

2024-043

NOTICE OF FORECLOSURE SALE

Notice is hereby given of a public non-judicial foreclosure sale.

1. Property To Be Sold. The property to be sold is described as follows:

Two tracts of land out of Section 161, Block 44, H&TC T=Ry Co Survey, Moore County, Texas, more fully described in Exhibit A attached hereto and incorporated herein as if set out in verbatim.

2. Date, Time, and Place of Sale. The sale is scheduled to be held at the following date, time, and place:

Date: January 7, 2025

Time: The sale shall begin no earlier than 10:00 A.M. or no later than three hours thereafter. The sale shall be completed by no later than 1:00 P.M.

Place: Moore County Courthouse in Dumas, Moore County, Texas, at the designated area of the courthouse.

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 re-posted and re-filed in accordance with the posting and filing requirements of the Texas Property Code. Such re-posting or re-filing may be after the date originally scheduled for this sale.

3. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deeds of trust permitting the Beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debts secured by the deed of trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold.

Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (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.

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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such

BRENDA MCKANNA
COUNTY CLERK

2024 JUL 22 11:10:53

MOORE COUNTY, TEXAS

BY *Shirley Henry*
DEPUTY

12th Rd
Rick Russwurm

matters, if any.

4. Type of Sale. The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by Juan Antonio Cota and Marissa Ivonne San Cristobal. The deed of trust is dated September 1, 2022, and recorded in the office of the County Clerk of Moore County, Texas, in Vol. 874, Page 204, of the Official Public Records of Real Property of Moore County, Texas.

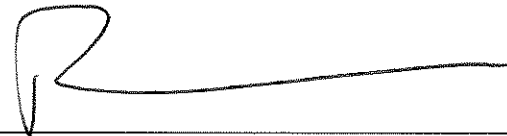
5. Obligations Secured. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to (1) one promissory note dated September 1, 2022, in the original principal amount of \$72,000.00, executed by Juan Antonio Cota and Marissa Ivonne San Cristobal, and payable to the order of Middlewell Flats, LLC; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of Juan Antonio Cota and Marissa Ivonne San Cristobal to Middlewell Flats, LLC. Middlewell Flats, LLC is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiary:

Middlewell Flats, LLC
7420 Golden Pond Pl., Ste. 100
Amarillo, TX 79121
Telephone: (806) 922-5532

6. Default and Request To Act. Default has occurred under the deeds of trust, and the beneficiary has requested me, Rick L. Russwurm, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

DATED: NOV. 22, 2024



Rick L. Russwurm, Substitute Trustee
P. O. Box 492
Dumas, Texas 79029
Telephone: (806) 935-9590
rick@rirlawyers.com

Exhibit A

Tract 1- A 10.36 acre tract of land being a portion of the North 400.00 acres of Section 161, Block 44, H.& T.C. RR. Co. Survey, Moore County, Texas, described in that certain Warranty Deed recorded in Volume 816, Page 347 of the Official Public Records of Moore County, Texas, and shown on a survey by McDonald Surveying dated August 9, 2021, situated in Section 161, Block 44, H.& T.C. RR. Co. Survey, Moore County, Texas, surveyed on the ground by Robert Keys and Associates on this 27th day of April, 2022 and said tract of land being further described by metes and bounds as follows:

BEGINNING at the northwest corner of this tract of land, from whence a 1/2 inch iron rebar with a cap stamped "R.P.L.S. 2006", found bears N. 89° 40' 40" W., 369.43 feet and S. 44° 39' 55" E., 70.70 feet;

Thence S. 89° 40' 40" E., (Directional Control GPS Observation WGS-84), 312.49 feet along the north line of said Section 161 and the north line of said 400.00 acre tract of land to the northeast corner of this tract of land, from whence a 1/2 inch iron rebar with a cap stamped "R.P.L.S. 2006", found in reference bears S. 89° 40' 40" E., 4599.86 feet and S. 00° 20' 53" W., 50.00 feet;

Thence S. 00° 20' 53" W., at 50.00 feet pass a 1/2 inch iron rebar with a cap stamped "CEC 10194378", set in reference, a total distance of 1444.04 feet to a 1/2 inch iron rebar with a cap stamped "CEC 10194378", set at the southeast corner of this tract of land;

Thence N. 89° 39' 10" W., 312.49 feet to a 1/2 inch iron rebar with a cap stamped "CEC 10194378", set at the southwest corner of this tract of land;

Thence N. 00° 20' 53" E., at 1394.90 pass a 1/2 inch iron rebar with a cap stamped "CEC 10194378", set, a total distance of 1443.90 feet along the east line of a 12.24 acre tract of land surveyed herewith to the **POINT OF BEGINNING**.

Tract 2 - A 12.24 acre tract of land being a portion of the North 400.00 acres of Section 161, Block 44, H.& T.C. RR. Co. Survey, Moore County, Texas, described in that certain Warranty Deed recorded in Volume 816, Page 347 of the Official Public Records of Moore County, Texas, and shown on a survey by McDonald Surveying dated August 9, 2021, situated in Section 161, Block 44, H.& T.C. RR. Co. Survey, Moore County, Texas, surveyed on the ground by Robert Keys and Associates on this 27th day of April, 2022 and said tract of land being further described by metes and bounds as follows:

BEGINNING at the northwest corner of said Section 161, from whence a 1/2 inch iron rebar with a cap stamped "R.P.L.S. 2006", found in reference bears S. 89° 40' 40" E., 50.00 feet and S. 00° 20' 50" W., 50.00 feet;

Thence S. 89° 40' 40" E., (Directional Control GPS Observation WGS-84), 369.43 feet along the north line of said Section 161 to the northeast corner of this tract of land, from whence a 1/2 inch iron rebar with a cap stamped "R.P.L.S. 2006", found in reference bears S. 89° 40' 40" E., 4912.35 feet and S. 00° 20' 53" W., 50.00 feet;

Thence S. 00° 20' 53" W., at 50.00 feet pass a 1/2 inch iron rebar with a cap stamped "CEC 10194378", set in reference, a total distance of 1443.90 feet to a 1/2 inch iron rebar with a cap stamped "CEC 10194378", set at the southeast corner of this tract of land;

Thence N. 89° 39' 10" W., at 319.41 feet pass a 1/2 inch iron rebar with a cap stamped "CEC 10194378", set in reference, a total distance of 369.41 feet to the southwest corner of this tract of land, from whence a 1/2 inch iron rebar with a cap stamped "R.P.L.S. 2006", found bears S. 00° 20' 50" W., 1855.27 feet and S. 89° 40' 40" E., 50.00 feet;

Thence N. 00° 20' 50" E., 1443.75 feet along the west line of said Section 161 to the **POINT OF BEGINNING**.