

**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 10:45

**DATE:** 06/12/2017

**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: \$23,750.00

**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 #00061151, Volume 1766, Page 111, in the Real Property Records of Hill County, Texas.  
Recorded: Deed of Trust recorded under Instrument #2006-00008869, Volume 1431, Page 200, 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 being all of Lot Thirty-eight (38), Block 3 of the Sunset Addition to the City of Itasca, Hill County, Texas. The address of this property is 700 Central, Itasca, Texas 76055. (see Exhibit A)

**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.**

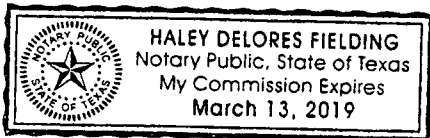
EXECUTED as of June 13, 2017.

**SUBSTITUTE TRUSTEE:**

  
\_\_\_\_\_  
Sherri L. Gallant

STATE OF TEXAS                   §  
   §  
COUNTY OF TARRANT       §

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



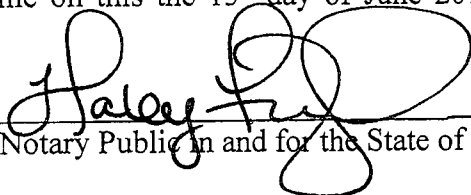
  
\_\_\_\_\_  
Notary Public in and for the State of Texas

Exhibit "A"

All that certain lot, tract or parcel of land being all of Lot Thirty-eight (38), Block 3 of the Sunset Addition to the City of Itasca, Hill County, Texas, also known as **700 Central, 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