

FILED

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

2019 AUG 12 PM 2:12

August 12, 2019 (the "Effective Date")

JOHN F. WARREN  
COUNTY CLERK  
DALLAS COUNTY

Notice is hereby given that a public sale, at auction, of the Property (as that term is defined and described below) will be held at the date, time and place specified in this notice:

**DATE OF SALE:** September 3, 2019 (which is the first Tuesday of that month).

**TIME OF SALE:** The sale of the Property will be held between the hours of 10:00 a.m. and 4:00 p.m. (Dallas County, Texas-time); the earliest time at which the sale will begin is 10:00 a.m. (Dallas County, Texas-time) or not later than three (3) hours thereafter.

**PLACE OF SALE:** North side of the George Allen Courts Building in Dallas County, Texas, facing 600 Commerce Street below the overhang, being the area where trustee's sales are to take place as designated by the commissioners court of said county; provided, however, if such a designation by said commissioners court shall have been made after the date of this notice and prior to the time of sale, then the sale will take place at such area so designated by said commissioners court.

**DEED OF TRUST CREATING LIEN THAT IS THE SUBJECT OF SALE:** Deed of Trust, Assignment of Rents and Leases, Security Agreement and Fixture Filing dated June 24, 2014 (the "Deed of Trust"), made by Medistar Lakeside Tower, LLC, a Texas limited liability company (the "Grantor"), unto James Clutts, Jr., as trustee, for the benefit of AGCREL Lakeside LLC (the "Original Lender"), and recorded on June 25, 2014 as Instrument No. 201400158819 in the Official Public Records of Dallas County, Texas, as assigned by the Original Lender to AG MIT CREL, LLC, a Delaware limited liability company ("Beneficiary"), pursuant to Assignment of Deed of Trust, Assignment of Rents and Leases, Security Agreement and Fixture Filing dated August 19, 2014 and recorded on August 20, 2014 as Instrument No. 201400212407 in the Official Public Records of Dallas County, Texas, and affected by that certain Appointment of Substitute Trustee, dated effective as of July 12, 2019, made by Borrower and recorded on July 15, 2019 as Instrument No. 201900182555.

**INDEBTEDNESS PROMPTING SALE:** Promissory Note dated as of June 24, 2014 in the original principal amount of \$31,800,000.00 (the "Note"), made by the Grantor, as maker, and now payable to Beneficiary, as holder, and issued pursuant to that certain Loan Agreement between the Grantor and the Original Lender dated of even date with the Note, said Loan Agreement having been amended by that certain Amended and Restated Loan Agreement between Grantor, as borrower, and Beneficiary, as lender, dated as of June 30, 2017 (the "Loan Agreement"). The indebtedness accrued under the Note, the Loan Agreement and/or the other "Loan Documents" as defined and described in the Loan Agreement (collectively, the "Indebtedness") is secured by, among other instruments, the Deed of Trust.

**PROPERTY BEING SOLD:** All real property, improvements and personal property described as collateral in the Deed of Trust; the legal description of the real property is also, for the sake of convenience, described on Exhibit A attached hereto and made a part hereof for all purposes;

however, the description of the real property, improvements and personal property in the Deed of Trust will control to the extent of any conflict or any deficiency in such description contained in this notice, it being the intent that the "Property" for all purposes hereof means all property, real, personal, tangible and intangible, which constitutes collateral under, and described in, the Deed of Trust (collectively, the "Property").

**HOLDER:** Beneficiary, having an address of c/o Angelo, Gordon & Co., 245 Park Avenue, 26th Floor, New York, New York 10167, is the current owner of the right to payments and the outstanding Indebtedness evidenced by the Note and the Loan Agreement and the current owner of the lien and security interest of the Deed of Trust.

**SUBSTITUTE TRUSTEE'S NAME, ADDRESS AND PHONE NO.:**

Sarah Kittleman  
c/o Hunton Andrews Kurth LLP  
600 Travis Street, Suite 4200  
Houston, Harris County, Texas 77002  
Phone No.: (713) 220-4559

The Note matured on July 3, 2019 and is in default and all cure periods have expired, and the Indebtedness secured by and described in the Deed of Trust is now wholly due.

Beneficiary has requested that the substitute trustee enforce the lien of the Deed of Trust by sale of the "Property" described therein in the manner set forth in the Deed of Trust and pursuant to applicable law. Beneficiary has further requested that the substitute trustee sell all of the components of the Property that are personal property in accordance with the terms of Chapter 9 of the Texas Uniform Commercial Code, which sale of the personalty will be held at the same time and place as the above-described real property sale; however, to the extent permitted by the Deed of Trust and Chapter 9 of the Texas Uniform Commercial Code, the undersigned has been instructed to proceed as to both the real and personal property in accordance with the rights and remedies of Beneficiary.

**The substitute trustee, acting upon the request of Beneficiary, by these presents is hereby posting, filing and giving notice of the foreclosure of the Deed of Trust, and the lien thereof, in accordance with the terms of the Deed of Trust and applicable law.**

**NOW, THEREFORE,** I, SARAH KITTLEMAN, do hereby give notice that, after due publication of this notice as required by the Deed of Trust and applicable law, I, or any other duly appointed substitute trustee under the Deed of Trust, will sell the Property at public auction to the highest bidder for cash -- or by way of credit bid in respect of the Indebtedness secured by the Deed of Trust or for a combination of cash and credit at trustee's sole and absolute discretion -- at the date, time and place set forth above. Sale of the Property may be in one or more portions or parcels as announced before bidding is opened.

**Notice is further given that,** in accordance with Texas Property Code section 51.009, the Property will be sold as is, without any express or implied warranties, except as to the warranties of title, if any, provided under the Deed of Trust.

**Notice is further given that**, in accordance with Texas Property Code section 51.0075, the substitute trustee reserves the right to set additional, reasonable conditions for conducting the sale. Any such additional conditions will be announced before bidding is opened.

Notice of any rescheduled sale will be reposted and refiled in accordance with the posting and filing requirements in the Texas Property Code and the Deed of Trust. The reposting or refileing may be after the date originally scheduled for the public sale, as such date is herein announced.

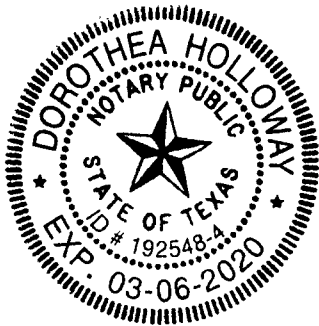
[END OF TEXT]

**IN WITNESS WHEREOF**, this Notice of Substitute Trustee's Sale has been executed to be effective as of the Effective Date.

By: *Sarah Kittleman*  
Name: Sarah Kittleman  
Title: Substitute Trustee

STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS       §

This instrument was acknowledged before me on August 9<sup>th</sup>, 2019, by Sarah Kittleman, as substitute trustee, in the capacity herein stated.



*Dorothea Holloway*  
Notary Public in and for the State of Texas  
Printed Name: Dorothea Holloway

My Commission Expires: March 6, 2020

## EXHIBIT A

### Legal Description

BEING a tract of land situated in the A.T. NANNY SURVEY, ABSTRACT NO. 1093, City of RICHARDSON, Dallas County, Texas and being all of LOT 2, BLOCK 2 of the GREENWAY ADDITION, an addition to the City of Richardson as recorded in Volume 87004, Page 3217 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner at the intersection of the northwesterly right-of-way line of Waterwood Drive (60' right-of-way) and the northeasterly right-of-way line of Lakeside Boulevard (80' right-of-way);

THENCE departing the northwesterly right-of-way line of said Waterwood Drive and along the northeasterly right-of-way line of said Lakeside Boulevard the following:

North 42 deg 03 min 25 sec West, a distance of 266.24 feet to a point for corner from which a 1/2 inch iron rod with plastic cap found bears South 38 deg 48 min 45 sec West, a distance of 0.30 feet, said point being the beginning of a curve to the left having a radius of 440.00 feet, a central angle of 07 deg 20 min 43 sec, a chord bearing of North 45 deg 43 min 46 sec West and a chord length of 56.37 feet;

Along said curve to the left, an arc distance of 56.41 feet to an "X" cut in concrete found for corner and being the most southwesterly corner of said Lot 2, Block 2, said "X" cut also being the most southeasterly corner of Lot 1, Block 2 of the Greenway Addition Replat, an addition to the City of Richardson as recorded in Volume 85126, Page 2756, D.R.D.C.T.;

THENCE departing the northeasterly right-of-way line of said Lakeside Boulevard and along the common line of said Lot 1 and Lot 2, Block 2 as follows:

North 47 deg 56 min 35 sec East, a distance of 471.01 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner,

North 00 deg 08 min 53 sec West, a distance of 129.51 feet to a point for corner from which a 1/2 inch iron rod found bears South 86 deg 17 min 02 sec West, a distance of 0.40 feet, said point being the most northwesterly corner of said Lot 2, Block 2;

THENCE North 89 deg 51 min 07 sec East, departing the common line of said Lot 1 and Lot 2, Block 2 and along the northerly line of said Lot 2, Block 2, a distance of 410.00 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner for the most northeasterly corner of said Lot 2, Block 2, said point also being in the westerly right-of-way line of Performance Drive (80' right-of-way);

THENCE South 00 deg 22 min 06 sec East, departing the northerly line of said Lot 2, Block 2 and along the westerly right-of-way line of said Performance Drive, a distance of 360.00 feet to an "X" cut in concrete found for corner at the intersection of the westerly right-of-way line of said Performance Drive and the northwesterly right-of-way line of aforementioned Waterwood Drive;

THENCE departing the westerly right-of-way line of said Performance Drive and along the northwesterly right-of-way line of said Waterwood Drive the following:

South 89 deg 37 min 54 sec West, a distance of 60.52 feet to an "X" cut in concrete found for corner and the beginning of a curve to the left having a radius of 330.00 feet, a central angle of 41 deg 41 min 19 sec, a chord bearing of South 68 deg 47 min 15 sec West and a chord length of 234.85 feet,

Along said curve to the left, an arc distance of 240.11 feet to an "X" cut in concrete found for corner;

THENCE South 47 deg 56 min 35 sec West, a distance of 354.93 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 6.355 acres or 276,813 square feet of land, more or less.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT

**Notice of Substitute Trustee's Sale  
Lakeside Boulevard**

**NOTICE OF ASSESSMENT LIEN 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.**

STATE OF TEXAS §  
  §  
COUNTY OF DALLAS §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on the 15<sup>th</sup> day of July, 2019, a Notice of Lien was filed of record at Document Number 201900182523, in the Official Public Records of Dallas County, Texas, covering the real property herein described, concerning default in payment of the indebtedness owing by **CAROL R. ODLE**, the present owner of said real property, to Custer Trail Condominium Association (the "Association"); and

WHEREAS, the said **CAROL R. ODLE**, has continued to default in the payment of her indebtedness to the Association and the same is now wholly due, and the Association, acting by and through its duly authorized agent, intends to sell the herein described property to satisfy the present indebtedness of said owner to the Association.

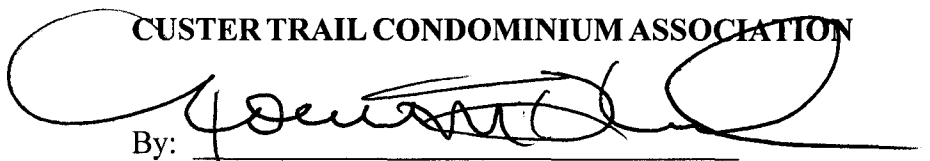
NOW, THEREFORE, notice is hereby given that on Tuesday, the 3<sup>rd</sup> day of September, 2019, between 10:00 o'clock a.m. and 4:00 o'clock p.m., the Association will sell said real estate area outside on the North side of the George Allen Courts Building facing Commerce Street below the overhang, 600 Commerce Street, Dallas, Dallas County, Texas, to the highest bidder for cash, subject to all superior liens and encumbrances of record. The earliest time at which said sale will begin will be 10:00 o'clock a.m., and the sale will take place not later than three (3) hours after that time.

Said real estate is described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO AND  
MADE A PART HEREOF FOR ALL PURPOSES.**

Witness my hand this 13<sup>th</sup> day of August, 2019.

**CUSTER TRAIL CONDOMINIUM ASSOCIATION**



By: \_\_\_\_\_

Robert M. Blend  
Duly Authorized Agent  
14131 Midway Road, Suite 1240  
Addison, Texas 75001

This notice was posted by me on the 13<sup>th</sup> day of August, 2019, on the posting board at the George Allen Courts Building, 600 Commerce Street, in Dallas, Texas.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
Print Name

2019 AUG 13 PM 1:47  
JOHN E. WARREN  
COUNTY CLERK  
DALLAS COUNTY  
PROPERTY

**FILED**

**EXHIBIT "A"**

Unit No. 4 in Building K and 1.362 percent undivided interest in and to the general and limited common elements of CUSTER TRAIL CONDOMINIUMS, a condominium regime in the City of Richardson, Dallas County, Texas, according to the Condominium Declaration dated October 1, 1981, recorded in Volume 81194, Page 1740 of the Condominium Records of Dallas County, Texas as corrected by Volume 83071, Page 588, of the Condominium Records of Dallas County, Texas, and Memorandum of Resolution recorded in Volume 89067, Page 4895 of the Deed Records of Dallas County, Texas; and having the street address of 777 Custer Road, #12-1, Richardson, Texas.