

#25

**Notice of Foreclosure Sale**

August 11, 2016

— FILED —  
8-11-16 3:30 p.m.  
Vicki Phillips, County Clerk  
Gaines County, Texas  
BY J. Smith DEPUTY

Real Estate Deed of Trust ("Deed of Trust"):

Dated: January 6, 2012

Grantor: Christopher J. Williams and Margaret A. Williams, Husband and wife

Trustee: Stephen Doerr

Lender: James Polk Stone Community Bank, a New Mexico Banking Association

Recorded in: 2012-0868 of the real property records of Gaines County, Texas

Secures: Promissory Note ("Note") in the original principal amount of \$500,000.00, dated January 6, 2012, executed by J-Cap Manufacturing, LLC, a Texas limited liability company, Christopher J. Williams and Margaret A. Williams ("Borrower") and payable to the order of Lender, as renewed and extended, but not extinguished by a continual series of notes, culminating in that certain promissory note dated January 30, 2013 in the original principal sum of \$500,000.00 payable to Lender and executed by J-Cap Manufacturing, LLC, a Texas limited liability company, as renewed and extended, but not extinguished by a continual series of notes, culminating in that certain promissory note dated February 11, 2014 in the original principal sum of \$500,450.90 payable to Lender and executed by J-Cap Manufacturing, LLC, a Texas limited liability company, as renewed and extended, but not extinguished by a continual series of notes, culminating in that certain promissory note dated March 2, 2015 in the original principal sum of \$449,161.22 payable to Lender and executed by J-Cap Manufacturing, LLC, a Texas limited liability company

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

Modifications:

Modification of Deed of Trust from Borrower to Lender dated January 30, 2013, recorded on February 19, 2013 at 2013-0733 of the records of Gaines County, Texas, Modification of Deed of Trust from Borrower to Lender dated February

11, 2014, recorded on March 4, 2014 at 2014-1134 of the records of Gaines County, Texas and Modification of Deed of Trust from Borrower to Lender dated March 2, 2015, recorded on March 6, 2015 at 2015-1439 of the records of Gaines County, Texas

Substitute Trustee: Scotty A. Holloman

Substitute Trustee's

Address: P. O. Box 2508, Hobbs, New Mexico 88241

Foreclosure Sale:

Date: Tuesday, September 6, 2016

Time: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; **the earliest time at which the Foreclosure Sale will begin is 11:00 am.**

Place: **IN THE AREA BOUNDED BY THE WEST BY THE WEST EDGE OF THE WEST PORCH OF THE COURTHOUSE AND ON THE EAST BY THE MIDDLE LANDING OF THE INSIDE STAIRS LEADING INTO THE COURTHOUSE FROM THE WEST DOOR OR AS DESIGNATED BY THE COUNTY COMMISSIONERS, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE.**

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 Lender'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, Lender, 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 Lender's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Lender's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

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 Lender 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

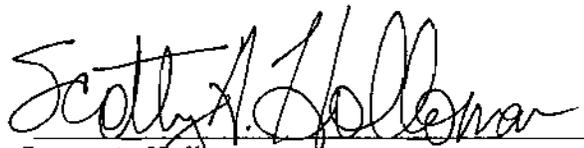
Deed of Trust and the Texas Property Code.

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 Lender. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

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.**

  
\_\_\_\_\_  
Scotty A. Holloman

STATE OF NEW MEXICO )  
                                  )SS.  
COUNTY OF LEA       )

This instrument was acknowledged before me on August 11, 2016, by Scotty A. Holloman.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 3-9-19



OFFICIAL SEAL  
CHERYL DUDLEY  
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires: \_\_\_\_\_

EXHIBIT "A"

TRACT 1: A tract of land out of Section 482, Block G, CCSD & RGNG RR. Co. Survey, Gaines County, Texas

Beginning at the Northwest corner of a tract conveyed to Permian Tractor Sales, Inc., by deed recorded at Volume 395, Page 411, Deed Records, Gaines County, Texas, for the Northeast corner of this tract;  
THENCE Westerly along the Southerly right of way of US Highway 62 a distance of 135' to a point for the Northwest corner of this tract;

THENCE Southerly, parallel to the West line of said Permian Tractor Sales, Inc. tract to the South boundary line of Section 482 for the Southwest corner of this tract;

THENCE East along the South boundary line to the Southwest corner of Permian tract for the Southeast corner of this tract;

THENCE North along the West line of said Permian tract to the place of beginning, and containing 2 acres, more or less;

SAVE and EXCEPT ALL oil, gas and other minerals

TRACT 2: A 13.02 acre tract of land located in the Southwest part of Section 482, Block G, C.C.S.D. & R.G. N.G. R.R. Co. Survey, Gaines County, Texas, being that certain tract of land described in deed from Texas-New Mexico Potatoes, Inc. to Ya-Ta-Hay Investments, Inc. dated February 3, 1983 and recorded in Vol. 491, Page 281, Deed Records of Gaines County, Texas, and being more particularly described as follows:

BEGINNING at a railroad spike found in paved County Road No. 335 at the Southwest corner of said Section 482 for the Southwest corner of this tract;

THENCE North, along the West line of said Section 482, a distance of 263.8 feet to a 60d spike nail found in said paved County Road at the Southwest corner of that certain 2.75 acre tract described in deed from Fred S. Barrett, Jr., et ux to Royce E. Messer, et ux, dated June 3, 1971 and recorded in Vol. 335, Page 657, Deed Records of Gaines County, Texas, for the most Westerly-Northwest corner of this tract;

THENCE S.85°07'E., at 40.14 feet pass a 1/2" iron rod found in the East right-of-way line of said paved County Road No. 335, in all 240.14 feet to a 1/2" iron rod with cap marked "RPLS 1690" set at the Southeast corner of said Messer 2.75 acre tract and for a corner of this tract;

THENCE North 500.00 feet to a 1/2" iron rod found in the Southerly right-of-way line of U.S. Highway 62 & 180 at the Northeast corner of said Messer 2.75 acre tract;

THENCE S. 85°07'E., along said Southerly right-of-way line, 77.86 feet to a 1/2" iron rod with cap marked "RPLS 1690" set for a corner of this tract;

THENCE S.4°53'W., continuing along said Highway right-of-way line, 150.0 feet to a 1/2" iron rod with cap marked "RPLS 1690" set for a corner of this tract;

THENCE S.85°07'E., continuing along said Highway right-of-way line, 30.0 feet to a 1/2" iron rod with cap marked "RPLS 1690" set in the East line of that certain tract described in deed from Fred S. Barrett, Jr.,



et ux to A.V.I., Inc. dated October 20, 1971 and recorded in Vol. 336, Page 391, Deed Records of Gaines County, Texas for a corner of this tract;

THENCE S.0°48'30"E. 349.91 feet to a 1/2" iron rod with cap marked "RPLS 1690" set at the Southwest corner of said A.V.I. tract for a corner of this tract;

THENCE S85°07'E., along the South line of said A.V.I. tract and along the South line of that certain tract described in deed from Texas-New Mexico Potatoes, Inc. to Condit Chemical Corp. dated September 12, 1975 and recorded in Vol. 370, Page 904, Deed Records of Gaines County, Texas, a distance of 532.58 feet to a 1/2" galvanized iron pipe found at the Southeast corner of said Condit tract for a corner of this tract;

THENCE N.0°02'50"E. 500.0 feet to a 1/2" iron rod with cap marked "RPLS 1690" set in said Highway right-of-way line at the Northeast corner of said Condit tract, for a corner of this tract;

THENCE S.85°07'E., along said Highway right-of-way line, 458.1 feet to a 1/2" iron rod with cap marked "RPLS 1690" set for the Northwest corner of that certain 2 acre tract of land described in deed from Fred S. Barrett, Jr., et ux to Jerry Dunlap dated January 18, 1982 and recorded in Vol. 430, Page 590, Deed Records of Gaines County, Texas, and for the Northeast corner of this tract;

THENCE S.0°03'10"E. 647.9 feet to a 1/2" iron rod with cap marked "RPLS 1690" set in the South line of said Section 482 at the Southwest corner of said Dunlap tract and for the Southeast corner of this tract;

THENCE West, along said South line of Section 482, at 1316.89 feet pass a 1/2" iron rod with cap marked "RPLS 1690" set in said East right-of-way line of paved County Road No. 335, in all 1356.89 feet to the PLACE OF BEGINNING.

SAVE AND EXCEPT a 5.843 acre tract described in deed from Ya-Ta-Hay Investments, Inc. to Gold Kist, Inc. dated January 10, 1997, recorded in Vol. 630, Page 797, Deed Records of Gaines County, Texas and being more particularly described as follows:

BEGINNING at a railroad spike found in the centerline of North-South Paved County Road 335 as set by C. A. Tubbs, Surveyor, for the Southwest corner of said Section 482, and for the Southwest corner of this tract;

THENCE East, along the South line of said Section 482, at 40.0 feet pass a 1/2" iron rod with cap marked "RPS 1690" found in the Easterly right-of-way line of said County Road, in all 869.39 feet to a 1/2" iron rod with cap marked "NEWTON SURVEYING" set for the Southeast corner of this tract;

THENCE N.0°02'50"E. 189.51 feet to a 3/4" galvanized iron pipe found at the Southeast corner of that certain tract of land conveyed by Texas New Mexico Potatoes, Inc. to Condit Chemical by deed recorded in Vol. 370, Page 904, Deed Records of Gaines County, Texas, and for the most Easterly-Northeast corner of this tract;

THENCE N.85°07'00"W., at 232.58 feet pass the Southwest corner of said Condit Chemical tract and the Southeast corner of that certain tract of land conveyed by Fred S. Barrett to A.V. I., Inc. by Deed dated October 20, 1971 and recorded in Vol. 336, Page 391, Deed Records of Gaines County, Texas, in all

2/11/82  
L.A.M.

532.56 feet to a 1/2" iron rod with cap marked "RPS1690" found at the Southwest corner of said A.V.I., Inc. tract, and for a corner of this tract;

THENCE N.1°03'21"E. 349.14 feet to a 1/2" iron rod with cap marked "NEWTON SURVEYING" set previously for a corner of said A.V.I., Inc. tract, and for a corner of this tract;

THENCE N.4°53'00"E., parallel to a drainage channel of U.S. Highway 62 and 180, a distance of 100.00 feet to a 1/2" iron rod with cap marked "NEWTON SURVEYING" set previously at the Northwest corner of said A.V.I., Inc. tract, and for a corner of this tract;

THENCE S.85°07'00"E. 185.00 feet to a 1/2" iron rod with cap marked "NEWTON SURVEYING" set previously in the West line of said Condit Chemical tract for the Northeast corner of said A.V.I., Inc., tract, and for a corner of this tract;

THENCE North 50.00 feet to a 1/2" iron rod with cap marked "NEWTON SURVEYING" set previously in the Southerly right-of-way line (Vol. 44, Page 11, Deed Records of Gaines County, Texas) of said U.S. Highway 62 and 180 for the Northwest corner of said Condit Chemical tract, and for the most Northerly-Northeast corner of this tract;

THENCE N.85°07'00"W., along the Southerly right-of-way line of said Highway, 192.14 feet to a 1/2" iron rod found at the Northeast corner of said drainage channel, for a corner of this tract;

THENCE S.4°53'00"W. 150.00 feet to a 1/2" iron rod found at the Southeast corner of said drainage channel, for a corner of this tract;

THENCE N.85°07'00"W. 30.00 feet to a 1/2" iron rod found at the Southwest corner of said drainage channel, for a corner of this tract;

THENCE N.4°53'00"E. 150.00 feet to 1/2" iron rod found at the Northwest corner of said drainage channel, for a corner of this tract;

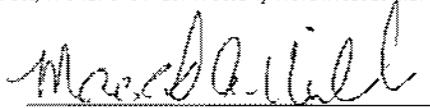
THENCE N.85°07'00"W., continuing along said Southerly highway right-of-way line, 77.86 feet to a 1/2" iron rod found at the Northeast corner of that certain tract of land conveyed by Fred S. Barrett to Royce E. Messer by Deed recorded in Vol. 335, Page 657, Deed Records of Gaines County, Texas, and for the most Northerly-Northwest corner of this tract;

THENCE South 500.00 feet to a 1/2" iron rod with cap marked "RPS1690" found at the Southeast corner of said Messer tract, and for a corner of this tract;

THENCE N.85°07'00"W., at 200.00 feet pass a 1/2" iron rod found in said Easterly right-of-way line of County Road 335, in all 240.14 feet to a 60d nail found in said Paved Road and in the West line of said Section 482, at the Southwest corner of said Messer tract, and for the most Westerly-Northwest corner of this tract.



Christopher J. Williams



Margaret A. Williams