

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

DATE: March 11, 2019

PROMISSORY NOTE: Promissory Note, described as follows:

Original Date: September 12, 2018

Maker: James Hugh Cunningham

Payee: TCT Financial II, LLC, a Texas limited liability company

Amount: \$36,050.00

DEED OF TRUST: Deed of Trust, Mortgage, Assignment, Security Agreement and Financing Statement

Original Date: September 12, 2018

Grantor: James Hugh Cunningham

Original Trustee: Esther Bennett

Beneficiary: TCT Financial II, LLC, a Texas limited liability company

Recorded in: Instrument Number: 276056, at Volume 0929, at Page 0278 of the Official Public Records of Terry County, Texas.

LENDER: TCT Financial II, LLC, a Texas limited liability company

BORROWER: James Hugh Cunningham

PROPERTY: The "Mortgaged Property" as described in the Deed of Trust and as described on Exhibit A attached hereto.

SUBSTITUTE TRUSTEE: Ryan J. Bigbee, Andrew B. Curtis, Tammy Mathis, Nicole Ybarra, or Michael B. Franklin

SUBSTITUTE TRUSTEE'S MAILING ADDRESS:

c/o Hallett & Perrin, P.C.
1445 Ross Avenue, Suite 2400
Dallas, Texas 75202
Attn: Michael B. Franklin

DATE AND TIME OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:

April 2, 2019, being the first Tuesday of the month, to commence at 10:00 a.m., or within three hours thereafter.

20190004

PLACE OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY:

The north entrance of the Terry County Courthouse, located at 500 West Main Street, Brownfield, Terry County, Texas 79316, or in the area of the courthouse designated by the Commissioners Court of Terry County, Texas for real property foreclosures under Section 51.002 of the Texas Property Code pursuant to instrument(s) recorded in the real property records of Terry County, Texas.

Default has occurred in the payment of the Promissory Note and in the performance of the obligations of the Deed of Trust, which secures the Promissory Note. Because of such default, Lender, the owner of the Promissory Note, and the holder of the Promissory Note and the Deed of Trust lien for purposes of Section 51.002 of the Texas Property Code, has requested Substitute Trustee to sell the Property in accordance with the terms of the Deed of Trust and applicable law.

The Deed of Trust encumbers 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 (Texas UCC).

Therefore, notice is given that on the Date and Time of Substitute Trustee's Sale of Property and at the Place of Substitute Trustee's Sale of Property, I, Substitute Trustee or such other Substitute Trustee as Lender may subsequently appoint, will sell the Property by public sale to the highest bidder for cash, in accordance with the Deed of Trust and applicable law. The sale and conveyance of the Property will be subject to all matters of record applicable to the Property which are superior to the Deed of Trust and to the permitted exceptions to title, if any, described in the Deed of Trust. Substitute Trustee has not made and will not make any covenants, representations, or warranties concerning the Property other than providing the successful bidder at the sale with a deed to the Property containing any warranties of title required by the Deed of Trust. The Property shall be sold "AS IS, WHERE IS", and WITH ALL FAULTS.

Assert and protect your rights as a member of the armed forces of the United States. If you or your spouse is serving on active military duty, including active military duty as a member of the Texas Nation Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United State, please send written notice of the active duty military service to the sender of this notice immediately.


Printed Name: Andrew B. Curtis
Title: Substitute Trustee

EXHIBIT "A"
Mortgaged Property

All of Borrower's right, title, and interest in and to the Minerals (hereinafter defined), and any current or future royalties, overriding royalties, bonuses, rents or other monies paid, due, or held in suspense as a result of the extraction, sale, lease, extension, or use of the following, or any proceeds therefrom:

1. The land described on Exhibit "A-1" attached hereto (the "**Lands**").
2. All natural resources or other substance of value which may be extracted or produced from the Lands (the "**Minerals**"). The Minerals include, but are not limited to oil, gas, carbons metals and water.
3. Any substances or materials that result from the extraction of Minerals from the Lands (the "**Products**"). The Products include, but are not limited to the extracted Minerals and any materials or substances created from the extracted Minerals.
4. Any existing leases that cover any part of the Lands (the "**Lease**").

The Mortgaged Property additionally includes all of Borrower's right, title, interest and estate in and to the Minerals and Proceeds and all other claims or causes of action held by or accruing to the Borrower under the Lease and any lease covering interests under the Lands or held by Borrower by virtue of ownership of the Lands, Minerals or Products, including, but not limited to revenues, incomes, and payments from royalties, overriding royalties, lease bonuses, lease extensions, and purchases.

EXHIBIT "A-1"
Lands

TERRY COUNTY, TEXAS:

<u>Lease</u>	<u>Abstract</u>	<u>Survey</u>	<u>Section/Block</u>
	1311,		
WELCH NORTH UNIT	1942	PSL/AKINS, M L	Blk: C39, Sec: 13
WHITE	899	PSL/FRENCH, W J	Blk: C38, Sec: 19
HARRED '92'	1315	D&W RR CO/BURTON, C W	Blk: T, Sec: 92
HARRED	1311	PSL/AKINS, M L	Blk: C39, Sec: 13

DESCRIPTION:

Including but not limited to All of Grantor's oil, gas and minerals in the above Leases, Abstracts and Surveys and also in Terry County, Texas more particularly described as follows:

Tract 1:

Section 92, Block T, D & W Ry. Co. Survey in Terry County, Texas;

Tract 2:

Section 13, Block C-39, Public School Land Survey in Terry County, Texas;

Tract 3:

West 160 acres of E/2 and East 20 acres of W/2 of Section 70, Block T, Dallas and Wichita RR Co. Survey, NW/4 of Section 115, Block T, Dallas and Wichita RR Co. Survey, all lands in Terry County, Texas, being 340 acres more or less

Tract 4:

Any and all other mineral and/or royalty interests wheresoever situated in the State of Texas.

