

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

FILED FOR RECORD
AT 8:25A M
AUG 10 2020

STATE OF TEXAS §
 §
COUNTY OF DELTA §

Jane Jones, County Clerk
DELTA COUNTY TEXAS
Jane Jones

WHEREAS, by that certain Deed of Trust dated September 5, 2018, recorded as Instrument No. 19-0117 in the Official Real Property Records of Delta County, Texas (the "Deed of Trust"), **MATTHEW AND CYNDA SIMMONS** conveyed to **GORDON CAMERON** (the "Trustee") certain real property therein described (the "Property") to secure that certain Note (the "Note") described in said Deed of Trust; and

WHEREAS, **XQC EQUITY PARTNERS, LLC** is the legal and equitable owner and holder of the Note (and all renewals and modifications thereof) and the Lender and Beneficiary of the Deed of Trust; and

WHEREAS, Substitute Trustees have been appointed in the place of the Trustee in the manner authorized by the Deed of Trust; and

WHEREAS, the indebtedness under the terms of the Note and Deed of Trust and all renewals and modifications thereof has been duly accelerated, and the entire unpaid principal balance and all accrued but unpaid interest owing thereunder is now wholly due and owing, and **XQC EQUITY PARTNERS, LLC** has requested a Substitute Trustee to sell the Property in accordance with §51.002 of the Texas Property Code and the terms of the Deed of Trust in order to satisfy the indebtedness evidenced by the Note and secured by the Deed of Trust;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Tuesday, **September 1, 2020**, a Substitute Trustee will sell the Property where such sales are to take place, to wit:

East steps of the Delta County Courthouse, 200 W. Dallas Avenue, Cooper, Texas 75432, at area designated by County Commissioners for said sale.

The foreclosure sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except the Lender/Beneficiary's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust. The earliest time at which the sale will occur is **1:00 p.m.** The sale will begin at that time or not later than three (3) hours after that time.

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 reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiled may be after the date originally scheduled for this sale.

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. The sale shall not cover any part of the Property that has been released

of public record from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

The Property, commonly known as 69 County Road 2075, Commerce, Texas 75428, is more specifically described as follows:

SEE ATTACHED EXHIBIT "A" RECORDED AS DOCUMENT NO. 19-0118
IN THE OFFICIAL RECORDS OF DELTA COUNTY, TEXAS.

The Property may be sold either as a whole, or in lots, tracts, parcels or units as determined by the Substitute Trustee.

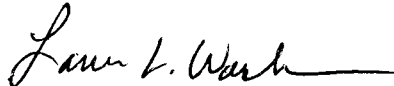
Formal notice is hereby given that the sale noticed herein shall include the interest of Grantor in all improvements and fixtures and other property, and personal property, covered by (i) the Deed of Trust, and (ii) any other agreements or other documents executed in connection with or as security for the Note, Beneficiary having directed a Substitute Trustee to sell, and a Substitute Trustee hereby noticing the sale of, said fixtures and personalty, pursuant to the rights granted to the Beneficiary under Section 9.604(a)(2) of the Texas Business and Commerce Code.

EXCEPT FOR A WARRANTY OF TITLE GIVEN ON BEHALF OF GRANTOR, THE SALE OF THE PROPERTY IS "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED, NEITHER THE BENEFICIARY NOR THE SUBSTITUTE 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 SHALL BE EXPRESSLY WAIVED BY THE PURCHASER.

Pursuant to Section 51.0075 of the Texas Property Code, the 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.

ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOU 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.

EXECUTED on the 5th day of August, 2020.

By: 
KEVIN J. ALLEN, LAURA L. WORSHAM
and/or TY J. JONES, Substitute Trustee

Addresses for Substitute Trustees:

Kevin J. Allen
8828 Greenville Ave.
Dallas, TX 75243

or

Laura L. Worsham
8828 Greenville Ave.
Dallas, TX 75243

or

Ty J. Jones
8828 Greenville Ave.
Dallas, TX 75243

---19-0118

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FILED FOR RECORD at 1050 AM

\$ 35,500.00

FEB 12 2019

County of Delta of Texas

Jane Jones, County Clerk DELTA COUNTY, TEXAS

Bill of Sale

FOR AND IN CONSIDERATION OF the sum of Thirty Five Thousand, Five Hundred US Dollars (\$35,500.00) XQC Equity Partners LLC (the Seller) DOES HEREBY SELL, ASSIGN, AND TRANSFER to Mathew and Cynda Simmons (the Buyers), the property located at 69 County Road 2075, Commerce, Texas, more fully described as Tract 1. (7.127 Acres)

BEING a track of land situated in Delta County, Texas, being part of A. Riley Survey, Abstract No. 294, also being part of a 52.94 (Tract Three) acre of land as described in Warranty Deed from Janet Peek to XQC Equity Partners, LLC as recorded in Volume 321 at Page 347 of the Official Records of Delta County, Texas. Being more further described on attached Owens Land Survey date June 15, 2018. Also included in this bill of sale is the collateral a mobile home of which seller lent \$45,000.00 for the purchase price.

Mobile Home being more defended as

Make: CMH,

Model: ANNIVERSAR

Serial #: CBH030897TX

The Property is being sold to include Electric to site, Water to site, House pad and an Aerobic Septic system. These Systems are included in total purchase price of \$35,500.00. These improvements have been completed.

The Buyer has been given the opportunity to inspect the property and has accepted the Property in its current condition.

Seller represents and warrants that the Seller is the lawful owner of all Property, transferred hereunder, free and clear of all mortgages, liens or encumbrances of any nature, and Seller shall indemnify and hold Buyer harmless against such claims and demands.

This Bill of Sale is subject to a Note of \$76,500 at 10% per year payable in 92 Monthly payments of 1,200.00 Monthly.

Seller:

XQC Equity Partners, LLC

Manager Gordon Cameron

[Signature of Gordon Cameron]

Buyers:

Mathew Simmons

Cynda Simmons

[Signatures of Mathew and Cynda Simmons]

7/4 230

LEGAL DESCRIPTIONS

TRACT 1
BEING a tract of land situated in Delta County, Texas, being a part of the A. Riley Survey, Acreage
No. 294, also being part of a 1/2 section (from Three corners) land as described in a Warranty Deed from James
Peak to XOC Equity Partners, LLC, as recorded in Volume 311 at Page 247 of the Official Records of Delta
County, Texas and being further described as follows:

BEING the 1/2 section and being the center in the center of Delta County Road No. 2074, said Point
of Beginning being in the center of the road and being the center of the road and being the center of the road
as recorded in Volume 182 at Page 27 of the Official Records of Delta County, Texas and being further described as follows:
THENCE N 0°07'14" W along the center of the road and being the center of the road and being the center of the road
S 0°03'20" E for a distance of 264.24 feet to a corner of said 1/2 section;
THENCE S 87°17'37" W along a fence, a distance of 264.24 feet to a corner of said 1/2 section and being the center of the road
corner in the center of the road and being the center of the road and being the center of the road and being the center of the road
S 0°03'20" E along the center of the road and being the center of the road and being the center of the road and being the center of the road
N 17°02'12" E and being a corner of said 1/2 section;
THENCE S 87°17'37" W along a fence, a distance of 264.24 feet to a corner of said 1/2 section and being the center of the road
corner in the center of the road and being the center of the road and being the center of the road and being the center of the road
S 0°03'20" E along the center of the road and being the center of the road and being the center of the road and being the center of the road
N 17°02'12" E and being a corner of said 1/2 section;

TRACT 2
BEING a tract of land situated in Delta County, Texas, being a part of the A. Riley Survey, Acreage
No. 294, also being part of a 1/2 section (from Three corners) land as described in a Warranty Deed from James
Peak to XOC Equity Partners, LLC, as recorded in Volume 311 at Page 247 of the Official Records of Delta
County, Texas and being further described as follows:

BEING the 1/2 section and being the center in the center of Delta County Road No. 2074, said Point
of Beginning being in the center of the road and being the center of the road and being the center of the road
as recorded in Volume 182 at Page 27 of the Official Records of Delta County, Texas and being further described as follows:
THENCE N 0°07'14" W along the center of the road and being the center of the road and being the center of the road
S 0°03'20" E for a distance of 264.24 feet to a corner of said 1/2 section;
THENCE S 87°17'37" W along a fence, a distance of 264.24 feet to a corner of said 1/2 section and being the center of the road
corner in the center of the road and being the center of the road and being the center of the road and being the center of the road
S 0°03'20" E along the center of the road and being the center of the road and being the center of the road and being the center of the road
N 17°02'12" E and being a corner of said 1/2 section;
THENCE S 87°17'37" W along a fence, a distance of 264.24 feet to a corner of said 1/2 section and being the center of the road
corner in the center of the road and being the center of the road and being the center of the road and being the center of the road
S 0°03'20" E along the center of the road and being the center of the road and being the center of the road and being the center of the road
N 17°02'12" E and being a corner of said 1/2 section;

TRACT 3
BEING a tract of land situated in Delta County, Texas, being a part of the A. Riley Survey, Acreage
No. 294, also being part of a 1/2 section (from Three corners) land as described in a Warranty Deed from James
Peak to XOC Equity Partners, LLC, as recorded in Volume 311 at Page 247 of the Official Records of Delta
County, Texas and being further described as follows:

BEING the 1/2 section and being the center in the center of Delta County Road No. 2074, said Point
of Beginning being in the center of the road and being the center of the road and being the center of the road
as recorded in Volume 182 at Page 27 of the Official Records of Delta County, Texas and being further described as follows:
THENCE N 0°07'14" W along the center of the road and being the center of the road and being the center of the road
S 0°03'20" E for a distance of 264.24 feet to a corner of said 1/2 section;
THENCE S 87°17'37" W along a fence, a distance of 264.24 feet to a corner of said 1/2 section and being the center of the road
corner in the center of the road and being the center of the road and being the center of the road and being the center of the road
S 0°03'20" E along the center of the road and being the center of the road and being the center of the road and being the center of the road
N 17°02'12" E and being a corner of said 1/2 section;
THENCE S 87°17'37" W along a fence, a distance of 264.24 feet to a corner of said 1/2 section and being the center of the road
corner in the center of the road and being the center of the road and being the center of the road and being the center of the road
S 0°03'20" E along the center of the road and being the center of the road and being the center of the road and being the center of the road
N 17°02'12" E and being a corner of said 1/2 section;

SUBSEQUENT CONVEYANCES

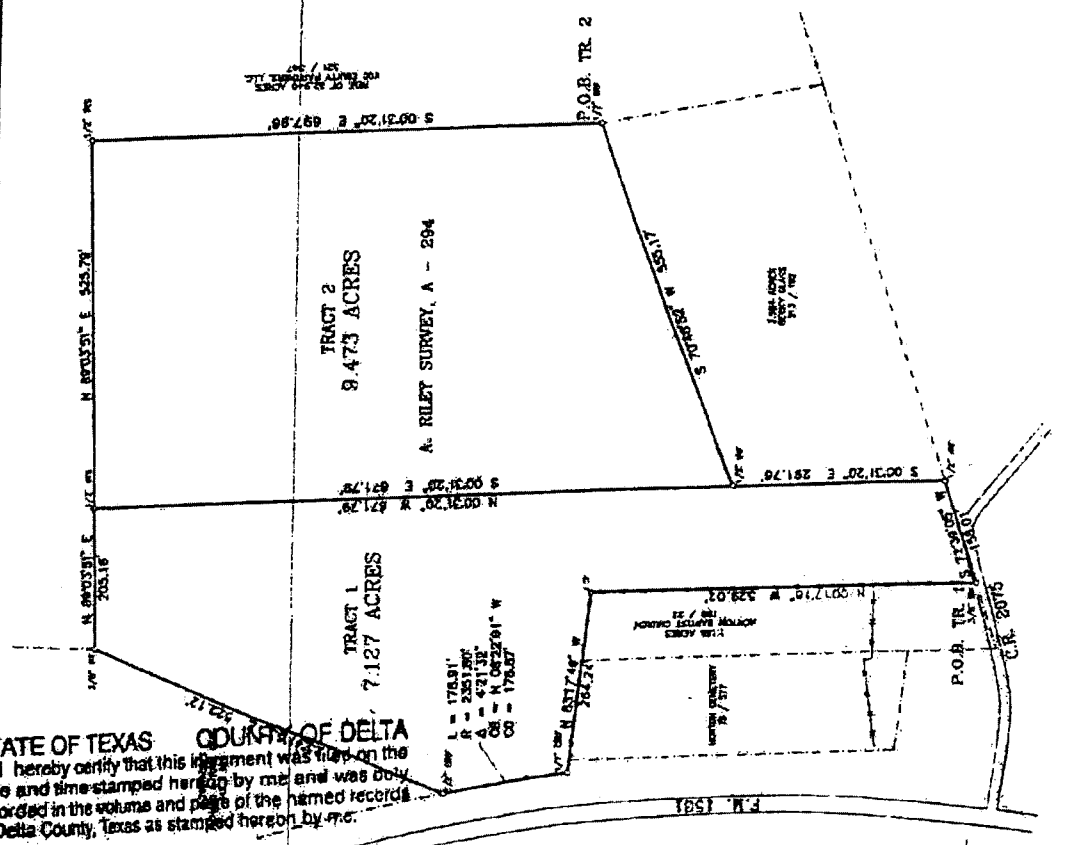
1. Frank R. Owens, Registered Professional Land Surveyor, State of Texas, hereby certifies that the plat herein is
a true and correct representation of the property as described by survey upon the ground, the lines and
distances of said property being indicated by the plat, the visible improvements are within the boundaries of
the property as here shown for property lines. The distances indicated and shown are NO VISIBLE
ENCROACHMENTS, CORRECTIONS OR PROVISIONS, except as shown on this plat.



Frank R. Owens
R.P.S. No. 587
Date: June 15, 2018
Scale: 1" = 100'

NOTES

- 1. Bearings are based on NGS84
- 2. Survey was performed without benefit of tide corrections.



STATE OF TEXAS COUNTY OF DELTA
I hereby certify that this instrument was filed on the
date and time stamped hereon by me and was duly
recorded in the volume and page of the public records
of Delta County, Texas as stamped hereon by me:

FEB 12 2019
JANE JONES
COUNTY CLERK, Delta County, Texas

Owens Land Surveying
1700 Ave. 60th, P.O. Box 402
Delta, TX 75631
Phone: 409-487-1111 / 409-487-1112
Fax: 409-487-1113
www.owenslandsurveying.com