

# NOTICE OF FORECLOSURE SALE

FILED  
AT 12:41 O'CLOCK P.M. ON

JUL 16 2024

TANDIE MANSFIELD, COUNTY CLERK  
BANDERA COUNTY, TEXAS  
BY [Signature] DEPUTY

Deed of Trust ("Deed of Trust"):

Dated: May 1, 2018  
Grantor: MEGAN M. BENDELE  
Trustee: GREGORY M. RUHNKE  
Lender: JAMES HOWARD BENDELE  
Recorded in: Volume 1110, Page 115 of the real property records of Bandera County, Texas, said Note and Deed of Trust having been transferred from JAMES HOWARD BENDELE to CYNTHIA POWELL, Trustee for RGP 401K PSP and PATRICK MAHAFFREY, Trustee for PBM 401K PSP by instrument dated May 28, 2024 and recorded in the Official Public Records of Bandera County, Texas  
Legal Description: BEING LOTS 6, 7, 8, 9 and the North 4 feet of Lot 29, Block 5, of Subdivision A, of LAKE MEDINA HIGHLANDS, a subdivision of record in Bandera County, Texas, as recorded in Volume 1, Page 5, of the map and plat records of Bandera County, Texas  
Secures: Promissory Note ("Note") in the original principal amount of \$80,000.00, executed by MEGAN M. BENDELE ("Borrower") and payable to the order of Lender

Substitute Trustee: KEVIN H. BERRY  
Substitute Trustee's Address: 242 W Sunset Rd Ste 201, San Antonio, TX, 78209

Foreclosure Sale:

Date: Tuesday, August 6, 2024  
Time: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 1:00 o'clock p.m. and not later than three hours thereafter.  
Place: The southwest front door (either inside or outside) of the Bandera County Courthouse which faces Main Street in Bandera, Bandera County, Texas; or at such other location as may be designated by the commissioners' court for such sales.  
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 CYNTHIA POWELL, Trustee for RGP 401K PSP and PATRICK MAHAFFREY, Trustee for PBM 401K PS bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

**THOSE DESIRING TO BID AND PURCHASE THE PROPERTY WILL NEED TO DEMONSTRATE THEIR ABILITY TO PAY THEIR BID IMMEDIATELY BY CASHIER'S CHECK MADE PAYABLE TO THE ORDER OF THE UNDERSIGNED TRUSTEE. NO THIRD-PARTY CASHIER'S CHECKS WILL BE ACCEPTED.**

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, CYNTHIA POWELL, Trustee for RGP 401K PSP and PATRICK MAHAFFREY, Trustee for PBM 401K PS, (the "Current Lienholders") owners and holders of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of CURRENT LIENHOLDERS's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with CURRENT LIENHOLDERS's rights and remedies under the

Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If CURRENT LIENHOLDERS passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by CURRENT LIENHOLDERS. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," **without any expressed or implied warranties, except as to the warranties (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(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

**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.**

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) 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.**



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KEVIN H. BERRY  
Attorney and Substitute Trustee for Mortgagee  
242 W Sunset Rd Ste 201  
San Antonio, TX 78209  
Telephone (210) 944-1144