

NOTICE OF FORECLOSURE SALE

STATE OF TEXAS §
 §
COUNTY OF TERRELL §

1. *Property to Be Sold.* The property interests to be sold are described as follows:

THE SURFACE ESTATE ONLY IN AND TO TRACT 31-A OF THE MEYERS CANYON RANCH SUBDIVISION, ACCORDING TO THE PLAT OF SAID SUBDIVISION OF RECORD IN SLEEVE 91-92, PLAT CABINET RECORDS, TERRELL COUNTY, TEXAS, AND REPLAT OF TRACTS 7, 8 AND 31 IN SLEEVE 97.

FILED FOR RECORD JULY 3, 2019 IN VOLUME 259 PAGES 258-268 IN THE TERRELL COUNTY DEED RECORDS.

THE SURFACE ESTATE ONLY IN AND TO TRACT 34 OF THE PAINT MARE RANCH SUBDIVISION ACCORDING TO THE PLAT OF SAID SUBDIVISION OF RECORD IN SLEEVE 83-84, PLAT CABINET RECORDS, TERRELL COUNTY.

FILED FOR RECORD SEPTEMBER 12, 2014 IN VOLUME 235 PAGES 384-386 OF THE DEED RECORDS OF TERRELL COUNTY.

2. *Type of Sale.* The sale is a judicial lien foreclosure sale being conducted pursuant to the judgment lien for Cause No. 3207 in the 83rd Judicial District Court in Terrell County, Texas (“the Judgment”) and abstract of judgment filed for record in Volume 28 pages 287-288 of the Records of Terrell County on October 14, 2022.

3. *Instrument to be foreclosed.* The instruments to be foreclosed are (1) the General Warranty Deed dated July 1, 2019 and recorded in Volume 259 pages 258-268 in the Deed Records of Terrell County; and (2) the Warranty Deed dated September 9, 2014 and recorded in Volume 235 Pages 384-386 of the Deed Records of Terrell County (collectively “Deeds”).

4. *Obligations Secured.* The Abstract of Judgment was filed for record in Volume 28 pages 287-288 of the Records of Terrell County on October 14, 2022. The indebtedness secured under the Judgment for Cause No. 3207 in the 83rd Judicial District Court in Terrell County, Texas is now wholly due and owing, and the Judgment secures payment of the indebtedness.

5. *Date, Time, Place of Sale.* The sale is scheduled for the following date, time, and place:

Date: Tuesday, February 7, 2023

Time: The sale shall begin no earlier than 10:00 a.m. and such sale will take place not later than three (3) hours after that time.

Place: The area of THE TERRELL COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS’ OFFICE OR AS DESIGNATED BY THE

COUNTY COMMISSIONERS COURT pursuant to Section 51.002 of the Texas Property Code as a place where foreclosure sales are to take place.

6. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash, permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the Judgment at the time of sale.

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

Pursuant to 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 Deeds. Prospective bidders are advised to conduct an independent investigation of the nature and condition of the property.

The sale will be made expressly subject to any title matters set forth in the Deeds. 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 Deeds. The sale shall not cover any part of the property that has been released of public record from the lien of the Deeds. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Beneficiary, the Trustee or Substitute Trustee.

Pursuant to the Texas Property Code, the trustee 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 sale.

7. Default and Request To Act. Default has occurred under the Judgment, 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 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.



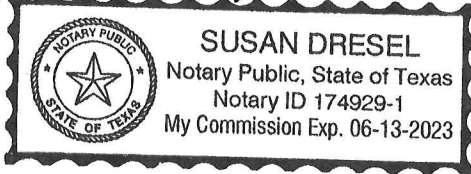
CASSIE BIBLE, Trustee for purposes of this sale.


VERIFICATION

STATE OF TEXAS §
 §
COUNTY OF MIDLAND §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Cassie Bible, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME on this 4th day of January, 2023 to certify which witness my hand and seal of office.





Notary Public, State of Texas

After recording, return to:

Cassie Bible
Cotton, Bledsoe, Tighe & Dawson, P.C.
P. O. Box 2776
Midland, Texas 79702

CERTIFICATE OF POSTING

I am Cassie Bible whose address is 500 W. Illinois Ave Suite 300, Midland, Texas 79701. I declare under penalty of perjury that on January 4, 2023, I mailed this Notice of Foreclosure Sale to be filed at the office of the Terrell County Clerk and caused it to be posted at the location direct by the Terrell County Commissioners Court at least 21 days before the foreclosure sale.



Cassie Bible

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true and correct copy of the above and foregoing *Notice of Foreclosure Sale* was, on this the January 4, 2023, mailed via Certified Mail – Return Receipt Requested, postage, pre-paid, to the following parties:

Frank Yanacek
4622 Storey Avenue
Midland, Texas 79703

Jason B. Hamm
F.T. Nick Hood
Hamm Law Group, PLLC
3000 N. Garfield, Suite 205
Midland, Texas 79705

FILED FOR RECORD

THE 6th DAY OF January
A.D., 20 23
AT 1:45 O'CLOCK P.M.
9-36489

Raeline Thompson
COUNTY CLERK, TERRELL CO., TEXAS

BY Heather Gorder
DEPUTY

**STATE OF TEXAS
COUNTY OF TERRELL**

I hereby certify that this instrument was FILED FOR RECORD on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Records of Terrell County, Texas.

OFFICIAL PUBLIC RECORDS



Raeline Thompson
COUNTY CLERK, TERRELL COUNTY, TEXAS

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RECORDED 01-09-2023