

## NOTICE OF FORECLOSURE 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.**

Notice is hereby given of a public nonjudicial foreclosure sale.

1. Property to Be Sold. The property to be sold is described as follows:

BEING 220.449 acres out of the John Anderson Survey, Abstract No. 6, Young County, Texas. Said 220.449 acres also being part of a Distribution Deed recorded in Inst. No. 20000611 of the Official Public Records of said county. Said 220.449 acres being described in metes and bounds as follows:

BEGINNING at a 3/8 inch iron rod set in Faver Road a county road and at the northwest corner of said survey;

THENCE N 89°37'16" E 2818.92 feet with an existing fence and with the north line of said survey to a 3/8 inch iron rod set in Hilton Road a county road and at the northeast corner of said survey;

THENCE S 0°42'38" W 3722.27 feet with the east line of said survey and with the centerline of said Hilton Road to a 3/8 inch iron rod set in the north right-of-way line of F. M. Road 1768;

THENCE S 89°53'16" W 2129.58 feet with said right-of-way line to a 3/8 inch iron rod found at the southeast corner of a 20.0 acre tract of land conveyed to Clinton Pulliam recorded in Inst. No. 21000177 of the Official Pubic Records of said county;

THENCE N 0°43'43" E 1262.18 feet with the east line of said Pulliam tract to a 3/8 inch iron rod found for corner;

THENCE N 89°57'48" W 690.29 feet with the north line of said Pulliam tract to a 3/8 inch iron rod found in the center of said Faver Road and in the west line of said survey;

THENCE N 0°43'43" E 2445.19 feet with the centerline of said Faver Road and with the west line of said survey to the point of beginning containing 220.449 acres more or less.

2. Instruments to be Foreclosed. The instruments to be foreclosed are (1) the Deed Of Trust recorded as Instrument No. 21001290, Official Public Records, Young County, Texas (“Deed Of Trust”); (2) the Warranty Deed With Vendor’s Lien recorded as Instrument No. 21001289, Official Public Records, Young County, Texas (“Warranty Deed With Vendor’s Lien”); (3) the Extension and Modification of Real Estate Note and Lien recorded as Instrument 22003884, Official Public Records, Young Count, Texas (“Extension and Modification”); and any and all other instruments filed of record with respect to said Deed of Trust and/or Warranty Deed with Vendor’s Lien and/or Extension and Modification (which are hereinafter referred to as the “Security Instruments”).

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

Date: February 6, 2024  
Time: The sale shall begin no earlier than 11:00 A.M. or no later than three hours thereafter. The sale shall be completed by no later than 4:00 P.M.  
Place: Young County Courthouse, 516 Fourth Street, Graham, Young County, Texas, at the following location:  
Under the portico at the North Entrance of the Young County Courthouse.

The Security Instruments permit the Beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the Security Instruments need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiled may be after the date originally scheduled for this sale.

4. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Security Instruments, permitting the Beneficiary thereunder to have the bid credited to the Note, as extended and modified, up to the amount of the unpaid debt secured by the Security Instruments at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold.

The sale will be made expressly subject to any title matters set forth in the Security Instruments, but prospective bidders are reminded that by law the 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 Security Instruments. The sale shall not cover any part of the property that has been released of public record from the liens of the Security Instruments. 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 Security Instruments, the Beneficiary has the right to direct the Trustee and/or Substitute 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 Security Instruments. 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 and/or Substitute 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.

5. Type of Sale. The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Security Instruments executed by CLINT NEAL and wife, CARMEN NEAL.

6. Obligations Secured. The Security Instruments provide that they secure the payment of the indebtedness and obligations therein described (collectively, the "Obligations") including but not limited to the Promissory Note ("Note") dated April 23, 2021, in the original principal amount of \$264,000.00, executed by CLINT NEAL and wife, CARMEN NEAL, and payable to the order of FIRST CAPITAL BANK and the Extension and Modification of Real Estate Note and Lien dated November 23, 2022, in the principal amount of \$126,783.45, executed by CLINT NEAL and wife, CARMEN NEAL, and payable to the order of FIRST CAPITAL BANK; FIRST CAPITAL BANK is the current owner and holder of the Obligations and is the Beneficiary under the Security Instruments.

As of January 8, 2024, there was owed \$132,768.41 on the Note, as extended and modified, being principal, interest, late fees, service charges, and attorney's fees in the following amounts: \$126,783.45 in principal; \$4,622.49 in interest; \$112.47 in late fees; and at least \$1,250.00 in attorney's fees, with additional interest accruing at the rate of \$30.82 per day thereafter. Applicable Trustee's fees, additional interest, late fees, delinquent ad valorem taxes and property insurance, if any, additional attorney's fees and other expenses, may be added to the amount owed.

Questions concerning the sale may be directed to the undersigned at (940) 569-2201.

7. Default and Request to Act. Default has occurred under the Security Instruments, and the Beneficiary has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the Beneficiary may appoint another person substitute trustee to conduct the sale.

DATED January 9, 2024.

Jonathan L. Ellzey  
JONATHAN ELLZEY, Substitute Trustee  
320 E. Third Street  
Burkburnett, Texas 76354  
(940) 569-2201  
(940) 569-5032 (Fax)

THE STATE OF TEXAS :  
:  
:  
COUNTY OF WICHITA :

This instrument was acknowledged before me on the 9<sup>th</sup> day of January, 2024, by JONATHAN ELLZEY, Substitute Trustee.



Levita West  
Notary Public, State of Texas

**FILED FOR RECORD**

**JAN 08 2024**

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