Texas 75835 and more particularly described in the **exhibit A** attached hereto, together with any and all personal property and fixtures described in the Deed of Trust (**Property**).

SUBSTITUTE TRUSTEE(S), ADDRESSES AND PHONE NUMBERS: Mortgage Servicer hereby authorizes its undersigned attorney to appoint the following substitute trustees to succeed to all title, powers and duties of the original trustee appointed in the Deed of Trust pursuant to Texas Property Code section 51.0075:

Michael J. McKleroy
Hinshaw & Culbertson, LLP
1717 Main Street, Suite 3625
Dallas, Texas 75201
945-229-6380

Fred Ramos
Hinshaw & Culbertson, LLP
5151 San Felipe, Suite 1380
Houston, Texas 77056
346-344-4500

(Substitute Trustee(s)).

DATE, TIME AND PLACE OF SUBSTITUTE TRUSTEE'S SALE: A non-judicial foreclosure sale will take place at the following date, time and place pursuant to Texas Property Code section 51.002 and the Deed of Trust:

Date: July 1, 2025

Time: Commencing at 1:00 p.m. or not later than 3 hours after 1:00 p.m.

Place: East Side of the Houston County Courthouse located at 401 E. Houston Avenue, Crockett, Texas 75835 or, if the preceding area is no longer the designated area, the area most recently designated by the Houston County Commissioner's Court.

(Substitute Trustee's Sale)

A default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust securing the Note. Because of such default, Mortgage Servicer has requested each and any of the Substitute Trustee(s) to sell the Property at the Substitute Trustee's Sale in accordance with the Deed of Trust and applicable law.

The Deed of Trust encumbers both real and personal property and fixtures. Formal notice is hereby given of the Mortgage Servicer's election to proceed against and sell the real property and any and all personal property and fixtures described in the Deed of Trust, in accordance with the Mortgage Servicer's rights and remedies under the Deed of Trust, Texas Property Code chapter 51 and Texas Business and Commerce Code (**Texas UCC**) section 9.604(a).

Notice is hereby given that on the date and time and at the place of Substitute Trustee's Sale identified above, any of the Substitute Trustee(s) herein appointed, or such other substitute trustee as the Mortgage Servicer may subsequently appoint, will sell the Property by public sale to the highest bidder for cash or acceptable certified funds, in accordance with the Deed of Trust and applicable law.

The Substitute Trustee's Sale will be conducted as a public auction, and the Property secured by the Deed of Trust, including, without limitation, all right, title, interest, and privilege of Borrower/Mortgagor to any real property described in **exhibit A** attached hereto. The sale and conveyance of the Property will be subject to all matters of record applicable to the Property which are superior to the Deed of Trust and to the permitted exceptions to title, if any, described in the Deed of Trust. Substitute Trustee(s) has not made and will not make any covenants, representations, or warranties concerning the Property other than providing the successful bidder at the sale with a deed to the Property containing any warranties of title required by the Deed of Trust and applicable law.

Pursuant to Texas Property Code section 51.009, the Property will be sold "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY SUBSTITUTE TRUSTEE(S), EXPRESS, IMPLIED, STATUTORY, QUASI STATUTORY, OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER MORTGAGE SERVICER NOR THE SUBSTITUTE TRUSTEE(S) MAKE ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS, OR SPECIFICATIONS NOR WITH RESPECT TO CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS, OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH SHALL BE EXPRESSLY WAIVED BY THE PURCHASER AT THE FORECLOSURE SALE. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to Texas Property Code section 51.0075(a), Substitute Trustee(s) reserves the right to set further reasonable conditions for conducting the Substitute Trustee's Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee(s).

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.

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 OR AUTHORIZED AGENT OF THE MORTGAGE SERVICER.

Dated: June 9, 2025

Substitute trustee:



Michael J. McKleroy, Jr.
Hinshaw & Culbertson, LLP
1717 Main Street, Suite 3625
Dallas, Texas 75201
Telephone 945-229-6380

EXHIBIT A

The following real estate situated in Houston County, Texas, together with all buildings, structures, and other improvements (such buildings, structures, fixtures and other improvements) now or hereafter situated thereon:

DESCRIPTION OF LAND

Being 7.17 acres of land, being out of and a part of the Residue of a 40.759 acre tract as described in Volume 568, Page 481, Deed Records, Houston County, Texas, situated in the HENRY MASTERS SURVEY A-53, Houston County, Texas and being more fully described as follows:

BEGINNING at a set 5/8" Iron Rod in the West Right-of-Way line of Loop 304 and the East line of the above said 40.759 Acre Tract for the Southwest corner of the herein described tract;

THENCE: N 53° 36' 41" W 325.00' to a set 5/8" Iron Rod for an angle point in the Southwest boundary line of the herein described tract;

THENCE: N 82° 24' 23" W 280.88' feet to a set 5/8" Iron Rod for an angle point in the Southwest boundary line of the herein described tract;

THENCE: N° 34° 37' 00" W 974.10 feet to a set 5/8" Iron rod in the Southeast line of the C.L. Hooks Subdivision, recorded in Plat Book 1, Page 88, Map Records, Houston County, Texas, and the Northwest line of the said 40.759 Acre Tract for the Northwest corner of the herein described tract;

THENCE: N 45° 55' 00" E 253.45 feet along the Southeast line of the above said C.L. Hooks Subdivision and the Northwest line of the above said 40.759 Acre Tract to a found 1" Iron Pipe in the Southwest line of a 41.332 Acre Tract described in Volume 919, Page 746, Deed Records, Houston County, Texas for the Northeast corner of the herein described tract and being the Southeast corner of Lot 21, situated in the C.L. Hooks Subdivision and the Southeast corner of the C.L. Hooks Subdivision and being the North corner of the above said 40.759 Acre Tract;

THENCE: S 34° 37' 00" E 1016.66 (call distance 1019 feet) along the Southwest line of the above said 41.332 Acre Tract to a set 5/8" Iron Rod for an angle point in the Northeast line of the herein described tract and being the West corner of a 2.526 Acre Tract described in Volume 1052, Page 233, Deed Records, Houston County, Texas and the Southwest corner of the above said 41.332 Acre Tract;

THENCE: S 53° 30' 10" E 467.29 feet (call S 52° 58' 52" E 466.23 feet) to a set 5/8" Iron Rod in the West Right-of-Way line of Loop 304 for the Northeast corner of the herein described tract and being the South corner of the above said 2.526 Acre Tract;

THENCE: S 23° 43' 00" W 92.36 feet along the West Right-of-Way line of the above said Loop 304 to a set 5/8" Iron Rod;

THENCE: S 28° 20' 00" W 10.00' feet along the West Right-of-Way line of the above said Loop 304 to the PLACE OF BEGINNING and containing 7.17 Acres of land.

Commonly known as:

1406 Cole Creek Lane, Crockett, Texas 75835

PREPARED BY AND RETURN
TO AFTER RECORDING:

Michael J. McKleroy
Hinshaw & Culbertson, LLP
1717 Main Street, Suite 3625
Dallas, Texas 75201