

#8

NOTICE OF NON-JUDICIAL FORECLOSURE SALE

WHEREAS, That certain Deed of Trust (the "Deed of Trust"), dated November 13., 2007 from Jimmy Martinez, a single person and Maricela Montoya, a single person, ("Borrower"), as Grantor to Robert Klemme, Trustee, filed for record in Real Property Records of Upton County, Texas on November 26, 2007 as Document Number 00142318 in volume number 793, page number 744 and further assigned to ACTT Properties LLC, a Delaware limited liability company by Assignment of Notes and Liens on February 28, 2014, filed for record in Real Property Records of Upton County, Texas, as document number 00159656, in volume number 912, page number 42.

WHEREAS, the undersigned has been appointed Substitute Trustee in the place of the said original Trustee, upon the contingency and in the manner authorized by the Deed of Trust; and

WHEREAS, default, as same is defined in the Promissory Note and/or the Deed of Trust, has occurred and the outstanding indebtedness on same is now wholly due; and

WHEREAS, ACTT PROPERTIES, LLC, the Owner and Holder of the Promissory Note has requested the undersigned to sell the real property described in the Deed of Trust to satisfy said indebtedness.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, September 3, 2019 beginning at 10:00 o'clock am, or not later than 1:00 o'clock pm, the Trustee or Substitute Trustee, will sell the following described real property, to the highest bidder for cash, subject to the unpaid balance due and owing on any lien indebtedness affecting the property which is superior to the Deed of Trust, if any, at the Courthouse of Upton County, Texas, in the area designated by the Commissioners Court of such County, or if no such area has been so designated, then at the place where non-judicial foreclosure sales of real property are customarily and regularly held in Upton County, Texas, which real property is described as follows:

Legal Description: SURFACES ESTATE ONLY LOT EIGHT (8), BLOCK NINETY-EIGHT (98) PARK SUBDIVISION, CITY OF MCCAMEY, UPTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF OF RECORD IN THE OFFICE OF THE COUNTY CLERK OF UPTON COUNTY, TEXAS

Together with all improvements on the property; all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights, and water stock; all fixtures attached to the property; and all personal property, if any described in and secured by the Deed of Trust.

The property to be sold is the same property described in said Deed of Trust, except as same may have been modified of record.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE(S), EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER THE OWNER OF THE PROMISSORY NOTE NOR THE SUBSTITUTE TRUSTEE(S) MAKES ANY REPRESENTATIONS OR WARRANTIES WITH THE 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 REPRESENTATIONS WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

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.

IN WITNESS HEREOF, this instrument has been executed to be effective July 29, 2019

Property Address: 605 E. 11th Street, McCamey, Upton County, TX 79752

Substitute Trustee, Linda Booker
Linda Booker. P.O. Box 301193, Austin, TX 78703-0020

8/8/2019 FILED AT 1:32pm
LAWANDA McMURRAY
CLERK, COUNTY/DISTRICT COURT
UPTON COUNTY, TEXAS
Murray Clerk/DEPUTY