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NOTICE OF SUBSTITUTE TRUSTEE'S SALE

2019 DEC -6 AM 11:46

THE STATE OF TEXAS §
§
COUNTY OF HOWARD §

BRENT ZITTEGROFF
COUNTY CLERK HOWARD COUN

BY DEPUTY 

WHEREAS, by Deed of Trust (hereinafter referred to as the "Deed of Trust") dated April 16, 2007 ROBIN CISNEROS and LAURA CISNEROS conveyed to James L. McGilvray, Trustee for the benefit of TERRY D. SMITH and RHONDA G. SMITH, certain real property situated in Howard County, Texas, more particularly described as follows, to wit:

All of Lot 10, Block 5, North Parkhill Addition, City of Big Spring, Howard County, Texas also known as 801 W. 14th Street.

(hereinafter referred to as the "Property") to secure the payment of one certain Real Estate Lien Note (hereinafter referred to as the "Real Estate Lien Note") therein described, of even date therewith and payable to the order of TERRY D. SMITH and RHONDA G. SMITH, which said Deed of Trust is recorded at Volume 1046, Page 603 in the Official Public Records of Howard County, Texas, reference to which said Real Estate Lien Note and Deed of Trust and the recordation thereof is hereby made for all purposes; and,

WHEREAS, Terry D. Smith and Rhonda G. Smith filed an Appointment of Substitute Trustee to appoint Thomas L. Rees, Jr., as Substitute Trustee.

WHEREAS, holder of the Note and Deed of Trusts has appointed Thomas L. Rees, Jr. As Substitute Trustee by Appointment of Substitute Trustee dated September 30, 2019, which is filed at Volume 1862, Page 603 of the Official Public Records of Howard County, Texas and

WHEREAS, Notice of Default was forwarded to Debtors/Makers on August 30, 2019, by Certified Mail demanding payment of delinquent installment payments, payment of legal fees and insurance coverage within the time allowed therefor; and,

WHEREAS, the Real Estate Lien Note remained in default as of November 8, 2019, due to failure to cure the existing default under the Note; the owner and holder of the Real Estate Lien Note requested that Thomas L. Rees, Jr., Successor Trustee, notify ROBIN CISNEROS and LAURA CISNEROS that the balance of the Note, including the outstanding principle and accrued interest balance of the Note is accelerated and is now fully due and payable and that the Property will be sold at foreclosure sale if ROBIN CISNEROS and LAURA CISNEROS fail to pay off the accelerated matured indebtedness prior to the date of the Trustee Sale; said Notice to Borrowers was duly sent by certified mail on November 8, 2019; further notice was also sent on December 2, 2019, as required by law;

WHEREAS, such default has not been cured as of the date of the posting of this Notice of Substitute Trustee's Sale, and the indebtedness evidenced therein is now wholly due and payable; and,

WHEREAS, TERRY D. SMITH and RHONDA G. SMITH, the beneficiary named in said Deed of Trust and the owner and holder of said lien and the Indebtedness secured thereby, has requested the undersigned to sell the Property at Public Auction to satisfy the Indebtedness.

NOW THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, the 7th day of January, 2020, between the hours of 10:00 a.m. and 4:00 p.m., I will sell the Property, at public auction for cash to the highest bidder, in the lobby area on the first floor of the Howard County Courthouse. The lobby area on the first floor of the Howard County Courthouse is the area which has been designated by the Howard County Commissioner's Court for foreclosure sales. Said sale will begin at the earliest at 10:00 a.m. and will take place no later than three (3) hours after that time.

THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER NOTE HOLDER NOR THE 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 ARE EXPRESSLY WAIVED BY PURCHASER.

WITNESS MY HAND this the 5th day of December, 2019.

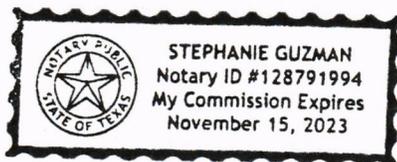

THOMAS L. REES, JR., Substitute
Trustee

ACKNOWLEDGMENT FOR THOMAS L. REES, JR.

THE STATE OF TEXAS §
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COUNTY OF NOLAN §

BEFORE ME, the undersigned Notary Public, on this day personally appeared THOMAS L. REES, JR., in his capacity as Substitute Trustee, known to me to be the person whose name is subscribed to the Notice of Trustee's Sale set out above. He acknowledged to me that he executed and is duly authorized to execute the Notice of Trustee's Sale set out above for the purposes and consideration expressed in the Notice of Trustee's Sale as well as in the capacity set forth herein.

GIVEN under my hand and seal of office and this the 5th day of December, 2019.




NOTARY PUBLIC, State of Texas