

FILED
NICOLE TANNER, COUNTY CLERK
HILL COUNTY, TEXAS

NOTICE OF SUBSTITUTE TRUSTEE'S SALE 2014 FEB 11 PM 12:07

Date: February 11, 2014

Substitute Trustee: John Malone
Substitute Trustee's Street Address: 1838 N. Valley Mills Drive, Waco, Texas 76710
Lender: Lakeland West Capital XII, LLC

Note

Date: June 18, 2004
Borrower: First States Investors 95, L.P.
Payee: Mortgage Electronic Registration Systems, Inc.
Principal Amount: \$7,000,000.00

Deed of Trust

Date: June 18, 2004
Grantor: First States Investors 95, L.P.
Trustee: Donald F. Simone, Esq.
Original Beneficiary: Mortgage Electronic Registration Systems, Inc.
Recording information: Book 1291, Page 0133 in the Real Property Records of Hill County, Texas
Property: See attached Exhibit A
Assignment (most recently assigned) of Deed of Trust:
Date: December 19, 2013
Recording information: Volume 1776, Page 811 in the Official Public Records of Hill County, Texas
Assignor: U.S. Bank National Association, as Trustee, as successor-in-interest to Bank of America, N.A., successor by merger to LaSalle Bank National Association, in its capacity as Trustee for the registered holders of Bear Stearns Commercial Mortgage Securities Inc., Commercial Mortgage Pass-Through Certificates, Series 2004-PWR5
Assignee: Lakeland West Capital XII, LLC, a limited liability company

County: Hill

Date of Sale (first Tuesday of month): March 4, 2014
Time of Sale: 10:00 A.m. or within three hours thereof
Place of Sale: On the steps outside the east door of the Hill County Courthouse in Hillsboro, Texas.

Lender has appointed John Malone as Substitute Trustees under the Deed of Trust. Lender has instructed Substitute Trustee to offer the Property for sale toward the satisfaction of the Note.

Notice is given that on the Date of Sale, Substitute Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash. The earliest time the sale will occur is the Time of Sale, and the sale will be conducted no later than three hours

thereafter.

NOTICE: Assert and protect your rights as a member of the armed forces to 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.

John Malone with Permission
JOHN MALONE, SUBSTITUTE TRUSTEE
(254) 772-3722

by: *Sofia Gutierrez*

Exhibit "A"

(City of Hillsboro, Hill County, Texas)

TRACT 1:

A field notes description of the NationsBank of Texas, N.A.; main bank facility in the City of Hillsboro, Hill County, Texas, said main bank facility being located at the southeast corner of Elm Street and Waco Street and being comprised of a portion of Lots 1, 2, 3 and 6 of Block 4, Original Town of Hillsboro, and also shown as Lots 1A, 1B, 2A, 2B, 3A, and 6A on the appraisal and tax maps of the City of Hillsboro, said tract being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the south right-of-way line of Elm Street (100.00 feet) and the east right-of-way line of Waco Street (100.00 feet) being the northwest corner of Lot 1 in Block 4 and the northwest corner and POINT OF BEGINNING of this tract;

THENCE South $88^{\circ} 53' 38''$ East, with the south right-of-way line of Elm Street, at 50.00 feet passing the common north corner of Lots 1 and 2, at 100.00 feet passing the common north corner of Lots 2 and 3, and in all 116.00 feet to the building corner for the northeast corner of this tract;

THENCE South $01^{\circ} 14' 27''$ West, along the common wall and common boundary of Lots 3A and 3B, 100.56 feet to the building corner and common corner of Lots 3A, 3B, 6A, and 6B for an angle point, and continuing South $00^{\circ} 32' 58''$ West with the common boundary of Lots 6A and 6B, 99.54 feet to the north right-of-way line of Gould Street (30.00 feet) for the southerly southeast corner of this tract;

THENCE North $89^{\circ} 02' 28''$ West, with the north right-of-way line of Gould Street, 16.00 feet to the southeast corner of Lot 5 and the southwest corner of Lot 6 of Original Town of Hillsboro and common south corner of Lot 6A and 6B of said tax map for the southerly southwest corner of this tract;

THENCE North $00^{\circ} 32' 58''$ East, with the common boundary line of Lots 6, 7 and 8 of said Original Town, 99.46 feet to the building corner for the common corner of Lots 2, 3, 6, and 7 for an angle point, and continuing North $01^{\circ} 14' 27''$ East, with the common line of Lots 2 and 3, 50.89 feet to a building corner and southeast corner of said Lot 2B for a re-entrant corner of this tract;

THENCE North $88^{\circ} 53' 38''$ West, with the common wall and building line and common boundary of Lots 1B, 1C, 2B, and 2C, 100.00 feet to the east right-of-way line of Waco Street for the common west corner of Lots 1B and 1C in the west boundary of Block 4 for the northerly southwest corner of this tract;

THENCE North $01^{\circ} 14' 27''$ East, with said east right-of-way line of Waco Street and west boundary of Lots 1B and 1A in said Block 4, 50.00 feet to the POINT OF BEGINNING and containing 2,202 square feet or 0.1883 acres of land, more or less.

Tract 2:

A field note description of the NationsBank of Texas, N.A. parking facility situated on the north one-half of Lot 9, Block 4 of the Original Town of Hillboro, Hill County, Texas, and being Lot 9A as shown on the appraisal or tax map of Hill County, Texas, said tract being more particularly described by metes and bounds as follows:

BEGINNING at the Intersection of the east right-of-way line of Waco Street (100.00 feet) and the south right-of-way line of Gould Street (30.00 feet) and being the northwest corner of said Lot 9 and 9A and the northwest corner and POINT OF BEGINNING of this tract;

THENCE South 88° 44' 30" East, with the south right-of-way line of Gould Street and north boundary of Lot 9 and 9A, 200.00 feet to the west right-of-way line of a 30.00 foot alley for the northeast corner of Lot 9, 9A and this tract;

THENCE South 00° 54' 42" West, with said west right-of-way line of said alley and east boundary of Lot 9 and 9A, 50.00 feet to the southeast corner of said 9A and this tract;

THENCE North 88° 44' 30" West with the common boundary of Lots 9A and 9B, 200.00 feet to the northwest corner of the Lone Star Gas Company building in the east right-of-way line of Waco Street and the common west corner of Lots 9A and 9B and southwest corner of this tract;

THENCE North 00° 54' 42" East, with said east right-of-way line of Waco Street and west boundary of Lot 9 and 9A in Block 4, 50.00 feet to the POINT OF BEGINNING and containing 10,000 square feet or 0.2296 acres of land, more or less.

Tract 3:

A field note description of a tract of land being a portion of Lot 63 of McMullen Addition to the City of Hillboro, Hill County, Texas, and being that same tract described in Warranty Deed recorded in Volume 523 at Page 352 of the Deed Records, Hill County, Texas, except the 0.127 acre piece conveyed to H & H Enterprises by Warranty Deed recorded in Volume 222 at Page 347 of said deed records, this tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found at the intersection of the east right-of-way of South Waco Street (70.00 feet wide) and the south right-of-way of McDonald Street (32.00 feet wide) for the northwest corner and POINT OF BEGINNING of this tract;

THENCE South 89° 27' 00" East, on the south right-of-way of McDonald Street, 257.14 feet to a 1/2" iron rod set for the northeast corner of this tract;

THENCE South 00° 24' 14" West, a distance of 100.17 feet to a 5/8" iron rod found for the northeast corner of said exception tract and the southeast corner of this tract;

THENCE North 89° 17' 02" East, a distance of 47.14 feet to a "X" set for the northeast corner of said exception tract and a bend in the south boundary of this tract;

THENCE North 85° 27' 00" West, a distance of 250.00 feet to a 5/8" iron rod found in the east right-of-way of South Waco Street for the southwest corner of this tract;

THENCE North 00° 24' 14" East with said east right-of-way line, 100.00 feet to the PLACE OF BEGINNING and containing 29,733 square feet or 0.6826 acres of land, more or less.

Surveyor's Legal Description

Tract 1:

DESCRIPTION OF A PORTION OF LOTS 1, 2, 3 AND 8 OF BLOCK 4 OF THE ORIGINAL TOWN OF HILLSBORO AND BEING TRACT 1 -- 0.1883 ACRES IN A DEED FROM NATIONSBANK OF TEXAS, N.A. TO POTOMAC REALTY, L.C. DATED OCTOBER 28, 1992 AND RECORDED IN VOLUME 788, PAGE 94 OF THE HILL COUNTY DEED RECORDS AND BEING MORE PARTICULARY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a building corner at the common northwest corner of Tract 1 and the intersection of the east line of Woco Street and the south line of Elm Street;

THENCE leaving the PLACE OF BEGINNING with the north line of Tract 1 and the south line of Elm Street, S.88°53'38"E. 116.73 feet to a building corner at the northeast corner of Tract 1;

THENCE leaving the south line of Elm Street with the east line of Tract 1, S.01°44'32"W. 100.48 feet to a building corner for an angle point;

THENCE continuing with the east line of Tract 1, S.00°33'53"E. 99.68 feet to a railroad spike found at the southeast corner of Tract 1 and in the north line of Gould Street;

THENCE with the south line of Tract 1 and the north line of Gould Street, S.89°50'41"W. 16.00 feet to a mag nail with washer stamped "B&C RPLS 5671" set at the southwest corner of Tract 1;

THENCE leaving the north line of Gould Street with the west line of Tract 1, N.00°10'45"E. 99.78 feet to a building corner for an angle point;

THENCE continuing with the west line of Tract 1, N.01°44'32"E. 50.69 feet to a building corner for an interior corner of Tract 1;

THENCE with the south line of Tract 1, N.89°09'46"W. 101.35 feet to a building corner at the southwest corner of Tract 1 and in the east line of Woco Street;

THENCE with the west line of Tract 1 and the east line of Woco Street, N.00°57'41"E. 50.47 feet to the PLACE OF BEGINNING.

SEE SHEET 2 OF 2 FOR CONTINUATION OF SURVEYOR'S LEGAL DESCRIPTION.

Surveyor's Legal Description

Tract 2:

DESCRIPTION OF THE NORTH ONE-HALF OF LOT 9, BLOCK 4 OF THE ORIGINAL TOWN OF HILLSBORO AND BEING TRACT 2 - 0.2296 ACRES IN A DEED FROM NATIONSBANK OF TEXAS, N.A. TO POTOMAC REALTY, L.C. DATED OCTOBER 28, 1992 AND RECORDED IN VOLUME 768, PAGE 94 OF THE HILL COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a mag nail set with aluminum washer stamped "B&C RPLS 5671" at the common northwest corner of Tract 2, and the intersection of the east line of Waco Street and the south line of Gould Street;

THENCE with the north line of Tract 2 and the south line of Gould Street, S.89°17'23"E. 200.00 feet to a mag nail set with aluminum washer stamped "B&C RPLS 5671" at the common northeast corner of Tract 2 and the intersection of the south line of Gould Street and the west line of a record 20 feet wide public alley;

THENCE with the east line of Tract 2 and the west line of said alley, S.00°49'44"W. 50.00 feet to a 1/2 inch iron pipe found at the southeast corner of Tract 2;

THENCE with the south line of Tract 2, N.89°17'23"W. 200.00 feet to a point in building line (2.0 feet south of building corner) at the southwest corner of Tract 2 and in the east line of Waco Street;

THENCE with the west line of Tract 2 and the east line of Waco Street, N.00°49'44"E. 50.00 feet to the PLACE OF BEGINNING.

Tract 3:

DESCRIPTION OF A PORTION OF LOT 63 OF THE MCMULLEN ADDITION TO THE CITY OF HILLSBORO, TEXAS AND BEING TRACT 3 - 0.6826 ACRES IN A DEED FROM NATIONSBANK OF TEXAS, N.A. TO POTOMAC REALTY, L.C. DATED OCTOBER 28, 1992 AND RECORDED IN VOLUME 768, PAGE 94 OF THE HILL COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at 1/2 inch iron rod found at the common northwest corner of Tract 3 and the intersection of the east line of South Waco Street and the south line of McDonald Street;

THENCE leaving the PLACE OF BEGINNING with the common north line of Tract 3 and the south line of McDonald Street, S.89°27'00"E. 297.19 feet to a 1/2 inch iron rod with plastic cap stamped "B&C RPLS 5671" set at the northeast corner of Tract 3;

THENCE leaving the south line of McDonald Street with the east line of Tract 3, S.00°20'53"W. 100.05 feet to a 5/8 inch iron rod found at the southeast corner of Tract 3;

THENCE with the south line of Tract 3, N.89°28'25"W. 47.29 feet to a calculated point for an angle point;

THENCE continuing with the south line of Tract 3, N.89°27'00"W. 250.00 feet to a 5/8 inch iron rod found at the southwest corner of Tract 3 and in the east line of South Waco Street;

THENCE with the west line of Tract 3 and the east line of South Waco Street, North 00°24'14"E. 100.07 feet to the PLACE OF BEGINNING.