

**Notice of Foreclosure Sale**

May 24, 2018

Deed of Trust ("Deed of Trust"):

Dated: November 8, 2008

Grantor: Chesley Garrett and Daun Garrett, husband and wife

Trustee: James L. McGilvray

Lender: Terry Smith and Rhonda Smith, husband and wife

Recorded in: As Document Number 2008-00006785 of the real property records of Howard County, Texas

Legal Description: The real property described in Exhibit "A" attached hereto and made a part hereof by reference

Secures: Promissory Note ("Note") in the original principal amount of \$53,000.00, executed by Chesley Garrett and Daun Garrett, as husband and wife ("Borrower") and payable to the order of Lender

Modifications and Renewals: Deed of Trust and Promissory Note (as used herein, the terms "Note" and "Deed of Trust" mean the Note and Deed of Trust as so modified, renewed, and/or extended)

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

Substitute Trustee: Steve Hurst

Substitute Trustee's Address: 404 South Avenue M, Marble Falls, Texas 78654

Foreclosure Sale:

Date: Tuesday, July 3, 2018

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 10:00 A.M. and not later than three hours thereafter.

2018 MAY 30 PM 2:10  
 COUNTY CLERK  
 BY DEPUTY *Naomi*  
~~FILED~~  
 POSTED

Place: The north steps of the Howard County Courthouse located at 300 Main Street, Big Spring, Texas 79720, or as designated by the commissioners court for sales of property under Tex. Prop. Code § 51.002 in that county.

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 Lender's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

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, Lender, the owner and holder 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 Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Lender'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 Lender 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.

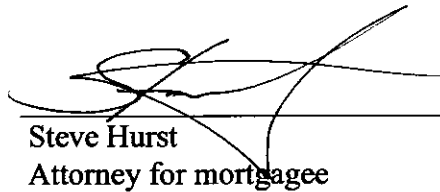
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain 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 Lender. 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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Steve Hurst  
Attorney for mortgagee

Exhibit A

Tract No. 1

Parcel and piece of land being out of and a part of a 6.43 acre tract of land out of Section 45, Block 31, Township 1-North, T&P Ry. Co. Survey, Howard County, Texas, and being described by metes and bounds as follows:

BEGINNING at the SE corner of Lot No. 9 of Harvey's Subdivision, a subdivision of a part of a 6.43 acre tract out of Section 45, Block 31, Township 1-North, T&P Ry. Co. Survey, Howard County, Texas;

THENCE N. 76 degrees 10' E. for a distance of 72 feet to point for SE corner of the tract herein conveyed;

THENCE N. 14 degrees 25' W. for a distance of 100 feet to point for the NE corner of the tract herein conveyed;

THENCE S. 76 degrees 10' W. for a distance of 72 feet to the NE corner of Lot No. 10 of said Harvey's Subdivision and the NW corner of this tract;

THENCE S. 14 degrees 25' E. for a distance of 100 feet to the PLACE OF BEGINNING.

Tract No. 2

Being Lots Nine (9) and Ten (10), Harvey's Subdivision, a subdivision of a part of Section No. Forty-Five (45), in Block No. Thirty-One (31), Township One (1)-North, T&P Ry. Co. Survey, Howard County, Texas.