

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

FILED
NICOLE TANNER, COUNTY CLERK
HILL COUNTY, TEXAS

2019 JUL 15 A 11:03

STATE OF TEXAS §
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COUNTY OF HILL §

WHEREAS, by that certain Deed of Trust (with Security Agreement and Assignment of Rents and Leases) dated August 24, 2010, recorded as Instrument No. 00038212 of the Official Public Records of Hill County, Texas, **ITASCA EXPRESS MART, INC.** conveyed to **LUKE LIVELY** (the "Trustee") certain real property therein described (the "Property") to secure that certain Note (the "Note") described in said Deed of Trust, as may have been modified and renewed; and

WHEREAS, HANMI BANK, SUCCESSOR-IN-INTEREST TO UNITED CENTRAL BANK, is the legal and equitable owner and holder of the Note and all renewals and modifications thereof, and Beneficiary of the Deed of Trust; and

WHEREAS, Substitute Trustees have been appointed in the place of the Trustee in the manner authorized by the Deed of Trust; and

WHEREAS, the indebtedness under the terms of the Note and Deed of Trust and all renewals and modifications thereof has been duly accelerated, and the entire unpaid principal balance and all accrued but unpaid interest owing thereunder is now wholly due and owing, and **HANMI BANK** has requested a Substitute Trustee to sell the Property in accordance with §51.002 of the Texas Property Code and the terms of the Deed of Trust in order to satisfy the indebtedness evidenced by the Note and secured by the Deed of Trust;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, **August 6, 2019**, a Substitute Trustee will sell the Property where such sales are to take place to wit:

Hill County Courthouse in Hillsboro, Texas, at the east door of the Courthouse, 80 N. Waco Street, Hillsboro, Texas 76645.

The foreclosure sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except the Lender/Beneficiary's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust. The earliest time at which the sale will occur is **10:00 a.m.** The sale will begin at that time or not later than three (3) hours after that time.

The Deed of Trust permits the beneficiary to postpone, withdraw or reschedule the sale for another day. In that case, the Trustee or Substitute Trustee under the Deed of Trust need not appear at the date, time and place of a scheduled sale to announce the postponement, withdrawal or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiled may be after the date originally scheduled for this sale.

The sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the sale will necessarily 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. The sale shall not cover any part of the Property that has been released of public record from the lien of 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.

The Property, commonly known as 1201 S. Files Street, Itasca, Texas 76055, is more specifically described as follows:

SEE ATTACHED EXHIBIT "A".

The Property may be sold either as a whole, or in lots, tracts, parcels or units as determined by the Substitute Trustee.

Formal notice is hereby given that the sale noticed herein shall include the interest of Grantor in all improvements and fixtures and other property, and personal property, covered by (i) the Deed of Trust, and (ii) any other agreements or other documents executed in connection with or as security for the Note, Beneficiary having directed a Substitute Trustee to sell, and a Substitute Trustee hereby noticing the sale of, said fixtures and personalty, pursuant to the rights granted to the Beneficiary under Section 9.604(a)(2) of the Texas Business and Commerce Code.

EXCEPT FOR A WARRANTY OF TITLE GIVEN ON BEHALF OF GRANTOR, THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED, NEITHER THE BENEFICIARY NOR THE SUBSTITUTE TRUSTEE MAKES ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, NOR WITH RESPECT TO CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH SHALL BE EXPRESSLY WAIVED BY THE PURCHASER.

Pursuant to Section 51.0075 of the Texas Property Code, the Trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the Trustee or any Substitute Trustee.

ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOU 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 on the 15th day of July, 2019.

By: *Kevin J. Allen*
KEVIN J. ALLEN, LAURA L. WORSHAM
and/or TY J. JONES, Substitute Trustee

Addresses for Substitute Trustees:

Kevin J. Allen
8828 Greenville Ave.
Dallas, TX 75243

or

Laura L. Worsham
8828 Greenville Ave.
Dallas, TX 75243

or

Ty J. Jones
8828 Greenville Ave.
Dallas, TX 75243

EXHIBIT "A"

LEGAL DESCRIPTION

All that certain lot, tract or parcel of land lying and situated in the Simon C. White Survey, Abstract No. 844, Hill County, Texas, being the same tract of land described as 7.16 acres in the Correction Re-Filing Affidavit executed April 26, 2005, recorded in Volume 1343, Page 209 of the Official Public Records of Hill County, Texas, being a correction of the General Warranty Deed from HILCO Electric Cooperative, Inc. to Turley-Smart Stops 1, LP, dated September 16, 2008, recorded in Volume 1244, Page 806 of the Official Public Records of Hill County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set at a corner lying in a curve having a radius of 807.34 feet being the intersection of the westerly right-of-way line of Interstate Highway No. 35 (variable width right-of-way) as deeded to the State of Texas under Volume 453, Page 829 of the Deed Records of Hill County, Texas, with the northerly right-of-way line of F.M. Highway No. 934 (100' right-of-way) as deeded to the State of Texas under Volume 406, Page 373 of the Deed Records of Hill County, Texas, being the southwest corner of the herein described tract;

THENCE in a northwesterly direction along said northerly right-of-way line of said F.M. Highway No. 934, an arc of a curve to the right having a radius of 807.34 feet, through a central angle of 46 degrees 12 minutes 17 seconds an arc length of 731.70 feet, the chord of which bears North 53 degrees 04 minutes 26 seconds West 712.03 feet to a 5/8" iron rod found at the northwest corner of said 7.16 acre tract;

THENCE North 77 degrees 51 minutes 38 seconds East along the northerly line of said 7.16 acre tract, 891.29 feet to a broken concrete monument found (control monument) lying in the westerly right-of-way line of said Interstate Highway No. 35, being the northeast corner of said 7.16 acre tract;

THENCE South 15 degrees 17 minutes 29 seconds West (directional control line) along the westerly right-of-way line of said Highway, 576.35 feet to a broken concrete monument found (control monument) at the southeast corner of said 7.16 acre tract;

THENCE South 68 degrees 27 minutes 40 seconds West along the westerly right-of-way line of said Highway, 161.42 feet to the point of beginning and containing 7.16 acres of land, as surveyed on the ground June 29 & 30, 2010 by Szurgot & Peede Land Surveyors, LTD.