

**Affidavit of Posting and Filing**

Date: August 10, 2020

Affiant: GEAN D. SMITH

Deed of Trust (with Security Agreement)

Dated: April 26, 2017

Grantor: WC Custer Creek Center Property, LLC

Beneficiary: Amplify Credit Union

File No: File No. 20170426000532600, filed and recorded on April 26, 2017, in the Official Public Records of Real Property of Collin County, Texas.

Property:

**PROPERTY DESCRIPTION**

**Tract 1**

Lot 1R, Block A, Stone Beeson Addition No. 1, an addition to the City of Plano, Collin County, Texas, according to the map thereof recorded in 2014-91, Map Records, Collin County, Texas.

**Tract 2: (EASEMENT)**

Those appurtenant easements created in deed from S-B No.1, Joint Venture to Charles P. Richardson, Trustee, dated April 9, 1984, filed April 19, 1984, recorded in Volume 1874, Page 122, Deed Records, Collin County, Texas

**Tract 3: (EASEMENT)**

Those appurtenant easements created and defined in Declaration and Reciprocal Easement Agreement with Covenants, Conditions and Restrictions by Plano Spring Creek Partners, L.P. and WC Custer Creek Center, L.P. dated May 20, 2013, filed June 3, 2013, recorded in Document Number 20130603000754910 of the Official Public Records of Collin County, Texas; being located on portions of the following tracts:

Being a 0.986 acre tract out of Lot 1 R, Block A, Stone Beeson Addition No.1, an addition to the City of Plano, Collin County, Texas, according to the plat thereof as recorded in Volume 2012, Page 414 of the Map Records of Collin County, Texas, being more particularly described in Exhibit "A" to said Declaration, and Being a 1.378 acres tract out of Lot 1 R, Block A, Spring Creek Plaza an addition to the City of Plano, Collin County, Texas, according to the plat thereof as recorded in Cabinet J, Page 751 of the Map Records of Collin County, Texas, being more particularly described in Exhibit "B" to said Declaration.

Property in the public sale includes, but not limited to, all equipment, inventory, fixtures, chattel paper, documents, instruments, accounts, contract rights, consumer goods, farm products, money, as well as all general intangibles, goods and any and all other personal property secured by the security agreement included in the Deed of Trust.

{01471/0008/00254507.2}

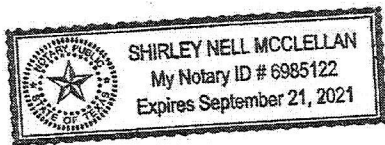
Affiant on oath swears that the following statements are true and are within the personal knowledge of Affiant:

1. This affidavit is made with respect to the foreclosure of the Deed of Trust that is to occur on September 1, 2020.
2. Attached to this affidavit is a copy of the Notice of Substitute Trustee's Sale, file—stamped by the county clerk's office.
3. Affiant posted a copy of the Notice of Substitute Trustee's sale on August 10, 2020 at the Southwest Entrance of the Jack Hatchell Collin County Administration Building, 2300 Bloomdale Road, McKinney, Texas 75071, and filed the Notice of Substitute Trustee's Sale in the office of the county clerk for Collin County in which the property is located.

*Alan O. Smith*

[NAME OF AFFIANT]

SUBSCRIBED AND SWORN TO before me on this 10 day of AUGUST, 2020  
by ALAN O. SMITH



*Shirley Nell McClellan*  
Notary Public for the State of Texas

{01471/0008/00254507.2}

## PROPERTY DESCRIPTION

### Tract 1

Lot 1R, Block A, Stone Beeson Addition No. 1, an addition to the City of Plano, Collin County, Texas, according to the map thereof recorded in 2014-91, Map Records, Collin County, Texas.

### Tract 2: (EASEMENT)

Those appurtenant easements created in deed from S-B No.1, Joint Venture to Charles P. Richardson, Trustee, dated April 9, 1984, filed April 19, 1984, recorded in Volume 1874, Page 122, Deed Records, Collin County, Texas

### Tract 3: (EASEMENT)

Those appurtenant easements created and defined in Declaration and Reciprocal Easement Agreement with Covenants, Conditions and Restrictions by Plano Spring Creek Partners, L.P. and WC Custer Creek Center, L.P. dated May 20, 2013, filed June 3, 2013, recorded in Document Number 20130603000754910 of the Official Public Records of Collin County, Texas; being located on portions of the following tracts:

Being a 0.986 acre tract out of Lot 1 R, Block A, Stone Beeson Addition No.1, an addition to the City of Plano, Collin County, Texas, according to the plat thereof as recorded in Volume 2012, Page 414 of the Map Records of Collin County, Texas, being more particularly described in Exhibit "A" to said Declaration, and Being a 1.378 acres tract out of Lot 1 R, Block A, Spring Creek Plaza an addition to the City of Plano, Collin County, Texas, according to the plat thereof as recorded in Cabinet J, Page 751 of the Map Records of Collin County, Texas, being more particularly described in Exhibit "B" to said Declaration.

{01471/0008/00254507.2}



**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

Date: August 10, 2020

Deed of Trust (with Security Agreement)

Dated: April 26, 2017

Grantor: WC Custer Creek Center Property, LLC

Beneficiary: Amplify Credit Union

File No: File No. 20170426000532600, filed and recorded on April 26, 2017, in the Official Public Records of Real Property of Collin County, Texas.

Secures: Promissory Note in the original principal amount of \$6,540,000.00, dated April 26, 2017, executed by WC Custer Creek Center Property, LLC and payable to Beneficiary.

Property:

**PROPERTY DESCRIPTION**

**Tract 1**

Lot 1R, Block A, Stone Beeson Addition No. 1, an addition to the City of Plano, Collin County, Texas, according to the map thereof recorded in 2014-91, Map Records, Collin County, Texas.

**Tract 2: (EASEMENT)**

Those appurtenant easements created in deed from S-B No.1, Joint Venture to Charles P. Richardson, Trustee, dated April 9, 1984, filed April 19, 1984, recorded in Volume 1874, Page 122, Deed Records, Collin County, Texas

**Tract 3: (EASEMENT)**

Those appurtenant easements created and defined in Declaration and Reciprocal Easement Agreement with Covenants, Conditions and Restrictions by Plano Spring Creek Partners, L.P. and WC Custer Creek Center, L.P. dated May 20, 2013, filed June 3, 2013, recorded in Document Number 20130603000754910 of the Official Public Records of Collin County, Texas; being located on portions of the following tracts:

Being a 0.986 acre tract out of Lot 1 R, Block A, Stone Beeson Addition No.1, an addition to the City of Plano, Collin County, Texas, according to the plat thereof as recorded in Volume 2012, Page 414 of the Map Records of Collin County, Texas, being more particularly described in Exhibit "A" to said Declaration, and Being a 1.378 acres tract out of Lot 1 R, Block A, Spring Creek Plaza an addition to the City of Plano, Collin County, Texas, according to the plat thereof as recorded in Cabinet J, Page 751 of the Map Records of Collin County, Texas, being more particularly described in Exhibit "B" to said Declaration.

Property in the public sale includes, but not limited to, all equipment, inventory, fixtures, chattel paper, documents, instruments, accounts, contract rights, consumer goods, farm products, money, as well as all general intangibles, goods and any and all other personal property secured by the security agreement included in the Deed of Trust.

BY: PHK  
STATEY KEPP  
COUNTY CLERK  
COLLIN COUNTY, TEXAS

2020 AUG 10 AM 10:05

FILED

Trustee: Scott Humphreys  
Amplify Credit Union  
3600 W. Parmer Lane  
Austin, TX 78727

Substitute Trustee: Dan Morenoff  
THE MORENOFF FIRM, PLLC  
P.O. Box 12347  
Dallas, Texas 75225

**Foreclosure Sale:**

County: Collin

Date of Sale: Tuesday, September 1, 2020

Time of Sale: The earliest time at which the sale of the Property ("Foreclosure Sale") will begin is 10:00 a.m. and the sale shall begin no later than three (3) hours after that time. The Foreclosure Sale shall be completed by no later than 4:00 p.m. that same day.

Place of Sale: The Southwest Entrance of the Jack Hatchell Collin County Administration Building located at 2300 Bloomdale Road, McKinney, TX 75071, or as designated by the County Commissioners.

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 the Beneficiary may bid credit up to the amount of the unpaid indebtedness secured by the lien of the Deed of Trust. Persons desiring to bid on the Property should be prepared to demonstrate to the Trustee conducting the sale their ability to pay cash on the day of the sale of the Property.

**\*\*The health and safety of all attendees is a priority for Amplify Credit Union. Amplify Credit Union encourages all attendees at the Foreclosure Sale to follow and abide by all COVID-19 safety measures and requirements implemented by the state, local, and federal authorities including, but not limited to, Executive Order GA-29 and Executive Order GA-26.**

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEES 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 BENEFICIARY.**

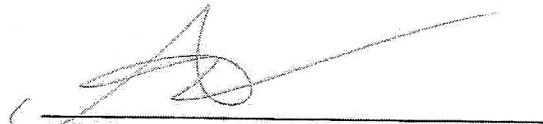
Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Beneficiary, the owner and holder of the Notes, has requested that the Substitute Trustee sell the Property.

Notice is given that on the Date of Sale, pursuant to Texas Property Code § 51.009, Substitute Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash, "AS IS, WHERE IS". THERE WILL BE NO WARRANTY RELATING TO TITLE, POSSESSION, QUIET ENJOYMENT, OR THE LIKE FOR THE PERSONAL PROPERTY IN THIS DISPOSITION. Prospective bidders are advised to conduct an independent investigation of the nature and status of the title and physical condition of the Property.


Pursuant to Texas Property Code § 51.0075, the Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale.

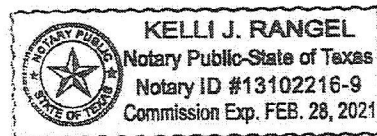
The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Beneficiary's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Beneficiary's rights and remedies under the Deed of Trust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

**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.**

  
\_\_\_\_\_  
Anh Nguyen

SUBSCRIBED AND SWORN TO before me on this 7th day of August, 2020 to which I place my signature and official seal.

  
\_\_\_\_\_  
Notary Public for the State of Texas





## PROPERTY DESCRIPTION

### Tract 1

Lot 1R, Block A, Stone Beeson Addition No. 1, an addition to the City of Plano, Collin County, Texas, according to the map thereof recorded in 2014-91, Map Records, Collin County, Texas.

### Tract 2: (EASEMENT)

Those appurtenant easements created in deed from S-B No.1, Joint Venture to Charles P. Richardson, Trustee, dated April 9, 1984, filed April 19, 1984, recorded in Volume 1874, Page 122, Deed Records, Collin County, Texas

### Tract 3: (EASEMENT)

Those appurtenant easements created and defined in Declaration and Reciprocal Easement Agreement with Covenants, Conditions and Restrictions by Plano Spring Creek Partners, L.P. and WC Custer Creek Center, L.P. dated May 20, 2013, filed June 3, 2013, recorded in Document Number 20130603000754910 of the Official Public Records of Collin County, Texas; being located on portions of the following tracts:

Being a 0.986 acre tract out of Lot 1 R, Block A, Stone Beeson Addition No.1, an addition to the City of Plano, Collin County, Texas, according to the plat thereof as recorded in Volume 2012, Page 414 of the Map Records of Collin County, Texas, being more particularly described in Exhibit "A" to said Declaration, and Being a 1.378 acres tract out of Lot 1 R, Block A, Spring Creek Plaza an addition to the City of Plano, Collin County, Texas, according to the plat thereof as recorded in Cabinet J, Page 751 of the Map Records of Collin County, Texas, being more particularly described in Exhibit "B" to said Declaration.