

#37

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

FILED 12:55 PM

Deed of Trust:

Date: September 5, 2017

AUG 10 2020

Grantor: Tejas Premium Meats, LLC

Nicole Tanner
CLERK COUNTY, HILL COUNTY TEXAS
BY *[Signature]* DEPUTY

Trustee: PLA Services, Inc.

Recording Information: *Document Number 00091096; Vol. 1922, Page 273*
Official Public Records of Hill County, Texas

Property: All of that real property (including improvements) located in Hill County, Texas, more particularly described in the Deed of Trust, see also Exhibit A to this notice.

County Where Property Is Located: Hill County, Texas

Beneficiary: Happy State Bank, a Texas banking association

Substitute Trustee: ROGER S. COX; 500 S. Taylor, Suite 1200, Amarillo, Texas 79101

Successor Substitute Trustees:¹ MICHAEL S. SMILEY, STEPHANIE JAMES, and/or ERIN WYNNE; 500 S. Taylor, Suite 1200, Amarillo, Texas 79101; Amarillo Corporate Services, LLC, 500 S. Taylor, Suite 1100, LB 219, Amarillo, Texas 79101

Additional Deed of Trust: The following deed of trust:

<u>Date</u>	<u>Instrument Number</u>	<u>County</u>
February 20, 2018	00094452	Hill

Secured Obligation: Any and all obligations described in or secured by the Deed of Trust or the Additional Deed of Trust, including those obligations evidenced by any promissory note(s) described in or future advances contemplated by the Deed of Trust or the Additional Deed of Trust.

Date of Sale of Property:..... *Tuesday, September 1, 2020*

Earliest Time of Sale of Property: *10:15 a.m. (Central Time)*

Place of Sale of Property: East door of the Hill County Courthouse, 1 North Waco Street, Hillsboro, Texas 76645, or as otherwise designated by the Hill County Commissioners' Court under Section 51.002, Texas Property Code.

¹ In this document and any subsequent notice, any reference to "Substitute Trustee" includes any one of the Successor Substitute Trustees identified above.

Beneficiary is the owner and holder of the right to receive payments due under the Secured Obligation. Beneficiary is the owner and beneficiary of the liens and security interests granted under or contained within the Deed of Trust and the related loan documents.

Because of default in performance of the Secured Obligation by the Obligor(s) and/or the Grantor(s) under the Deed of Trust, Substitute Trustee (or any of the Successor Substitute Trustees) will sell the Property by public auction to the highest bidder on the Date of Sale of Property at the Place of Sale of Property to satisfy the debt secured by the Deed of Trust. The sale will begin at the Earliest Time of Sale of Property (see above) or within three (3) hours thereafter.

To the extent allowed by the Deed of Trust or applicable law, the Substitute Trustee may (in his/her/its sole discretion or as directed by Beneficiary) sell the Property in one lot or by separate lots or parcels. The Beneficiary under the Deed of Trust (or its designee, assignee, or agent, as applicable) will be permitted to "credit bid" against the Secured Obligation; other bidders will need to demonstrate the ability to pay cash on the Date of Sale. Additional conditions for the conduct of the sale may be announced by the Substitute Trustee before the bidding is opened for the first sale of the day to be conducted by the Substitute Trustee.²

The sale will also include all personal property and fixtures, if any, of any nature referenced or described in the Deed of Trust. Beneficiary has requested that the Substitute Trustee sell all of the components of the Property that are personal property or fixtures in accordance with the terms of Chapter 9 of the Texas Business and Commerce Code (the Texas Uniform Commercial Code). The foreclosure of the personal property will be held at the same time and place as the sale noticed above; to the extent permitted by Chapter 9 of the Texas Business and Commerce Code (Texas Uniform Commercial Code) and / or the Texas Property Code, the Substitute Trustee has been instructed to proceed as to both the real property and personal property in accordance with the rights and remedies of the owner and holder of the Secured Obligation. Beneficiary may also direct the foreclosure of personal property security interests described in any security agreement between Grantor and Beneficiary.

The Property will be sold *AS IS, WHERE IS, IN ITS PRESENT PHYSICAL CONDITION*,³ subject to ad valorem tax liens, if any, against the Property. ANY PROSPECTIVE PURCHASER IS ENCOURAGED TO CONDUCT ITS OWN INDEPENDENT INVESTIGATION OF THE PROPERTY, RECORD TITLE TO THE PROPERTY, TAX LIENS, IF ANY, AGAINST THE PROPERTY, AND THE PHYSICAL CONDITION OF THE PROPERTY PRIOR TO THE SALE.

² See Tex. Prop. Code § 51.0075.

³ See Tex. Prop. Code § 51.009.

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 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 MILITARY DUTY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.

Signed this 7th day of August, 2020.



ROGER S. COX, Substitute Trustee

ADDRESS OF SUBSTITUTE TRUSTEE(S):

Roger S. Cox, Substitute Trustee
Michael S. Smiley, Successor Substitute Trustee
Stephanie James, Successor Substitute Trustee
Erin Wynne, Successor Substitute Trustee
UNDERWOOD LAW FIRM, PC
P.O. Box 9158
Amarillo, TX 79105-9158
806-376-5613 (phone) www.uwlaw.com

Street Address:

500 S. Taylor, Suite 1200
Amarillo, TX 79101

Amarillo Corporate Services, LLC
500 S. Taylor, Suite 1100
Amarillo, TX 79101
Attn: Mr. Dave Goad or Mr. Roger Cox
806-376-5613 (phone)

Trustee:

PLA Services, Inc., Trustee
701 S. Taylor, Suite 500
Amarillo, TX 79101

ADDRESS OF BENEFICIARY:

Happy State Bank, a Texas banking association
Attn: Mr. Ross Glenn
701 S. Taylor, LB 120
Amarillo, TX 79101
800-447-2265 (phone)

Exhibit A, consisting of one page, is attached to this notice.

Exhibit A

All that certain lot, tract, or parcel of land situated in the James Shipp Survey, Abstract No. 802, Hill County, Texas, being all of that certain tract of land described as 25.0 acres in the deed from David E. Waldrip, et ux to David's Supermarkets, Inc., recorded in Volume 855, Page 614 in the Official Public Records, Hill County, Texas, and all of that certain tract of land described as 22.533 acres in the deed from David E. Waldrip, et ux to David's Supermarkets, Inc., recorded in Volume 1356, Page 88 in said Official Public Records and being more particularly described as follows:

BEGINNING of a 1/2 inch steel rebar set for a corner lying in the northerly right-of-way line of F. M. Highway 67 (100' right-of-way) of the southeast corner of said 25.0 acre tract the southwest corner of that certain tract of land described in the deed from David E. Waldrip, et ux to Ronald R. Heron, et ux recorded in Volume 1178, Page 103 in said Official Public Records;

THENCE South 60 degrees 27 minutes 00 seconds West (bearing baseline from centerline datum of F. M. Highway 67) 832.31 feet along the northerly right-of-way line of said Highway to a 1/2 inch steel rebar set for a corner;

THENCE South 59 degrees 38 minutes 00 seconds West 366.82 feet along the northerly line of said Highway to a 1/2 inch steel rebar found at a corner the southwest corner of said 25.0 acre tract and the southwest corner of that certain tract of land described in the deed from the Secretary of Housing and Urban Development to Kevin Cox recorded in Volume 1211, Page 175 in said Official Public Records;

THENCE North 29 degrees 43 minutes 46 seconds West 349.35 feet generally along a fence to a 1/2 inch steel rebar found for a corner the northeast corner of said Cox tract and the southeast corner of said 22.533 acre tract;

THENCE South 59 degrees 59 minutes 15 seconds West 744.80 feet generally along a fence to a 1/2 inch steel rebar found for a corner the northwest corner of said Cox tract and the northeast corner of that certain tract of land described in the deed from Norma S. Robinson to Scott Chambers, et ux recorded in Volume 1492, Page 129 in said Official Public Records;

THENCE South 59 degrees 33 minutes 52 seconds West 472.50 feet generally along a fence to a 1/2 inch steel rebar found for a corner the northwest corner of said Chambers tract the southwest corner of said 22.533 acre tract and lying in the easterly line of that certain tract of land described in the deed from David E. Waldrip, et ux to Charles O. Wheeler, Jr., recorded in Volume 1117, Page 484 in said Official Public Records;

THENCE North 29 degrees 46 minutes 30 seconds West 935.16 feet generally along a fence to a 5/8 inch steel rebar found for a corner the northeast corner of said 22.533 acre tract the most westerly southwest corner of said Heron tract, said rebar bears South 29 degrees 08 minutes 30 seconds East 39.32 feet from a 1/2 inch steel rebar found at the northeast corner of said Wheeler tract the most westerly northeast corner of said Heron tract;

THENCE North 60 degrees 19 minutes 59 seconds East 180.42 feet generally along a fence and with the common line of said 22.533 acre tract and said Heron tract, to a 5/8 inch steel rebar found for a corner;

THENCE North 83 degrees 22 minutes 30 seconds East 501.11 feet with the common line of said 22.533 acre tract and said Heron tract to a 5/8 inch steel rebar found for a corner;

THENCE North 51 degrees 22 minutes 00 seconds East 807.65 feet with the common line of said 22.533 acre tract and said Heron tract to a 5/8 inch steel rebar found for a corner the northeast corner of said 22.533 acre tract;

THENCE South 28 degrees 54 minutes 44 seconds East 67.22 feet with the common line of said 22.533 acre tract and said Heron tract to a 5/8 inch steel rebar found for a corner the northwest corner of said 25.0 acre tract;

THENCE North 60 degrees 08 minutes 58 seconds East, at 6.0 feet passing a fence line, to a 5/8 inch steel rebar found for a corner the northeast corner of said 25.0 acre tract and an inside all corner of said Heron tract;

THENCE South 29 degrees 54 minutes 33 seconds East 1089.28 feet along the extension line of said 25.0 acre tract and said Heron tract to the point of beginning, containing 47.48 acres of land as surveyed on the ground during the month of February, 2014, by Szurigt & Peede Land Surveyors, LTD.