

Notice of Substitute Trustee Sale **FILED FOR RECORD**
8 O'CLOCK 30 MIN AM

2024-21028 NTS Total Pages: 2
[Barcode]

DEC 12 2024

F24-00298 TX
G23011807 and G23011822

Brandi DeRemer
County Clerk, Taylor County, Texas
Deputy

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.

Date, Time, and Place of Sale - The sale is scheduled to be held at the following date, time and place:

Date: **01/07/2025**
Time: The sale will begin no earlier than **01:00PM** or no later than three hours thereafter. The sale will be completed by no later than 4:00 PM. (Attention all bidders: cashier's checks must be made payable to Assured Lender Services, Inc.)
Place: Taylor County, TX at the following location: **AREA IN THE ENTRANCE LOBBY OF THE SOUTHEAST ENTRANCE TO THE TAYLOR COUNTY COURTHOUSE AND THE ADJACENT EXTERIOR UNDER PORCH AREA OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE**, OR IF THE PRECEDING AREA IS NO LONGER THE DESIGNATED AREA, AT THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE

Property To Be Sold - The property to be sold is described as follows:

Being Lots 94, 95 and 95, Block A, Continuation No. 1, Woodlawn Addition, to the City of Abilene, Taylor County, Texas, as shown by the Map or Plat thereof recorded in Volume 3, Page 28, of the Plat Records of Taylor County, Texas.

APN: 11007 aka 68400004700

Commonly known as: 600 Westwood Drive, Abilene, TX 79603

Instrument to be Foreclosed - The instrument to be foreclosed is the Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing, dated 03/20/2023 (the "Deed of Trust") and recorded in the office of the County Clerk of Taylor County, Texas, recorded on 03/24/2023 as Instrument No. 2023-04540 DE of the Real Property Records of Taylor County, Texas.

Trustor(s): **KCAP RE FUND II, LLC, a Texas limited liability company** Original Beneficiary: **GENESIS CAPITAL, LLC, a Delaware limited liability company**
Current Beneficiary: **GENESIS CAPITAL, LLC, a Delaware limited liability company** Loan Servicer: **FCI Lender Services, Inc.**
Current Substituted Trustees: **Terry Browder, Laura Browder, Jamie Osborne, Cherie Maples or Michele Sanders**

The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code §51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the property securing the above referenced loan.

Terms of Sale - The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any. Pursuant to the Deed of Trust, the beneficiary has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part

of the property. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (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 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

Type of sale - The present Beneficiary under the Deed of Trust has elected to conduct a unified foreclosure sale pursuant to the provisions of Texas Business and Commercial Code § 9.604 (a) and to include in the non-judicial foreclosure pursuant to the power of the sale granted by the deed of trust described in this Notice of Trustee's Sale all of the personal property and fixtures described within the loan documents. The present Beneficiary reserves the right to revoke its election as to some or all of said personal property and/or fixtures, or to add additional personal property and/or fixtures to the election herein expressed, at the present Beneficiary's sole election, from time to time and at any time until the consummation of the trustee's sale to be conducted pursuant to the Deed of Trust and Notice of Trustee's Sale. The real property and personal property encumbered by the Deed of Trust will be sold at the sale in accordance with the provisions of the Deed of Trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

Obligations Secured - The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including by not limited to (1) the promissory note in the original principal amount of \$1,650,000.00, executed by KCAP RE FUND II, LLC, a Texas limited liability company, and payable to the order of GENESIS CAPITAL, LLC, a Delaware limited liability company; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of KCAP RE FUND II, LLC, a Texas limited liability company. GENESIS CAPITAL, LLC, a Delaware limited liability company is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the Note and all other amounts lawfully owing under the Note, the Deed of Trust, and all of the other associated loan documents, including, without limitation, all interest, default interest, late charges, advances, attorneys' fees and other costs and expenses.

NOTICE TO POTENTIAL BIDDERS: WE REQUIRE CERTIFIED FUNDS AT SALE BY CASHIER'S CHECK(S) PAYABLE DIRECTLY TO "ASSURED LENDER SERVICES, INC." TO AVOID DELAYS IN ISSUING THE FINAL DEED.

Questions concerning the sale may be directed to the undersigned or to the beneficiary:

GENESIS CAPITAL, LLC, a Delaware limited liability company
15303 Ventura Blvd, Ste 700
Sherman Oaks, CA 91403
Eric Pezold
Epezold@swlaw.com
(714) 427-7414


Dated: 12/12/24 Terry Browder Laura Browder, Jamie Osborne, Cherie Maples or Michele Sanders

Assured Lender Services, Inc.
111 Pacifica, Suite 140
Irvine, CA 92618
Phone: (714) 508-7373
Fax: (714) 505-3831

THE STATE OF TEXAS
COUNTY OF TAYLOR

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Official Public Records of Taylor County
2024-21028 NTS
12/12/2024 08:43:45 AM Total Fees: \$22.00

AFTER RECORDING, PLEASE RETURN TO:
Assured Lender Services, Inc.
111 Pacifica, Suite 140
Irvine, CA 92618
Attn: Trustee Department

 Brandi DeRemer
Brandi DeRemer, County Clerk
Taylor County, TX