



NOTICE OF SUBSTITUTE TRUSTEE'S SALE

Scurry County, Texas

January 19, 2023

Deed of Trust ("Deed of Trust"):

Dated: September 10, 2021

Grantor: Brian K. Ellison and Melissa Rawls Ellison, Husband and Wife

Trustee: John E. Grist

Lender: West Texas State Bank

Recorded in: Deed of Trust dated October 8, 2021, recorded in Volume 1014, Page 579, Official Public Records of Scurry County, Texas, executed by Brian K. Ellison and wife, Melissa Rawls Ellison, Trustee(s), securing payment of one note dated September 10, 2021, in the sum of \$12,034.65 payable to West Texas State Bank.

Deed of Trust dated September 13, 2021, recorded in Clerk's File No. 20214122, Official Public Records of Scurry County, Texas, executed by Brian K. Ellison and Melissa Rawls Ellison to John E. Grist, Trustee, securing payment of one note dated, September 10, 2021 in the sum of \$12,034.65 payable to West Texas State Bank.

Legal Description: All of Lots Number One (1), Two (2), Three (3), Four (4), Five (5), Six (6), and Seven (7), all in Block Number Thirty-six (36), of the ORIGINAL TOWN OF HERMLEIGH, Scurry County, Texas, Slide 34, Plat Records, Scurry County, Texas.

Secures: Promissory Note and Security Agreement ("Note") in the original principal amount of \$12034.65, executed by Brian K. Ellison ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender.

Property: The real property, improvements, and personal property described in and mortgaged in the Deed of Trust, including the real property described in the attached **Exhibit A**, and all rights and appurtenances thereto.

Substitute Trustee: Hunter Harris, Huffaker & Harris, LLP

Substitute Trustee's

Address: P.O. Box 968, Tahoka, TX, 79373

Foreclosure Sale:

Date: Tuesday March 7, 2023

Time: The sale of the Property will be held between the hours of 10:00 A.M. and 2:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 am and not later than three hours thereafter.

Place: The North door of the Scurry County Courthouse, located at 1806 25th Street, Snyder, Scurry County, Texas 79549, or if the preceding area is no longer the designated area, then in the area designated by the Commissioners Court of Scurry County, Texas for real property foreclosures under Section 51.002 of the Texas Property Code pursuant to instrument(s) recorded in the real property records of Scurry County, Texas.

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that West Texas State Bank's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, West Texas State Bank, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of West Texas State Bank's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with West Texas State Bank's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Substitute Trustee is representing West Texas State Bank in connection with the loan evidenced by the Note and secured by the Deed of Trust under a servicing agreement with West Texas State Bank. The address of Substitute is set forth above.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If West Texas State Bank passes the Foreclosure Sale, notice of the date of any

rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure 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 Foreclosure 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. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by West Texas State Bank. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

As of January 3, 2023, there was \$9,372.38 on the Note. This amount includes all principal, interest and late charges.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

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.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

Dated January 30, 2023.

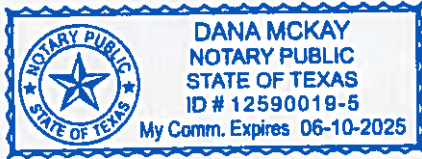
Hunter Harris
Attorney for West Texas State Bank
State Bar No. 24087672
Huffaker & Harris, LLP
1540 Ave J/PO Box 968
Tahoka, Texas 79373

STATE OF TEXAS)

COUNTY OF LYNN)

Before me, the undersigned notary public, on this day personally appeared Hunter Harris, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this January 30, 2023.



Notary Public, State of Texas

THE STATE OF TEXAS
COUNTY OF SCURRY

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Scurry County, Texas.

20230409 B: OPR V: 1048 P: 832 NUS
02/03/2023 11:46 AM



Melody Appleton, County Clerk
Scurry County, Texas

Appleton Scurry Co Clerk
FEB 3 2023 11:36