

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

STATE OF TEXAS                                    §  
   §            KNOW ALL BY THESE PRESENTS:  
COUNTY OF HILL                                 §

**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: \$27,075.00

FILED  
NICOLE TANNER, COUNTY CLERK  
HILL COUNTY, TEXAS  
2016 SEP 12 P 2:59

**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 #00061147, Volume 1766, Page 102, in the Real Property Records of Hill County, Texas.  
Recorded: Deed of Trust recorded under Instrument #2006-00008873, Volume 1431, Page 218, 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 102 Files Street, 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.**

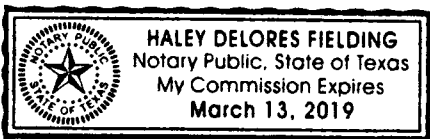
EXECUTED as of September 8, 2016.

**SUBSTITUTE TRUSTEE:**

*Sherr L. Gallant*  
\_\_\_\_\_  
Sherr L. Gallant

STATE OF TEXAS                   §  
  §  
COUNTY OF TARRANT       §

This instrument was acknowledged before me on this the 8<sup>th</sup> day of September, 2016, by Sherri L. Gallant.



*Haley Delores Fielding*  
\_\_\_\_\_  
Notary Public in and for the State of Texas

**EXHIBIT A**

All that certain lot, tract, or parcel of land being the southwest part of Lot Six (6), Block One (1) of the Switzer Addition to the City of Itasca, Hill County, Texas, as shown on the plat recorded in Volume 162, Page 2, Hill County Deed Records and being more particularly described by metes and bounds as follows, to-wit:

Beginning at the Northwest corner of Lot No. 1, same being 115.5' North from the Southwest corner of said Switzer Addition:

Thence East 130 feet to a stake for corner;

Thence North 54 feet to a stake for corner;

Thence West 130 feet to Files Street;

Thence South 54 feet to the Place of Beginning, containing 7.020 square feet, the identical premises conveyed from Alva Underwood, et ux. to Loyd W. Forrest by deed dated January 9, 1937, recorded in Volume 282, Page 35, Hill County Deed Records, and being a portion of Lot 6 of said addition and believed to be more commonly known as 102 Files Street, Itasca, Texas 76055.

**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