

# NOTICE OF FORECLOSURE SALE

September 12, 2023

## DEED OF TRUST

**Date:** August 25, 2021

**Grantor:** MAYTE PENA-GARCIA

**Trustee:** JOHN F. FUINI, JR

**Lender:** TOPAR INVESTMENTS LLC

**Recorded In:** Volume 0314, Page 0932 of the Official Public Records of Frio County, Texas,

### Legal Description:

**Lots 58, Block 6, Unit 1, NORTHILL ADDITION, an addition to the City of Moore, Frio County, Texas, according to the map or plat thereof, recorded in Volume 1, Page 34, Map and Plat Records of Frio County, Texas;**

**Secures:** Promissory Note in the original principal amount of \$40,000.00, executed by MAYTE PENA-GARCIA payable to the order of Lender, TOPAR INVESTMENTS LLC

**Trustee's Address:** Law Office of John F. Fuini, Jr. PC  
6243 IH-10 West Suite 590  
San Antonio, TX 78201  
(210) 732-2200 Tel  
(210) 732-0298 Fax

### Foreclosure Sale:

**Date:** October 3, 2023

**Time:** The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 A.M. and not later than three hours thereafter.

**Place:** The sale will take place at the Frio County Courthouse at the place designated by the Frio County Commissioner's Court. The Deed of Trust permits the Lender (as hereinafter defined) to postpone, withdraw, or reschedule the sale for another day.

**Terms of Sale:** The Foreclosure Sale will be conducted as a public auction and the property will be sold to the highest bidder for cash, except that Lender's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of the default, TOPAR INVESTMENTS LLC, the owner and holder of the Note, has requested Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of TOPAR INVESTMENTS LLC election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with TOPAR INVESTMENTS LLC's rights and remedies under the Deed of Trust and Section 9.604 (a) of the Texas Business and commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Lender passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure 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 Foreclosure 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. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Lender. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," **without any expressed or implied warranties, except as to the warranties (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(a) of the Texas Property Code, Trustee reserves the right to set further reasonable conditions for conduction the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Trustee.

**ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, AS DEFINED IN SECTION 101(d) (1) OF TITLE 10, UNITED STATES**

**CODE OR A MEMBER OF THE TEXAS NATIONAL GUARD OR NATIONAL GUARD OF OTHER STATE ON ACTIVE SERVICES AUTHORIZED BY THE PRESIDENT OR THE SECRETARY OF DEFENSE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, YOU MAY HAVE SPECIAL RIGHTS OR RELIEF RELATED TO THE COLLECTION OR ENFORCEMENT ACTION UNDER FEDERAL LAW, INCLUDING THE SERVICE MEMBERS CIVIL RELIEF ACT 50, UNITED STATES CODE SECTION 501 et.seq. IF THIS NOTICE SHOULD APPLY, YOU MUST PROVED EVIDENCE OF YOUR ELIGIBILITY TO THE UNDRSIGNED IMMEDIATELY.**

EXECUTED on this 12<sup>th</sup> day of September, 2023.

  
\_\_\_\_\_  
JOHN F. FUINI, JR.  
Trustee

STATE OF TEXAS

COUNTY OF BEXAR

BEFORE me, the undersigned authority, on this day personally appeared JOHN F. FUINI, JR., known to be the person whose name is subscribed to the foregoing Notice of Foreclosure Sale, and acknowledged to me that the same was executed for the purposes and consideration therein expressed.

Given under my hand and seal of office on this 12<sup>th</sup> day of September, 2023.



  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

FILED  
At 3:33 o'clock P M  
This 12<sup>th</sup> day of Sept 2023

Aaron T. Ibarra

Clerk County Court FRIO COUNTY, TX

BY:  DEPUTY

# NOTICE OF FORECLOSURE SALE

September 12, 2023

## DEED OF TRUST

**Date:** August 25, 2021

**Grantor:** MAYTE PENA-GARCIA

**Trustee:** JOHN F. FUINI, JR

**Lender:** TOPAR INVESTMENTS LLC

**Recorded In:** Volume 0314, Page 0941 of the Official Public Records of Frio County, Texas,

### Legal Description:

**Lots 59, Block 6, Unit 1, NORTHILL ADDITION, an addition to the City of Moore, Frio County, Texas, according to the map or plat thereof, recorded in Volume 1, Page 34, Map and Plat Records of Frio County, Texas;**

**Secures:** Promissory Note in the original principal amount of \$40,000.00, executed by MAYTE PENA-GARCIA payable to the order of Lender, TOPAR INVESTMENTS LLC

**Trustee's Address:** Law Office of John F. Fuini, Jr. PC  
6243 IH-10 West Suite 590  
San Antonio, TX 78201  
(210) 732-2200 Tel  
(210) 732-0298 Fax

### Foreclosure Sale:

**Date:** October 3, 2023

**Time:** The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 A.M. and not later than three hours thereafter.

**Place:** The sale will take place at the Frio County Courthouse at the place designated by the Frio County Commissioner's Court. The Deed of Trust permits the Lender (as hereinafter defined) to postpone, withdraw, or reschedule the sale for another day.

**Terms of Sale:** The Foreclosure Sale will be conducted as a public auction and the property will be sold to the highest bidder for cash, except that Lender's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of the default, TOPAR INVESTMENTS LLC, the owner and holder of the Note, has requested Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of TOPAR INVESTMENTS LLC election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with TOPAR INVESTMENTS LLC's rights and remedies under the Deed of Trust and Section 9.604 (a) of the Texas Business and commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Lender passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure 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 Foreclosure 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. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Lender. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "**AS IS,**" **without any expressed or implied warranties, except as to the warranties (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(a) of the Texas Property Code, Trustee reserves the right to set further reasonable conditions for conduction the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Trustee.

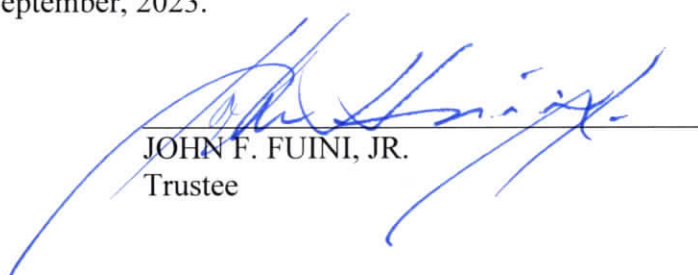
**ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, AS DEFINED IN SECTION 101(d) (1) OF TITLE 10, UNITED STATES**



**CODE OR A MEMBER OF THE TEXAS NATIONAL GUARD OR NATIONAL GUARD**

**OF OTHER STATE ON ACTIVE SERVICES AUTHORIZED BY THE PRESIDENT OR THE SECRETARY OF DEFENSE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, YOU MAY HAVE SPECIAL RIGHTS OR RELIEF RELATED TO THE COLLECTION OR ENFORCEMENT ACTION UNDER FEDERAL LAW, INCLUDING THE SERVICE MEMBERS CIVIL RELIEF ACT 50, UNITED STATES CODE SECTION 501 et.seq. IF THIS NOTICE SHOULD APPLY, YOU MUST PROVED EVIDENCE OF YOUR ELIGIBILITY TO THE UNDRSIGNED IMMEDIATELY.**

EXECUTED on this 12<sup>th</sup> day of September, 2023.



JOHN F. FUINI, JR.  
Trustee

STATE OF TEXAS                     '  
   '  
COUNTY OF BEXAR               '

BEFORE me, the undersigned authority, on this day personally appeared JOHN F. FUINI, JR., known to be the person whose name is subscribed to the foregoing Notice of Foreclosure Sale, and acknowledged to me that the same was executed for the purposes and consideration therein expressed.

Given under my hand and seal of office on this 12<sup>th</sup> day of September, 2023.



NOTARY PUBLIC, STATE OF TEXAS

FILED  
At 3:33 o'clock P M  
This 12<sup>th</sup> day of Sept 2023  
Aaron T. Ibarra

Clerk County Court FRIO COUNTY, TX

BY:  DEPUTY