

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

STATE OF TEXAS §
 §
COUNTY OF HILL §

KNOW ALL BY THESE PRESENTS:

FILED
NICOLE TANNER, COUNTY CLERK
HILL COUNTY, TEXAS
2016 SEP 12 P 3:00

DATE: 09/08/16

NOTE:

Date: July 31, 2006
Maker: Kenneth R. Upton, Jr., and Bryan H. Upton
Original Payee: Paul Arthur Reece, Trustee of the Ruth M. Reece Disclaimer Trust
Payee assigned to: Ellis County Business Enterprises LLC
Original Principal Amount: \$19,000.00

DEED OF TRUST:

Date: July 31, 2006
Grantor: Kenneth R. Upton, Jr., and Bryan H. Upton
Original Trustee: Michael W. McDonald
Original Lender: Paul Arthur Reece, Trustee of the Ruth M. Reece Disclaimer Trust
Current Lender: Ellis County Business Enterprises LLC via Assignment recorded under Instrument Number #00061150, Volume 1766, Page 108, in the Real Property Records of Hill County, Texas.
Recorded: Deed of Trust recorded under Instrument #2006-00008867, Volume 1431, Page 190, in the Real Property Records of Hill County, Texas.

NOTEHOLDER: Ellis County Business Enterprises LLC

BORROWER: Kenneth R. Upton, Jr., and Bryan H. Upton

PROPERTY: See Attached Exhibit A. The address of this property is 609 East Adams, Itasca, Texas 76055.

SUBSTITUTE TRUSTEE(S): Sherri Gallant of Williams, McClure & Parmelee, 5601 Bridge Street, Suite 300, Fort Worth, Texas 76112, David Wilson, Malinda Wilson, Jared Wilson, Michael Bruce, 141 E. Renfro St., Suite 106 Burleson, Texas 76028.

DATE AND TIME OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY: **October 4, 2016**, the first Tuesday of the month, to commence at 1 pm CST, or within three (3) hours after that time.

PLACE OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY: The courthouse steps of Hill County, Texas, or any other place designated for real-property foreclosures under Texas Property Code Section 51.002 by the Commissioners Court of Hill County, Texas, in instrument(s) recorded in the Official Public Records of Hill County, Texas.

RECITALS

Default has occurred in the payment of the Note and in the performance of the obligations under the Deed of Trust that secures the Note. Because of this default, Lender, the owner and holder of the Note and the Deed of Trust lien under Texas Property Code Section 51.002, has requested that Substitute Trustee sell the Property according to the terms of the Deed of Trust and applicable law.

The Deed of Trust may encumber both real and personal property. Formal notice is now given of Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust, consistent with Lender's rights and remedies under the Deed of Trust and Texas Business and Commerce Code Section 9.604(a).

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, as Substitute Trustee, or any other substitute trustee that Lender may appoint, will sell the Property by public sale to the highest bidder for cash or acceptable certified funds, according to 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 that are superior to the Deed of Trust and to any permitted exceptions to title described in the Deed of Trust. Substitute Trustee has not made and will not make any covenants, representations, or warranties about 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 will 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 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.

EXECUTED as of September 8, 2016.

SUBSTITUTE TRUSTEE:

Sherrri L. Gallant
Sherrri L. Gallant

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This instrument was acknowledged before me on this the 08th day of September, 2016, by Sherrri L. Gallant.

Haley DeLores Fielding
Notary Public in and for the State of Texas

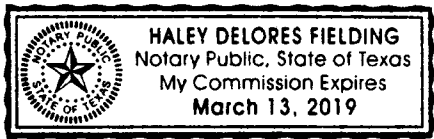


Exhibit A

First Tract:

Beginning at a point in the North line of Adams Street, the same being the Southwest corner of a lot 53-1/4 feet wide by 150 feet long deeded to Jeff Musick by J. T. Anderson and wife, Annie Anderson, on December 23, 1920, and being 73-1/4 feet South 60 degrees West from the East line of College Avenue;

Thence North 30 degrees West with the West line of the above mentioned lot conveyed to Jeff Musick by J. T. Anderson and wife, 150 feet to a corner;

Thence South 60 degrees West 37-1/2 feet to a stake for corner;

Thence South 30 degrees East 150 feet to the North line of Adams Street; Thence North 60 degrees East 37-1/2 feet to a stake for corner;

Second Tract:

Being part of a two and a fraction acre tract heretofore conveyed by J. M. Browder and wife, to W. L. Roper and by said W. L. Roper conveyed to R.J. Ewart, the part herein conveyed being a part of the land conveyed by the said R. J. Ewart to T. W. Lewis and by said T. W. Lewis conveyed to H. C. Belk.

Said two tracts being the same property described in a Deed dated March 30, 2003, from William Fennell and wife, Janet L. Fennell to Paul N. Reece and wife, Ruth M. Reece, recorded in Volume 1211, Page 0840 of the Official Public Records of Hill County, Texas, and believed to have a physical address of 609 E. Adams, Itasca, Texas.

After Posting, please return an original to:

Williams, McClure & Parmelee
5601 Bridge Street, Suite 300
Fort Worth, Texas 76112

Attorneys for Ellis County Business Enterprises LLC