

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

DEED OF TRUST: Deed of Trust is the instrument to be foreclosed on and is described as follows:

Date: December 14, 2021

Grantor: EL Rod's on the Frio Limited Liability Company, a Texas limited liability company

Beneficiary: INFIN8 Lending, LLC, a Texas limited liability company

Recorded: as Instrument No. 2021012908 in the real property records of Uvalde County, Texas

Original Principal Amount: \$1,800,000.00

MORTGAGEE: INFIN8 Lending, LLC, a Texas limited liability company, 3304 Gentry Drive, Austin, Texas 78746

LENDER: INFIN8 Lending, LLC, a Texas limited liability company

BORROWER: EL Rod's on the Frio Limited Liability Company, a Texas limited liability company

PROPERTY: The real property described as follows:

Tract I:

All that certain tract or parcel of land described in a field survey of 38.402 acres of land, more or less described in two tracts of 14.865 acres (Tract 1) and 24.865 acres (Tract 2) situated about 28 miles N 06 E of Uvalde, about 1.7 miles South of Rio Frio in Uvalde County, Texas, being 14.865 acres out of Survey No. 612, Abstract No. 172, James L. Ewing, Original Grantee, and 23.537 acres out of Survey No. 613, Abstract No. 159, N.M. Dawson, Original Grantee, being a portion of that certain 15.326 acres of land described in a Deed to Andrew E. Novak from John D. Harrell, et ux, dated May 14, 1971, as recorded in Volume 181 on Page 415 of the Deed Records of Uvalde County, Texas, and all of that certain 24.85 acres of land described in a Deed to Andrew E. Novak from Sally Johnson, Individually and as Independent Executrix of the Estate of Bruce Johnson, Deceased, dated May 31, 1989, as recorded in Volume 293, on Page 303 of said Deed Records and being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes.

Tract II:

BEING a 0.3519 acre tract (more or less) of land lying and being situated in Rio Frio in Uvalde County, Texas; about twenty-eight miles N 06 E of the City of Uvalde, the County Seat, all within Sur. No. 612, James L. Ewing, Original Grantee, Abstract 172. Said 0.3519 acre tract of land being a south middle portion of a 15.236 acre tract conveyed to Andrew E. Novak by John D. and Sheila Smith Harrell, by Deed dated May 14, 1971, and recorded in Volume 181, Pages 415-418, Deed Records of Uvalde County, Texas; with said 0.3519 acre tract being more particularly described by metes and bounds in Exhibit "B" attached hereto and made a part hereof for all purposes.

SUBSTITUTE TRUSTEE: Calvin Speer, Nancy Gomez, Leo Gomez, Wendy Speer, Melody Speer, Bob Frisch, Wayne Daughtrey or Vicki Rodriguez.

The address for the for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:

The Knutzen Law Firm, PLLC

440 Louisiana, Suite 900
Houston, Texas 77002
Office: 713-236-7716
Direct: 832-428-7120

DATE AND TIME OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:

July 5, 2022, the first Tuesday of the month, to commence at 1:00 p.m., or within three (3) hours after that time.

PLACE OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:

On the east side courthouse steps of the Uvalde County Courthouse, Texas or, if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Office or County Commissioner's Court.

NOTICE

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, 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 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 MORTGAGEE OR MORTGAGE SERVICER.

Default has occurred in the performance of the obligations under the Deed of Trust executed by Lisa Rodriguez, Manager and Eric Rodriguez, Manager, of EL Rod's on the Frio Limited Liability Company, a Texas limited liability company, securing payment of the indebtedness in the original principle amount of \$1,800,000.00 and obligations therein described including but not limited to the promissory note. Because default has occurred in payment of said herein referenced indebtedness and the same is now wholly due, Lender, the owner and holder of the Deed of Trust has requested that Substitute Trustee sell the Property according to the terms of the Deed of Trust and applicable law.

Therefore, notice is given that on the Date and Time of Substitute Trustee's Sale of Property and at the Place of Substitute Trustee's Sale of Property, Substitute Trustee, or any other substitute trustee Lender may appoint, will sell the Property by public sale to the highest bidder for cash or acceptable certified funds, according to the Deed of Trust and applicable law. The sale and conveyance of the Property will be subject to all matters of record applicable to the Property that are superior to the Deed of Trust and to any permitted exceptions to title described in the Deed of Trust. Substitute Trustee has not made and will not make any covenants, representations, or warranties about 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. **The Property will be sold AS IS, WHERE IS, AND WITH ALL FAULTS.**

EXECUTED on June 8, 2022.

THE KNUTZEN LAW FIRM, PLLC

By: /s/ Douglas J. Knutzen

Douglas J. Knutzen
State Bar No. 24080697
440 Louisiana, Suite 900
Houston, Texas 77002
Telephone: (713) 236-7716
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Email: douglas@knutzenlegal.com

Posted and filed by: Calvin Speer

Printed Name: CALVIN SPEER

EXHIBIT "A"

THE STATE OF TEXAS
COUNTY OF MEDINA

PREPARED FOR: Eric J. & Lisa Rodriguez

FIELD NOTES TO DESCRIBE

A survey of 38.402 acres of land described in two tracts of 14.865 acres (Tract 1) and 24.865 acres (Tract Two) situated about 28 miles N 06° E of Uvalde, about 1.7 miles South of Rio Frio, in Uvalde County, Texas, being 14.865 acres out of Survey No. 612, Abstract No. 172, James L. Ewing, original Grantee, and 23.537 acres out of Survey No. 613, Abstract No. 159, N. M. Dawson, original Grantee, being a portion of that certain 15.326 acres of land described in a Deed to Andrew E. Novak from John D. Harrell, et ux, dated May 14, 1971, as recorded in Volume 181 on Page 415 of the Deed Records of Uvalde County, Texas, and all of that certain 24.85 acres of land described in a Deed to Andrew E. Novak from Sally Johnson, Individually, and as Independent Executor of the Estate of Bruce Johnson, Deceased, dated May 31, 1989, as recorded in Volume 293 on Page 303 of the said Deed Records, and being more particularly described by metes and bounds as follows:

Tract 1 – Being 13.538 acres in Survey No. 612 and being all of said 15.326 acres of land, save and except, those certain properties within Cold Springs Courts Subdivision/Leakey, described in the following referenced deeds.

0.1444 Acres (0.182 acres as resurveyed) – Lot 1 and 20' strip
Andrew E. Novak to James L. Hailey, et ux, dated May 3, 1977, recorded in Volume 212 on Page 293 and in Volume 280 on Page 480, Deed Records
(Current Owner – Hailey Family Trust – Instrument No. 2009002501 – 0.184 Acres)

0.1738 Acres (0.173 acres as resurveyed) – Lot 2
Andrew E. Novak to D. E. Anderson, dated May 16, 1977, recorded in Volume 211 on Page 763, Deed Records
(Current Owner – Dan E. Anderson, Jr. – Instrument No. 2011001508 – 0.17 acres)

0.1599 Acres (0.194 acres as resurveyed) – Lot 3
Andrew E. Novak to Alfred W. Androccoli, et ux, dated April 1, 1977, recorded in Volume 211 on Page 640, Deed Records
(Current Owner – Paul W. Neumann – Instrument No. 2010003096 – 0.16 acres)

0.1667 Acres (0.200 acres as resurveyed) – Lot 4
Andrew E. Novak to Lawrence M. Hayes, et ux, dated December 15, 1976, recorded in Volume 210 on Page 181, Deed Records
(Current Owner – Cindy Lee Wolf & Joshua Aaron Wolf – Instrument No. 2013002878 – 0.17 acres)

0.1703 Acres (0.229 acres as resurveyed) – Lot 5
Andrew E. Novak to A. J. Kay, et ux, dated January 20, 1977, recorded in Volume 210 on Page 657, Deed Records
(Current Owner – Charlene Kay – Vol. 272, Page 391 – 0.17 acres)

0.3 Acres (0.374 acres as resurveyed) – Lot 6
Andrew E. Novak to Phillip M. Hughes, dated June 14, 1977, recorded in Volume 213 on Page 210, Deed Records
(Current Owner – Nancy Womack & Pamela Hall Duch – Instrument No. 2010000787 – 0.26 acres), and

0.3519 acres (Not a lot in Cold Springs Courts Subdivision/Leakey)
Andrew E. Novak to Sharon Novak Haskell, dated May 28, 1991, recorded in Volume 308 on Page 642, Deed Records
(Current Owner – Sharon Novak Haskell – 0.3519 acres)

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EXHIBIT "A"

(Continued)

Eric J Rodriguez and Lisa A. Rodriguez (38.402 Acres) – Page 2

- BEGINNING:** At a stainless steel monument spike set on the projection of the South line of County Road 351 (Hoover Lane) on the North line of a certain 24.864 acre tract of land, this day surveyed as Tract Two for the Southeast corner of said 15.326 acres of land and the Southeast corner of this tract from which a 5/8" iron pin found for the Northeast corner of said 24.864 acre tract of land and the Northwest corner of that certain 5.00 acres of land bears N 82-58-00 E 15 73 feet;
- THENCE.** Along the South line of said 15.326 acres of land, the North line of said 24.864 acre tract of land, and generally along the center of a fenced roadway, S 82-58-00 W 185.20 feet to a 5/8" iron pin found for the Northwest corner of said 24.864 acre tract of land, the Northeast corner of Block 2. of Cold Springs Subdivision, a subdivision as shown on a plat thereof recorded in Volume 3 on Page 71 of the Plat Records of Uvalde County, Texas. and an angle point of this tract:
- THENCE:** Along the South line of said 15.326 acres of land, the center of said fenced roadway, and the North line of Block 2 of said Cold Springs Subdivision, S 82-57-20 W 330.82 feet to a 5/8" iron pin found by an 8" diameter cedar corner post for the Northeast corner of Lot 26, Block 1, of said Cold Springs Subdivision, as recorded in Volume 2 on Page 131 of the said plat records, the Southeast corner of the aforementioned 0.3519 acre tract of land, and an angle point of this tract,
- THENCE:** Generally along fence, the South line of said 15.326 acres of land, the North line of said Lot 26, and the South line of said 0.3519 acre tract of land, S 82-11-12 W at 154.49 feet pass a 4" diameter cedar post at the end of said fence, leaving fence at 157.79 feet pass a 5/8" iron pin set for the Southwest corner of said 0.3519 acre tract of land, continuing a total distance of 432.73 feet to a point in the center of the Frio River for the Southwest corner of said 15.326 acres of land, the Northwest corner of said Lot 26, and the Southwest corner of this tract,
- THENCE.** Along the centerline of said Frio River and the Southwest line of said 15.326 acres of land, N 17-37-13 W 223.84 feet to an angle point and N 32-37-46 W 229.48 feet to a point for the West corner of said 15.326 acres of land, the South corner of that certain 5.5 acres of land described in a Deed to Jessica Jackson McDanel and Regenold Jackson Bright, Co-Trustees of the Rio Frio Family Trust from Wayne Riesto Jackson, et al, dated December 5, 2001, as recorded in Volume 473 on Page 245 of the said Deed Records. and the West corner of this tract.
- THENCE** Along the Northwest line of said 15.326 acres of land and the Southeast line of said 5.5 acres of land, N 25-39-59 E at 95.34 feet pass a 32" diameter cypress tree on the Northeast bank of the Frio River, at 118.14 feet pass a steel "T" post at the beginning of a fence. continuing generally along said fence a total distance of 390.25 feet to a 1/2" iron pin found in fence for the West corner of said Lot 6 and an angle point of this tract,
- THENCE** Generally along fence, the Northwest line of said 15.326 acres of land, the Southeast line of said 5.5 acres of land, and the Northwest line of said Lot 6, N 25-39-25 E 115.88 feet to a 5/8" iron pin found for the North corner of said Lot 6, and an angle point of this tract;
- THENCE:** Generally along fence, the Northwest line of said 15.236 acres of land, and the Southeast line of said 5.5 acres of land. N 25-00-12 E 300.23 feet to a stainless steel monument spike found by a 16" diameter live oak tree at an offset in the South fenceline of County Road 351 A for the North corner of said 15.236 acres of land, and the North corner of this tract:

Eric J. Rodriguez

EXHIBIT "A"

(Continued)

Eric J. Rodriguez and Lisa A. Rodriguez (38.402 Acres) – Page 3

THENCE. Generally along the Southwest and West fenced line of said County Road 351 A, and the Northeast line of said 15.326 acres of land the following courses:

S 74-14-09 E 94.05 feet to a 22" diameter live oak tree for an angle point;

S 47-59-26 E 193.46 feet a 5/8" iron pin found by an 8" diameter live oak tree for an angle point,

S 28-21-28 E 146.36 feet to 5/8" iron pin found by a 6" diameter cedar post for an angle point,

S 22-20-50 E 562.09 feet to a 1/2" iron pin found by a 6" diameter cedar corner post for an angle point; and

S 52-06-40 E at 304.98 feet pass a 6" diameter cedar corner post, leaving fence and across said fenced roadway a total distance of 340.50 feet to the POINT OF BEGINNING.

Tract Two – 24.864 acres of land being 1.327 acres out of said Survey No. 612 and 24.537 acres out of Survey No. 613, and all of the said 24.85 acres of land

BEGINNING: At a 5/8" iron pin found on the westerly projection of the South line of County Road 351 (Hoover Lane) for the Northwest corner of that certain 5.00 acres of land described in a Deed to Willis B. Springfield, et ux from Fritz Henry Streib, et ux, et al dated June 23, 1989, as recorded in Volume 294 on Page 399 of the Official Public Records of Uvalde County, Texas, and the Northeast corner of this tract;

THENCE: Generally along fence and the West lines of the following parcels of land:

5.00 acres of land to the above mentioned Willis B. Springfield, et ux,

239.03 acres of land, more or less, described as Tract 3 in a Deed to Lisa Streib Oden and Shawn Streib Gray, from Lisa Streib Oden and Shawn Streib Gray, Co-Independent Executors of the Estate of Fritz Henry Streib, Deceased, dated October 31, 2016, as recorded in Instrument No. 2016003708 of the aforementioned Official Public Records,

5.00 Acres of land described in a Deed to Thomas E. Mayo and Terri Lyn Mayo from Robert W. Mayo and Lisa G. Mayo, dated March 24, 2004, as recorded in Volume 529 on Page 157 of the said Official Public Records and 1 acre of land described in a Deed to Thomas E. Mayo and Terri Lyn Mayo from Fritz Henry Streib and Willis B. Springfield, dated December 18, 2007, as recorded in Instrument No. 2007004830 of the said Official Public Records; and

5.00 acres of land described as Tract 1 in the aforementioned Deed to Lisa Streib Oden and Shawn Streib Gray, dated October 31, 2016,

S 30-14-17 E 856.15 feet to a 4" diameter pipe post for an angle point and S 20-04-32 E 1770.85 feet to a 1/2" iron pin by a 4" diameter pipe corner post on the North line of that certain 10.00 acres of land described in a Deed to Walter R. King, et ux, from Elizabeth Anderson Taylor, dated October 30, 1998, as recorded in Volume 405 on Page 590 of the said Official Public Records for the Southwest corner of the remaining portion of said 239.03 acres of land, more or less, and the Southeast corner of this tract,

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EXHIBIT "A"

(Continued)

Eric J Rodriguez and Lisa A Rodriguez (38 402 Acres) – Page 4

THENCE. Generally along fence, the North line of said 10 00 acres of land, S 83-04-51 W at 269.36 feet pass 1.00 feet North of a 5/8" iron pin found by a 4" pipe corner post for the Northwest corner of said 10.00 acres of land and the Northeast corner of that certain 7.00 acres of land described in a Deed to Jack B Moore, et ux, from Walter R King, individually and as heir of Linda Faye Cormier King and Misty Renee King Cleveland as heir of Linda Faye Cormier King, dated July 1, 2013, as recorded in Instrument No. 2013002264 of the said Official Public Records, continuing generally along said fence a total distance of 686.21 feet to a 5/8" iron pin set 5.97 feet east of a 1/4" iron pin found by an 8" diameter creosote corner post and a 4" diameter pipe corner post for the Southeast corner of Lot 1-A, Block 2, of said Cold Springs Subdivision, and the Southwest corner of this tract;

THENCE. Generally along fence and the East line of said Block 2 of said Cold Springs Subdivision, Block 2, the following courses:

Leaving fence and along the East lines of Lots 1-A and 2-A, N 07-10-56 W 198.87 feet to a 1/2" iron pin by a 3" diameter cedar corner post for an angle point;

Again generally along fence and the East line of Lot 3-A, N 06-52-24 W 99.89 feet to a 1/2" iron pin found by a 6" diameter corner post for an angle point,

Along the East line of Lot 4-A, N 07-23-04 W 99 75 feet to a 1/2" iron pipe by a 4" cedar corner post for an angle point;

Along the East line of Lots 5-A and 6-A, N 06-41-58 W 200.38 feet to a 6" diameter pipe corner post for an angle point;

Along the East line of Lot 7-A, N 05-42-31 W 99.74 feet to a 5/8" iron pin found in fence for an angle point,

Along the East lines of Lots 8-A and 9-A, N 05-32-03 W 199.94 feet to a 5/8" iron pin found in fence 13 38 feet North of a 6" diameter cedar corner post for an angle point:

Along the East line of Lot 10-A, N 05-27-59 W 100.01 feet to a 5/8" iron pin found in fence for an angle point;

Along the East line of Lot 11-A, N 05-30-13 W 100.00 feet to a 5/8" iron pin found in fence for an angle point;

Along the East line of Lot 12-A, N 05-25-24 W 99 91 feet to a 5/8" iron pin found in fence for an angle point,

Along the East line of Lot 13-A, N 05-31-19 W 99 43 feet to a 5/8" iron pin found in fence for an angle point;

Along the East line of Lot 14-A and the Northeast line of Lot 15-A, N 05-03-24 W 11 86 feet to a 5/8" iron pin found by a 6" diameter corner post for an angle point and N 21-55-14 W 190.57 feet to a 1/2" iron pipe found in fence for an angle point;

Along the Northeast line of Lot 16-A, N 21-51-08 W 99.86 feet to 1/2" iron pin found in fence for an angle point,

Along the Northeast line of Lot 17-A, N 21-50-43 W 100.15 feet to a 1/2" iron pin found in fence for an angle point;

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EXHIBIT "A"

(Continued)

Eric J. Rodriguez and Lisa A. Rodriguez (38.402 Acres) – Page 5

Along the Northeast line of Lot 18-A, N 21-55-20 W 100.03 feet to a 5/8" iron pin found 3.96 feet Southeast of a chainlink corner post for an angle point;

Along the Northeast line of Lot 19-A, N 21-54-12 W 99 92 feet to a 5/8" iron pin found in fence for an angle point;

Along the Northeast line of Lot 20-A, N 21-49-05 W 99 88 feet to a 5/8" iron pin found by a 6" diameter cedar corner post for an angle point;

Along the Northeast line of Lots 21-A and 22-A, N 21-59-11 W 99.91 feet to a 5/8" iron pin found by a 6" diameter cedar corner post for an angle point, N 22-03-00 W 7 70 feet to a 5/8" iron pin found for an angle point, and N 15-44-14 W 92 28 feet to a 5/8" iron pin found in fence for an angle point,

Along the Northeast line of Lot 23-A, N 15-46-15 W 100.13 feet to a 5/8" iron pin found in fence for an angle point; and

Along the Northeast line of Lots 24-A and 25-A, N 15-47-10 W at 216.26 feet pass a 6" cedar corner post on the South line of said fenced roadway, leaving fence and continuing a total distance of 242.48 feet to a 5/8" iron pin found in the center of said fenced roadway on the South line of that certain 15.326 acres of land (15 242 acres as resurveyed) described in a Deed to Andrew E Novak from Patricia D Novak, dated March 24, 1976, as recorded in Volume 205 on Page 374 of the Deed Records of Uvalde County, Texas, for the Northeast corner of Block 2 of said Cold Springs Subdivision and the Northwest corner of this tract,

THENCE: Along the South line of said 15 326 acres of land, N 82-58-00 E at 185 20 feet pass a set stainless steel monument spike for the Southeast corner of said 15.326 acres of land, continuing a total distance of 200.93 feet to the POINT OF BEGINNING.

The bearings are relative to Geodetic North WGS 84 as taken from GPS observations

I certify that the foregoing field note description was prepared from an actual survey made on the ground under my supervision and that same is true and correct. Witness my hand and seal this the 31st day of October, 2018.

Charles W Rothe, R.P.L.S. No. 2453
1705 Avenue K, P. O. Box 426
Hondo, Texas 78861
Ph 830-426-3005
Fax 830-426-8160
Email cwrothe@rothe-inc.com

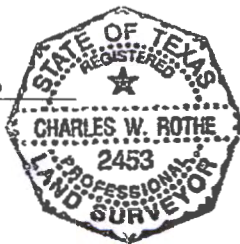


EXHIBIT "B"

KOCH & KOCH

LAND SURVEYORS, INC.

P. O. Box 246

O'Heals Texas 78350

THE STATE OF TEXAS)

COUNTY OF UVALDE)

Field Notes of a survey of a 0.3519 acre tract of Land, made
for Andrew E. Novak.

Said 0.3519 acre tract of land lying and being situated at Rio Frio, in Uvalde County, Texas; about twenty-eight miles N 06° E of the City of Uvalde, the County Seat, all within Sur. No. 612, James L. Eving, Original Grantee, Abst. No. 172. Said 0.3519 acre tract of land being a south middle portion of a 15.326 acre tract conveyed to Andrew E. Novak, by John D. and Sheila Smith Harrell, by Deed dated May 14, 1971, and recorded in Vol. 181, Pages 415 - 418, of the Deed Records of said Uvalde County, Texas; with said 0.3519 acre tract of land being more fully described by acres and bounds, as follows:

BEGINNING at a 5/8" Steel Pin set at a fence corner post, in the south line of said 15.326 acre tract, for the S.E. corner of this tract; said 5/8" Steel Pin being distant 518.68 ft. S 83° 23' 29" W (unfenced, with property line) of the S.E. corner of said 15.326 acre tract;

THENCE with fence and the south line of said 15.326 acre tract, along the south side of this tract, S 82° 53' 46" W, descending the east high bank of the Frio River, 157.79 ft. to a 5/8" Steel Pin set in fence, in the south line of said 15.326 acre tract, for the S.W. corner of this tract;

THENCE leaving fence and the south line of said 15.326 acre tract, and with the west side of this tract, N 09° 24' 07" W, approximately 4.00 ft. west of and parallel to a concrete retaining wall, 95.66 ft. to a 5/8" Steel Pin set for the N.W. corner of this tract;

THENCE with the north side of this tract, N 81° 46' 12" E, ascending said high bank, 157.70 ft. to a 5/8" Steel Pin set approximately 13 ft. west of the centerline of a paved private road, for the N.E. corner of this tract;

THENCE with the east side of this tract, S 09° 24' 07" E 98.76 ft. to the place of BEGINNING;

Surveyed: February 12, 1991.

Witness: Edward M. Zerr
Larry R. Grell

THE STATE OF TEXAS)
COUNTY OF MEDINA)

I, Hilmar A. Koch, a Registered Professional Land Surveyor of the State of Texas, do hereby certify that the foregoing Field Notes description is true and correct, and was prepared from an actual survey made under my supervision, on the ground, on the data given.



Hilmar A. Koch

Registered Professional
Land Surveyor No. 2082