



Notice of Foreclosure 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. The sender of this Notice is Spirit of Texas Bank, ssb, with an address of 625 University Drive East, College Station, Texas 77840.

1. *Property to Be Sold.* The property to be sold is described as follows: Being 261.1428 acres of land, more or less, out of the John Baker Survey, Abstract No. 71, and the Andrew McStee Survey, Abstract No. 220, in Waller County, Texas, being all of that certain called 104.1343 acre tract of land conveyed to Joseph A. McDermott and that certain called 157.0094 acre tract of land conveyed to Joe A. McDermott as described in deed respectively recorded in Volume 1041, Page 576 and Volume 873, Page 704 of the deed records of Waller County, Texas and being out of and a part of that certain 1185.2773 acre tract of land conveyed to J. Weldon Granger in two tracts of land as described in deed recorded in Volume 475, Page 32 of the deed records of Waller County, Texas, and being further out of and a part of that certain 325.0000 acre tract of land conveyed to Texan Construction Corporation by deed recorded under county clerk's file no. 963529 of the real property records of Waller County, Texas, said 261.1428 acres of land being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof ("Property").

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the Deed of Trust recorded as Document/File Number 1203564, Vol. 309, Page 646 of the Official Public Records of Real Property of Waller County, Texas.

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Date: April 5, 2016

Time: The sale will begin no earlier than 1:00 p.m. or no later than three hours thereafter. The sale will be completed by no later than 4:00 P.M.

Place: The Foyer at the South Entrance to the Waller County Courthouse, located at 836 Austin St., Hempstead, Waller County, Texas 77445 and/or any other location designated by the Commissioners Court of Waller County in Waller County, Texas

The deed of trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the deed of trust 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 re-filed

in accordance with the posting and filing requirements of the Texas Property Code. The reposting or re-filing may be after the date originally scheduled for this sale.

4. *Terms of Sale.* 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 beneficiary there under 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.

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 nature and extent of such matters, if any.

Pursuant to the deed of trust, the beneficiary has the right to direct the Trustee to sell the property in one or more parcels and/or to 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 or any substitute trustee.

5. *Type of Sale.* The sale is a non-judicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by Joe A. McDermott, Jr. a/k/a Joseph A. McDermott on June 27, 2012.

The real property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

6. *Obligations Secured.* The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to (a) the note in the original principal amount of \$2,121,865.00, executed by Joe A. McDermott, Jr. a/k/a Joseph A. McDermott, said note payable to the order of Spirit of Texas Bank, ssb; (b) all assignments, assumptions, renewals, modifications, reinstatements and extensions of the note; (c) any and all present and future indebtednesses of Joe A. McDermott,

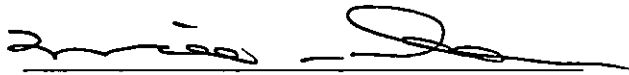
Jr. a/k/a Joseph A. McDermott. Spirit of Texas Bank, ssb is the current owner and holder of the Obligation and is the beneficiary under the deed of trust.

As of March 11, 2016, there was owed \$2,061,087.42 on the note, being principal and interest in the following amounts: \$2,014,559.51 of principal and \$37,697.63 of interest, plus additional late charges and related charges and additional attorney fees. The note is bearing interest at the rate of \$358.75183 per day thereafter.

Questions concerning the sale may be directed to the undersigned or to the beneficiary, Spirit of Texas Bank, ssb, Attn: Mr. Robert Baker, at 720 N. Post Oak Rd., Houston, Texas 77024, phone: 713-613-1100.

7. *Default and Request to Act.* Default has occurred under the deed of trust, and the beneficiary has requested me, as substitute trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

Dated: March 11, 2016.



Michael L. Durham
General Counsel
Spirit of Texas Bank
1836 Spirit of Texas Way
Conroe, Texas 77301
281-516-4903

EXHIBIT "A"

June 22, 2012

261.1428 Acres

Fieldnotes for 261.1428 acres of land out of the John Baker Survey, Abstract No. 71 and the Andrew McStee Survey, Abstract No. 220, in Waller County, Texas, being all of that certain called 104.1343 acre tract of land conveyed to Joseph A. McDermott and that certain called 157.0094 acre tract of land conveyed to Joe A. McDermott as described in deeds respectively recorded in Volume 1041, Page 576 and Volume 873 Page 704 of the Deed Records of Waller County, and being out of and a part of that certain 1185.2773 acre tract of land conveyed to J. Weldon Granger in two tracts of land as described in deed recorded in Volume 475, Page 32 of the Deed Records of Waller County, and being further out of and a part of that certain 325.0000 acre tract of land conveyed to Texan Construction Corporation by deed recorded under County Clerk's File No. 963529 of the Real Property Records of Waller County, said 261.1428 acres of land being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch steel rod found in the South line of Giboney Road, based on a 60 foot right-of-way, at its intersection with the East line of F.M. Highway No. 1736, based on an 80 foot right-of-way, said point being the Northwest corner of the said 325.0000 acre tract and the Northwest corner of Spring Hill Farms, the map or plat thereof being recorded in Volume 627, Page 230 of the Deed Records of Waller County;

Thence, South 89°04'44" East, 1000.00 feet with the South line of said Giboney Road, and with the North line of said Spring Hill Farms and the said 325.0000 acre tract to a 5/8 inch steel rod found marking the Northwest corner and PLACE OF BEGINNING of the said 104.1339 acre tract and the herein described tract, said point being the Northeast corner of said Spring Hill Farms;

Thence, South 89°04'44" East with the South line of said Giboney Road, and with the North line of the said 325.0000 acre tract and the said 104.1339 acre tract, at 1000.00 feet passing a 5/8 inch steel rod found marking the Northeast corner of the said 104.1339 acre tract and the Northwest corner of the said 157.0094 acre tract, and continuing with the North line of the said 157.0094 acre tract in all, a total distance of 2866.84 feet to a 5/8 inch steel rod found marking the Northeast corner of the said 157.0094 acre tract, the said 325.0000 acre tract and the herein described tract;

Thence, South 00°02'00" West, 3593.36 feet with the East line of the said 325.0000 acre tract and the said 157.0094 acre tract to a 5/8 inch steel rod set for an exterior ell corner of the said 157.0094 acre tract and the herein described tract;

Thence, North 89°33'04" West, 283.53 feet with a Southerly line of the said 325.0000 acre tract and the said 157.0094 acre tract to a fence corner post found marking an interior ell corner of the said 157.0094 acre tract and the herein described tract;

Thence, South 19°10'55" West, 378.71 feet with a Southeasterly line of the said 325.0000 acre tract and the said 157.0094 acre tract to a 5/8 inch steel rod set in the Northeasterly line of said F.M. Highway No. 1736, for the Southeast corner of the said 325.0000 acre tract, the said 157.0094 acre tract, and the herein described tract, said point being in a non-tangent curve to the left, having a radius of 564.33 feet and a central angle of 64°46'06";

261.1428 Acres

June 22, 2012

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Thence, in a Northwesterly direction, with the Northerly line of said F.M. Highway No. 1736 and the common Southerly line of the said 325.0000 acre tract and the said 157.0094 acre tract, and with the said curve to the left having a radius of 564.33 feet (chord bearing North 57°04'04" West, 604.50 feet), an arc distance of 637.93 feet to a 5/8 inch steel rod set at a point of tangency, said point being in the South line of the said John Baker Survey and the common North line of the Andrew McStee Survey, Abstract No. 220;

Thence, North 89°27'07" West with the North line of said F.M. Highway No. 1736 and the said Andrew McStee Survey and the common South line of the said John Baker Survey, the said 325.0000 acre tract and the said 157.0094 acre tract, at 951.35 feet passing a 5/8 inch steel rod set for the Southwest corner of the said 157.0094 acre tract and the Southeast corner of the aforesaid 104.1339 acre tract, and continuing in all, a total distance of 2474.61 feet to a 5/8 inch steel rod set at a point of curve to the right having a radius of 480.88 feet and a central angle of 89°29'07";

Thence, in a Northwesterly direction, with the Easterly line of said F.M. Highway No. 1736, and the Southwesterly line of the said 325.0000 acre tract and the said 104.1339 acre tract, and with the said curve to the right having a radius of 480.88 feet (chord bearing North 44°42'32" West, 677.01 feet), an arc distance of 751.04 feet to a 3/4 inch steel pipe found in concrete at a point of tangency;

Thence, North 00°02'00" East, 813.55 feet with the East line of said F.M. Highway No. 1736, and with the West line of the said 325.0000 acre tract and the said 104.1339 acre tract to a 5/8 inch steel rod set for the most Westerly Northwest corner of the said 104.1339 acre tract and the herein described tract, said point being the Southwest corner of said Spring Hill Farms, said point also being in the centerline of a 60 foot wide drainage easement;

Thence, with the Southerly line of said Spring Hill Farms and the common (lower) Northerly line of the said 104.1339 acre tract, and with the centerline of the said 60 foot wide drainage easement, the following bearings and distances:

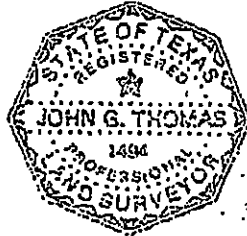
South 44°57'18" East, 126.06 feet to a 5/8 inch steel rod set for an angle point;
 South 62°57'09" East, 154.08 feet to a 5/8 inch steel rod set for a second angle point;
 South 42°00'36" East, 205.90 feet to a 5/8 inch steel rod found at a third angle point;
 South 48°02'20" East, 225.25 feet to a 5/8 inch steel rod set for a fourth angle point;
 South 74°36'20" East, 116.69 feet to a 5/8 inch steel rod set for a fifth angle point;
 North 86°57'21" East, 109.59 feet to a 5/8 inch steel rod found at a sixth angle point; and,

South 75°24'33" East, 254.23 feet to a 5/8 inch steel rod found at an inside ell corner of the said 104.1339 acre tract and the herein described tract, said point also being the Southeast corner of said Spring Hill Farms;

Thence, North 00°02'00" East, 2900.00 feet with the East line of said Spring Hill Farms and the West line of the said 104.1339 acre tract to the PLACE OF BEGINNING and containing 261.1428 acres or 11,375,382 square feet of land, more or less.

This description is based on the land title survey and plat (Job No. 13625J) made under the direction of John G. Thomas, Registered Professional Land Surveyor on October 20, 2004 and updated on June 8, 2012.

John G. Thomas
 John G. Thomas, R.P.L.S. No. 1494.



FILED AND RECORDED

Instrument Number: 16-018

Filing and Recording Date: 03/14/2016 12:12:55 PM Pages: 6 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,



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.

Daisy Metcalf, Deputy

Returned To:
SPIRIT OF TEXAS BANK
1836 SPIRIT OF TEXAS WAY
CONROE, TX 77301