

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
2017 JUN 13 A 10:44

DATE: 06/13/17

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: \$23,038.00

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 #00061153, Volume 1766, Page 115, in the Real Property Records of Hill County, Texas.
Recorded: Deed of Trust recorded under Instrument #2006-00008877, Volume 1431, Page 237, in the Real Property Records of Hill County, Texas.

NOTEHOLDER: Ellis County Business Enterprises LLC

BORROWER: Kenneth R. Upton, Jr. (50% interest holder in the property)

PROPERTY: 50% Interest in all that certain lot, tract or parcel of land more specifically described in the attached Exhibit A. The address of this property is 710 Mill 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 of Ellis County Business Enterprises LLC, P.O. Box 2366, Burleson, Texas 76097.

DATE AND TIME OF SUBSTITUTE TRUSTEE'S SALE OF PROPERTY: July 4, 2017, 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 50% interest in 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 50% interest in 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 50% interest in 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 for 50% interest in the Property containing any warranties of title required by the Deed of Trust. The 50% interest in 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 June 13, 2017.

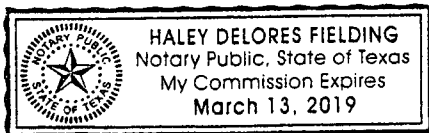
SUBSTITUTE TRUSTEE:

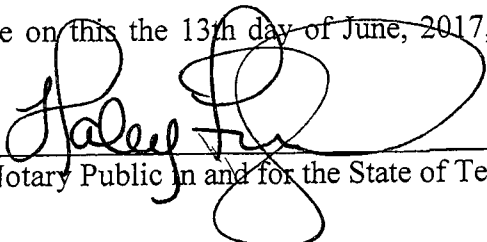


Sherri L. Gallant

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This instrument was acknowledged before me on this the 13th day of June, 2017, by Sherri L. Gallant.





Notary Public in and for the State of Texas

Exhibit A

All that piece or parcel of land, situated, lying and being in the County of Hill, State of Texas, and described as follows:

Being a part of a tract of 43.88 acres out of the East Jesse Fisher Survey, A-300, said tract being described in one certain deed executed by W.B. Sumner et ux, Eva Sumner, to D.B. Sumner duly recorded in Volume 238, Page 206, Deed Records of Hill County, Texas, and herein conveyed property is more particularly described as follows:

Beginning 226.6 varas South 24-1/2 East from the most Northern Northwest corner of said 43.88 acre tract an ell corner same being the Northwest corner of a lot conveyed to Rothwell Anderson by Mrs. Ollie Reed, a widow, by deed dated February 17, 1940, duly recorded in Volume 299, Page 87, Deed Records, Hill County, Texas;

Thence North 24-1/2 West with the West line of said tract 65 feet;

Thence North 60 East 125 feet to the Northeast corner of this lot;

Thence South 24-1/2 East 65 feet;

Thence South 60 West 125 feet to the PLACE OF BEGINNING, being the same property conveyed by Ollie Reed, a widow, to O.F. Alley and wife, by deed dated August 7, 1956, and recorded in Volume 405, Page 131, Deed Records, Hill County, Texas, to which deed and its record reference is here made for all purposes.

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