

F20200008

NOTICE OF FORECLOSURE SALE

**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.**

Notice is hereby given of a public nonjudicial foreclosure sale.

1. **DATE OF SALE:** The sale is scheduled to be held on Tuesday, the 5th day of January, 2021.
2. **TIME OF SALE:** The earliest time at which the sale shall occur is 1:00 o'clock p.m. The sale shall begin at that time or not later than three hours after that time.
3. **PLACE OF SALE:** The sale shall take place at the area at the Terry County Courthouse designated by the Commissioner's Court of Terry County where foreclosure sales are to take place, pursuant to Section 51.002 of the Texas Property Code, as amended; if no area is designated by the Commissioner's Court, the sale will be conducted in the area immediately adjacent (next) to the location where this Notice of Foreclosure Sale is posted.
4. **PROPERTY TO BE SOLD:** The property to be sold is described as follows:

Description of 4.99 acre tract of land in the Southeast part of Section 113, Block T. D. & W. Railroad Company Survey, Terry County, Texas being that and conveyed to the Texas National Guard Armory Board in Volume 170 Page 43 and Volume 186 Page 99 Less a portion of that tract conveyed to the West Texas Gas Company described in Volume 115 Page 93 of the Deed Records of Terry County, Texas and further described as follows:

Volume 170 Page 43 is hereafter referred to as Tract 1

Volume 186 Page 99 is hereafter referred to as Tract 2

Beginning at a ½" iron rod with cap set in the East line of said Section 113 at the Southeast corner of said tract 2 for the Southeast corner of this tract from whence a ½" iron rod with cap set at the Southeast corner of said Section 113 bears S 0°06'48" W a distance of 30.0 feet;

Thence N 0°06'48" E, along said East line, at a distance of 20.0 feet pass the Southeast corner of said Tract 1, at a Distance of 315.3 feet pass the Northeast corner of said Tract 2 and the Southeast corner of that Tract conveyed to Terry County described in Volume 309 Page 49, in all a distance of 335.3 feet to a ½" iron rod with cap set at the Northeast corner of said Tract 1 for the Northeast corner of this tract;

Thence N 89°53'07" W, along the North line of said Tract 1, a distance of 635.0 feet to a ½" iron rod with cap set in the East line of Block 6 of the Powell Addition to the City of Brownfield, Texas as shown on the plat thereof recorded in Volume 88 Page 60 of said records at the Northwest corner of said Tract 1 for the Northwest corner of this tract;

Thence S 0°06'48" W, along the West line of said Tract 1 and the East line of said Block 6, at a distance of 20.0 feet pass the Northwest corner of said Tract 2 and the Southwest corner of said Terry County Tract, in all a distance of 345.3 feet to a ½" iron rod with cap set at the southwest corner of said Tract 1 and the Southwest corner of that tract conveyed to the City of Brownfield in Volume 59 Page 237 for the Southwest corner of this tract;

Thence S 89°53'07" E, along the South line of said Tract 1 and the South line of said City of Brownfield Tract, a distance of 555.0 feet to a ½" iron rod with cap set at the Southwest corner of said West Texas Gas Tract for a corner of this tract;

Thence N 0°06'48" E, along the West line of said Gas Tract, a distance of 30.0 feet to a ½" iron rod with cap set at the Northwest corner of said Gas Tract for a corner of this tract;

Thence S 89°53'07" E, along the North line of said Gas Tract, at a distance of 30.0 feet pass an ell corner of said Tract 1, in all a distance of 50.0 feet to a ½" iron rod with cap set at the Northeast corner of said Gas Tract for a corner of this tract;

Thence S 0°06'48" W, along the East line of said Gas Tract, a distance of 20.0 feet to a ½" iron rod with cap set in a Southernly line of said Tract 2 for a corner of this tract;

Thence S 89°53'07" E, along said Southernly line of Tract 2, a distance of 30.0 feet to the place of beginning.

SAVE AND EXCEPT the North 20 feet which was by deed dated June 20, 1968, recorded in Volume 309, Page 49, Deed Records, Terry County, Texas, conveyed by the City of Brownfield, Texas to Terry County, Texas.

SAVE AND EXCEPT any part of the property located West of the East boundary line of 2<sup>nd</sup> Street as used, occupied, dedicated, or claimed as a public street by the City of Brownfield and/or used, occupied, or claimed by other parties.

5. **DEED OF TRUST:** Information regarding the Deed of Trust that is the subject of this sale is as follows:

**DATE:** September 1, 2015  
**GRANTOR:** WFS ASSET MANAGEMENT, LTD.  
**BENEFICIARY:** AMERICAN BANK OF COMMERCE  
**TRUSTEE:** TROY S. MELCHER  
**RECORDING INFORMATION:** Volume 888, Page 791 of the Official Public Records of Terry County, Texas

6. **NOTE SECURED BY DEED OF TRUST:** Information regarding the Note secured by the Deed of Trust that is the subject of this sale is as follows:

**DATE:** September 1, 2015  
**FACE AMOUNT:** \$216,000.00  
**MAKER:** WFS ASSET MANAGEMENT, LTD.  
**PAYEE:** AMERICAN BANK OF COMMERCE

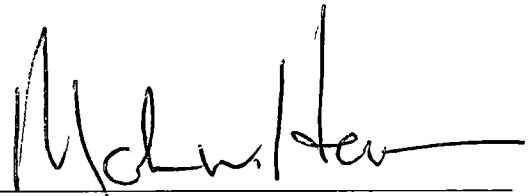
7. **SUBSTITUTION OF TRUSTEE:** Information regarding the appointment of a Substitute Trustee is as follows:

**DATE:** October 7, 2019  
**SUBSTITUTE TRUSTEE:** MARK W. HARMON  
**SUBSTITUTE TRUSTEE'S STREET ADDRESS:** 920 Avenue Q  
Lubbock, Texas 79401

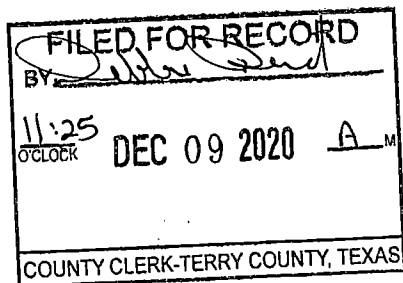
8. **TERMS OF SALE:** The sale will be conducted as a public auction to the highest bidder for cash, subject to the right of the beneficiary thereunder to have its bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale. The sale will be made subject to any title matters set forth in the Deed of Trust. Prospective bidders are reminded that by law the sale will 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 Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

9. **DEFAULT AND REQUEST TO ACT:** Default has occurred under the terms of the Note and Deed of Trust. The indebtedness represented by the Note is now wholly due and payable. The owner and holder of the indebtedness has requested that the undersigned, as the current Trustee under the Deed of Trust, sell the Property, the proceeds of such sale to be applied in accordance with the provisions of the Deed of Trust.

SIGNED on the 9th day of December, 2020.



MARK W. HARMON, Substitute Trustee



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