

## Notice of Foreclosure Sale

April 4, 2023

**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.**

Deed of Trust ("Deed of Trust"):

Dated: May 7, 2020

Grantor: Amber Morrow and Jonathon Gutierrez

Trustee: W. Drew Darby

Lender: Lena Martin Cowen

Recorded in: Volume 1913, Page 507 of the Deed Records of Howard County, Texas

Legal Description: Being Lot Ten (10), Block Nine (9), McDowell Heights Addition, An Addition to the City of Big Spring, Howard County, Texas, according to the map or plat thereof recorded in the Plat Records of Howard County, Texas.

Secures: Real Estate Note ("Note") in the original principal amount of \$88,400.00, executed by Amber Morrow and Jonathan Gutierrez ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender.

Property: The real property, improvements, and personal property described in and mortgaged in the Deed of Trust, including the real property described herein, and all rights and appurtenances thereto.

Foreclosure Sale:

Date: Tuesday, May 2, 2023

Time: Sale will begin at 10:00 a.m. and not later than three hours thereafter.

Place: North entrance of the Howard County Courthouse, 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 Lena Martin Cowen's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the performance of the obligations of the Deed of Trust. Because of that default, Lena Martin Cowen, the owner and holder of the Note, has requested Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Lena Martin Cowen's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Lena Martin Cowen'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, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Lena Martin Cowen 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 Lena Martin Cowen. 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.

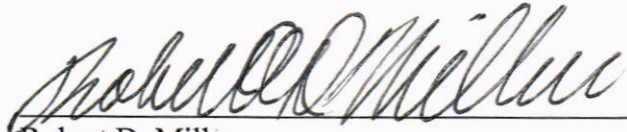
Pursuant to section 51.0075(a) of the Texas Property Code, Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Trustee.

**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.**

The undersigned as attorney for the mortgagee or mortgage servicer does hereby remove the original trustee and all successor substitute trustees and appoints in their stead ROBERT D. MILLER, whose address is 608 Scurry, Big Spring, Texas 79720 as Substitute Trustee, who shall hereafter exercise all powers and duties set aside to the said original trustee under the said Deed of Trust; and further does hereby request, authorize, and instruct Substitute Trustee to conduct and direct the execution of remedies set aside to the beneficiary therein.



Robert D. Miller  
608 Scurry  
Big Spring, TX 79720  
Telephone (432) 267-7449  
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Filed  
FILED at 9:45 A M O'clock 4-5-23  
BRENT ZITTERKOPF, County Clerk, Howard County, Texas  
By Nancy Porter Deputy