

## NOTICE OF SUBSTITUTE TRUSTEE'S SALE

Notice is hereby given that a public sale at auction of the Property (as that term is defined below) will be held at the date, time, and place specified herein.

**Information regarding the indebtedness and deed of trust lien that is the subject of this appointment:**

Promissory Note :

*Capital Farm Credit, FLCA Loan No. 950225*

Date: August 15, 2017  
Maker(s): Zylon Energy LLC and John Travis Benson  
Payee: Capital Farm Credit, FLCA  
Original Principal Amount: \$452,000.00

Deed of Trust:

Date: August 15, 2017  
Grantor(s): Zylon Energy LLC, a Texas limited liability company acting, herein by and through: John Travis Benson, as member; the address for which is 685 Cumberland Ridge Lane, League City, Texas 77573  
Trustee: Ben R. Novosad  
Recorded in: Clerk's File, Instrument No. 1706330, Official Records of Waller County, Texas

Property:

The property described in "Exhibit A" attached hereto and made a part hereof (the "Property"); together with all rights, easements, appurtenances, royalties, surface, subsurface and/or mineral rights, oil and gas rights, crops, timber, all diversion payments or third party payments made to crop producers, all water and riparian rights, wells, ditches, reservoirs, and water stock, and all improvements, structures, fixtures and replacements being a part of said Property and subject to the Deed of Trust.

Present Owner of Note and Beneficiary under Deed of Trust:

Capital Farm Credit, FLCA

**Information regarding the public sale to be held:**

Substitute Trustee: Alan Castetter  
U.S. Legal Support  
5100 Lassant Cove  
Austin, Texas 78749

Appointed by written instrument dated January 11, 2019, executed by Capital Farm Credit, FLCA, and recorded under Instrument Number 1900491 in the Official Public Records of Waller County, Texas.

Date of Sale: ~~March 5, 2019~~ being the first Tuesday in said month.


Time of Sale: The earliest time at which the sale will occur is 10:00 a.m., Waller County, Texas, local time, but in no event later than 3 hours thereafter.

Place of Sale: In the area designated by the Commissioners Court of such County, pursuant to § 51.002 of the Texas Property Code as the place where foreclosure sales are to take place (if no such place is so designated, the sale will take place in the area where this Notice of Substitute Trustee's Sale is posted).

Default has occurred in the payment of the indebtedness evidenced by the Note. Because of such default, Capital Farm Credit, FLCA appointed a Substitute Trustee and has requested the Substitute Trustee to enforce the Deed of Trust.

Therefore, notice is given that, on the date and time and at the place set forth hereinabove, I, as Substitute Trustee, will sell the above-referenced Property by public sale to the highest bidder for cash in accordance with the Deed of Trust and the laws of the State of Texas.

Prospective bidders are advised to make their own examination of title to the Property to determine the existence of any easements, restrictions, liens, or other matters affecting the title to the Property. Neither the Substitute Trustee nor Capital Farm Credit, FLCA makes any representation of warranty (express or implied) regarding the title to or the condition of the Property. The Property to be sold at the public sale will be sold in its present "AS IS" condition and subject to all ad valorem taxes then-owing with respect to the Property.

  
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Alan Castetter, Substitute Trustee

Loan No.: 950225  
Borrower.: Zylon Energy LLC  
Assn.: Capital Farm Credit, FLCA  
Branch: Katy

EXHIBIT "A"

A 30.6305 ACRE TRACT OR PARCEL OF LAND SITUATED IN WALLER COUNTY TEXAS OUT OF AND A PART OF A 39.00 ACRE TRACT (VOLUME 581, PAGE 531, D.R.W.C.) IN THE L ABBOTT, SURVEY A- 1 AND THE JANES RESON SURVEY, A-244 CONTAINING A PORTION OF THE 172.6093 ACRE TRACT DESCRIBED IN DEED DATED AUGUST 15, 1978 FROM BANK OF THE SOUTHWEST ASSOCIATION, HOUSTON, INDEPENDENT EXECUTOR AND TRUSTEE OF THE ESTATES OF KATHRYN RIACHE AND KATIE S. URBAN, DECEASED TO JOHN C. NELSON, RECORDED IN VOLUME 291 AT PAGE 9213 OF THE DEED RECORDS OF WALLER COUNTY, TEXAS (291/928 D.R.W.C.), SAVE AND EXCEPT ALL OF BILLY'S SUBDIVISION SECTION ONE (VOLUME 663, PAGE 243) AND ALL OF BILLY'S SUBDIVISION SECTION 2 (VOLUME 684, PAGE 904) OF THE DEED RECORDS OF WALLER COUNTY, TEXAS.

COMMENCING AT A 5/8 INCH IRON ROD FOUND ON THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 290 AT AN INTERSECTION WITH THE WEST BOUNDARY OF THE ORIGINAL JOHN C. NELSON TRACT CALLED 172.6093 ACRES FOR THE NORTHEAST CORNER OF THE C.H. URBAN LANDS NOW IN NAME OF JUANITA URBAN SLOAN AND DAISY SLOAN WHITE (298/674 AND 675 D.R.W.C.) AND ALSO THE NORTHWEST CORNER OF LOT 3 OF BILLY'S SUBDIVISION, SECTION 2 RECORDED IN VOLUME 664, PAGE 904 OF THE DEED RECORDS OF WALLER COUNTY, TEXAS;

THENCE, SOUTH 72 DEGREES 17 MINUTES 03 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 290, A DISTANCE OF 178.04 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND AT THE NORTHEAST CORNER OF SAID LOT 3 AND THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT;

THENCE, CONTINUING SOUTH 72 DEGREES 17 MINUTES 03 SECONDS EAST, A DISTANCE OF 82.89 FEET TO A 5/8 INCH (IRON ROD WITH CAP FOUND AT THE NORTHWEST CORNER OF LOT 2 OF SAID BILLY'S SUBDIVISION SECTION 2;

THENCE, DEPARTING FROM THE SAID HIGHWAY LINE AND THE WEST LINE OF SAID LOT 2, SOUTH 02 DEGREES 32 MINUTES 09 SECONDS WEST, A DISTANCE OF 574.48 FEET TO A 1/2 INCH IRON ROD SET MARKING THE SOUTHWEST CORNER OF SAID LOT 2;

THENCE, SOUTH 72 DEGREES 17 MINUTES 03 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 2 AT 176.15 FEET PASS THE COMMON SOUTH CORNER OF SAID LOT 2 AND LOT 1 OF BILLY SUBDIVISION, SECTION 1 RECORDED IN VOLUME 543 PAGE 243 OF THE DEED RECORDS OF WALLER COUNTY TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 489.69 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, THE EAST LINE OF SAID 39.00 ACRE TRACT AND THE SOUTHERLY NORTHEAST CORNER OF HEREIN DESCRIBED TRACT, FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS NORTH 59 DEGREES 44 MINUTES WEST -0.75 FEET;

THENCE, SOUTH 02 DEGREES 40 MINUTES 36 SECONDS WEST WITH THE WEST LINE OF SAID 39.00 ACRE TRACT CROSSING THE SOUTH LINE OF THE RESON SURVEY TRACT AND THE NORTH LINE OF THE ABBOT SURVEY, A DISTANCE OF 1862.91 FEET TO A 1/2 INCH IRON, ROD FOUND FOR CORNER AT THE NORTH LINE OF A 10.00 ACRE PARCEL SOLD OUT OF THE ORIGINAL 172.6093 ACRE TRACT NOW IN NAME JOHN U. TOOKE, ET UX (392/67 D.R.W.C.);

THENCE WITH THE NORTH LINE OF SAID 10.000 ACRE TOOKE TRACT AND MOST NORTHERN NORTH LINE OF A 20.00 ACRE TOOKE TRACT (412/686 D.R.W.C.) RUNNING OR NEAR A FENCE, NORTH 89 DEGREES 06 MINUTES 12 SECONDS WEST (CALLED NORTH 89 DEGREES 10 MINUTES 37 SECONDS WEST) AT 219.89 FEET PASS THE NORTHWEST CORNER OF SAID 10.000 ACRE TRACT, A TOTAL DISTANCE OF 604.13 FEET (CALLED 604.51 FEET) TO A 1 INCH IRON PIPE FOUND AT A FENCE CORNER ON THE EAST BOUNDARY OF THE OLD C.H. URBAN LANDS, AFOREMENTIONED, COMMON, WITH THE WEST BOUNDARY OF THE ORIGINAL 172.6093 ACRE NELSON TRACT FOR THE NORTHWEST CORNER OF THE 20.00 ACRE TOOKE TRACT AND SOUTHWEST CORNER HEREOF;

THENCE, FOLLOWING THE FENCED BOUNDARY OF THE ORIGINAL URBAN LANDS COMMON WITH THE WEST BOUNDARY OF THE NELSON TRACT NORTH 00 DEGREES 32 MINUTES 53 SECONDS WEST, 718.26 FEET (CALLED 718.04 FEET) TO A 1/2 INCH IRON ROD SET FOR AN ANGLE POINT;

THENCE, NORTH 00 DEGREES 09 MINUTES 51 SECONDS EAST 1109.97 FEET TO A POINT ON AN OCCUPIED NORTH BOUNDARY OF THE ABBOTT SURVEY FOR THE SOUTHEAST CORNER OF THE BALL SURVEY COUPON WITH THE SOUTHWEST CORNER OF THE RESON SURVEY FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS NORTH 08 DEGREES 06 MINUTES WEST - 0.75 FEET;

THENCE, CONTINUE ALONG THE COMMON BOUNDARY OF SAID HALL AND RESON SURVEYS NORTH 00 DEGREES 23 MINUTES 05 SECONDS EAST, A DISTANCE OF 244.76 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE, SOUTH 72 DEGREES 17 MINUTES 03 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 155.45 FEET TO A 1/2 INCH IRON ROD SET TO THE SOUTHEAST CORNER OF SAID LOT 3;

THENCE, NORTH 02 DEGREES 32 MINUTES 09 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 574.48 FEET TO THE POINT OF BEGINNING AND CONTAINING 30.6305 ACRES OF LAND, MORE OR LESS.

**FILED AND RECORDED**

**Instrument Number: 1706330**

Filing and Recording Date: 08/16/2017 12:14:47 PM Pages: 11 Recording Fee: \$52.00

I hereby certify that this instrument was FILED on the date and time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Waller County,



*Debbie Hollan*

Debbie Hollan, County Clerk  
Waller County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

CSC, Deputy

Returned To:

THIS INSTRUMENT HAS BEEN  
ELECTRONICALLY RECORDED BY  
STRATAWARE, L.P.

## FILED AND RECORDED

**Instrument Number: 19-015**

Filing and Recording Date: 02/11/2019 11:00:03 AM Pages: 5 Recording Fee: \$5.00

I hereby certify that this instrument was FILED on the date and time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Waller County,



A handwritten signature in cursive script that reads "Debbie Hollan".

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Debbie Hollan, County Clerk  
Waller County, Texas

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Martene Arranaga, Deputy

Returned To: