

**NOTICE OF FORECLOSURE SALE**  
(Archer County)

**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.**

Notice is hereby given of a public nonjudicial foreclosure sale.

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

Attached hereto as Exhibit "A"

2. Instruments to be Foreclosed. The instrument to be foreclosed is the Deed of Trust ("Deed of Trust") recorded as File Number 147523, Official Public Records, Archer County, Texas; and any and all other instruments filed of record with respect to said Note (which are hereinafter referred to as the "Security Instrument").

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

Date: February 4, 2020

Time: The sale shall begin no earlier than 1:00 P.M. or no later than three hours thereafter. The sale shall be completed by no later than 4:00 P.M.

Place: Archer County Courthouse, 112 E. Walnut, Archer City, Archer County, Texas, at the following location: North entrance of the Courthouse Annex, or as designated by the County Commissioners.

4. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Security Instrument, permitting the Beneficiary thereunder to have the bid credited to the Note, up to the amount of the unpaid debt secured by the

Security Instrument 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.

The sale will be made expressly subject to any title matters set forth in the Security Instrument, 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 Security Instrument. The sale shall not cover any part of the property that has been released of public record from the lien of the Security Instrument. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to the Security Instrument, the Beneficiary has the right to direct the Trustee and/or Substitute Trustee to sell the property in one or more parcels and/or to sell all or only part of the property.

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 Security Instrument. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

Pursuant to section 51.0075 of the Texas Property Code, the Trustee and/or Substitute 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.

5. Type of Sale. The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Security Instrument executed by KARINA GARCIA-VALDEZ.

6. Obligations Secured. The Security Instrument provides that it secures the payment of the indebtedness and obligations therein described (collectively, the "Obligations") including but not limited to the Note dated April 8, 2019, in the principal amount of \$58,500.00, executed by KARINA GARCIA-VALDEZ, and payable to the order of JEFFREY DEAN MITCHELL-BUTLER and wife, SHANDA DENISE MITCHELL-BUTLER ("Note"). JEFFREY DEAN MITCHELL-BUTLER and wife, SHANDA DENISE MITCHELL-BUTLER are the current owner and holder of the Obligations and is the Beneficiary under the Security Instrument.

As of December 31, 2019, there was owed \$59,830.86 on the Note, being principal, interest, late fees, and attorney's fees in the following amounts: \$57,975.01 in principal; \$955.46 in interest; \$100.39 in late fees; plus at least \$800.00 in attorney's fees; with interest accruing at the rate of \$7.94 per day thereafter until paid in full. Applicable Trustee's fees, ad valorem taxes, property insurance, and other costs and expenses, if any, may be added to the amount owed.

Questions concerning the sale may be directed to the undersigned at (940) 569-2201.

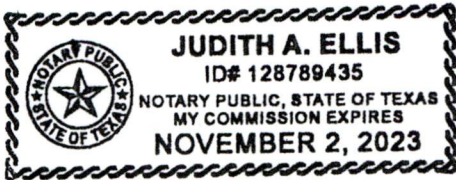
7. Default and Request to Act. Default has occurred under the Security Instrument, and the Beneficiary has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the Beneficiary may appoint another person substitute trustee to conduct the sale.

DATED December 31, 2019.

Jonathan R. Ellzey  
JONATHAN R. ELLZEY, Trustee  
320 E. Third Street  
Burkburnett, Texas 76354  
(940) 569-2201  
(940) 569-5032 (Fax)

THE STATE OF TEXAS :  
:  
COUNTY OF WICHITA :

This instrument was acknowledged before me on the 31<sup>st</sup> day of December, 2019,  
by JONATHAN R. ELLZEY, Trustee.



Judith A. Ellis  
Notary Public, State of Texas

## EXHIBIT "A"

A 9.22 acre tract out of Block Number Sixteen (16) of Kemp's Wichita Valley Farm Land Subdivision of the F. Peterswick Survey, Abstract Number 343 and the Robert McKim Survey Number 120, Abstract Number 270, Archer County, Texas, as shown on that certain map or plat thereof recorded in Volume 40, Page 311, Archer County Deed Records and out of that certain 20.00 acre tract deeded to Gregg Fix and Pat Wild from Kevin and Treva Cunningham, et al, in August, 2013, as recorded in Volume 767, Page 278, Archer County Official Public Records and being more specifically described by metes and bounds as follows:

BEGINNING at a point lying on the centerline of Bray Road, a county road, being the Northwest corner of said Fix and Wild tract and the Northeast corner of that certain tract deeded to Charles and Karen Schumann from Robert D. Hawthorne in February, 1991, as recorded in Volume 506, Page 58, Archer County Deed Records, and lying East 1,137.00 feet and South 88° 00' 00" East 101.15 feet by Deed call from the point of intersection of the centerline of said Bray Road with the West line of said Block Number 16 for the Northwest corner and POINT OF BEGINNING of this tract;

THENCE South 88° 00' 00" East 408.85 feet along the centerline of said Bray Road and the North line of said Fix and Wild tract to a point being an angle point on the centerline of said Bray Road and on the North line of said Fix and Wild tract for an angle point on the North line of this tract;

THENCE East 255.10 feet along the centerline of said Bray Road and the North line of said Fix and Wild tract to a point for the Northeast corner of this tract;

THENCE leaving the centerline of said Bray Road and the North line of said Fix and Wild tract, South 08° 21' 24" West 630.47 feet along a fence to a point lying on the South line of said Fix and Wild tract and on the North right-of-way line of a Wichita County Water Improvement District Number 2 Irrigation Canal, known as the "Main Canal" for the Southeast corner of this tract;

THENCE in a Westerly direction along the South line of said Fix and Wild tract, along the North right-of-way line of said Main Canal and along a curve to the right having a radius of 1,909.86 feet, an arc length of 313.78 feet, and shows chord bears North 89° 11' 24" West 313.43 feet to a point being a point of tangency in the South line of said Fix and Wild tract and in the North right-of-way line of said Main Canal for a point of tangency in the South line of this tract;

THENCE North 84° 29' 00" West 316.14 feet along the South line of said Fix and Wild tract and the North right-of-way line of said Main Canal to a point being the Southwest corner of said Fix and Wild tract and the Southeast corner of said Schumann tract for the Southwest corner of this tract;

THENCE leaving the North right-of-way line of said Main Canal, North 05° 18' 11" East 605.81 feet along the West line of said Fix and Wild tract and the East line of said Schumann tract to the POINT OF BEGINNING, and containing 9.22 acres, more or less.