

FILED FOR RECORD
AT 11: 34 O'CLOCK A
JAN 17 2023
KARREN WINTER, COUNTY CLERK
ARCHER COUNTY, TEXAS

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 includes all such real property described in the below referenced Deed of Trust and further described to include, but not to limit, as follows:

1.54 Acres out of the Lot 10, Block 4, Clark & Plumb Subdivision, City of Windthorst, Archer County, Texas, and more fully described on Exhibit "A" attached hereto and incorporated herein.

2. **Deed of Trust.** The document entitled Real Estate Deed of Trust (With Future Advance Clause) ("Deed of Trust") pursuant to which this sale will be conducted is described as follows:

Dated: April 15, 2019
Grantor: Windthorst Sausage Company, LLC
Beneficiary: FirstCapital Bank of Texas, N.A., formerly Fidelity Bank
Recorded: Recorded under Instrument No. 147503 of the Official Public Records of Archer County, Texas.

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

Date: February 7, 2023
Time: The sale shall begin no earlier than 10:00 o'clock, A.M. or no later than three (3) hours thereafter. The sale shall be completed by no later than 1:00 P.M.
Place: Archer County Annex, located at 114 E. Walnut, Archer City, Texas 76351

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. Such reposting or refiling may be after the date originally scheduled for this sale.

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 Deed of Trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt 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. The property to be sold shall include all real property secured by the Deed of Trust that has not been previously released.

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 matters, if any.

5. **Type of Sale.** The sale is a non-judicial Deed of Trust Lien foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust.

6. **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) Promissory Note in the original principal amount of \$150,000.00, executed by Jaime Carcano and Christopher Carcano, as

authorized representatives of Windthorst Sausage Company, LLC, and payable to the order of FirstCapital Bank of Texas, N.A., formerly Fidelity Bank (the "Note"); (2) all renewals and extensions of the Note; and (3) any and all present and future indebtedness of Windthorst Sausage Company, LLC to FirstCapital Bank of Texas, N.A.. FirstCapital Bank of Texas, N.A., formerly Fidelity Bank 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, FirstCapital Bank of Texas, N.A., 3900 South Soncy Road, Amarillo, Texas 79119.

7. **Default and Request to Act.** Default has occurred under the Deed of Trust, and the Beneficiary has requested me, Samuel S. Karr, Bailey Hartman, C. Jared Knight, or Cathy Miller, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the Beneficiary may appoint another person as Substitute Trustee to conduct the sale.

8. **Statutory Notice of Servicemember Rights.** **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.**

DATED this the 13th day of January, 2023.

MORGAN WILLIAMSON LLP
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By: Bailey Hartman

Bailey Hartman
State Bar No. 24125916

Samuel S. Karr
State Bar No. 24007466

C. Jared Knight
State Bar No. 00794107

Cathy Miller
State Bar No. 00790317

Exhibit "A"

FIELD NOTES OF 1.54 ACRES OUT OF THE LOT 10, BLOCK 4, CLARK & PLUMB SUBDIVISION, CITY OF WINDTHORST, ARCHER COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A PK NAIL AT THE INTERSECTION OF THE CENTERLINE OF VEITENHEIMER ROAD THE EAST LINE OF STATE HIGHWAY 281 AND IN THE NORTH LINE OF SAID LOT 10 AT THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO LORIN WOLF BY DEED RECORDED IN VOLUME 606, PAGE 857, OFFICIAL PUBLIC RECORDS OF ARCHER COUNTY, FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE S 88° 49' 59" E WITH THE CENTERLINE OF VEITENHEIMER ROAD, THE NORTH LINE OF SAID LOT 10 AND THE SOUTH LINE OF SAID WOLF TRACT A DISTANCE OF 238.46 FEET TO A PK NAIL SET AT THE NORTHWEST CORNER OF TRACT OF LAND CONVEYED TO MARIA CARCANO BY DEED RECORDED VOLUME 723, PAGE 507, OFFICIAL PUBLIC RECORDS ARCHER COUNTY, FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE S 03° 22' 15" E AT 23.6 FEET PASS 4" PIPE FENCE CORNER AND CONTINUING ON THE SAME COURSE, GENERALLY WITH A FENCE, A TOTAL DISTANCE OF 210.28 FEET TO A 2" PIPE FENCE CORNER, FOR AN ELL CORNER OF THIS TRACT;

THENCE S 86° 45' 33" E GENERALLY WITH A FENCE A DISTANCE OF 27.05 FEET TO AN IRON ROD SET, FOR AN ELL CORNER OF THIS TRACT;

THENCE S 00° 01' 26" E A DISTANCE OF 96.13 FEET TO 2" PIPE FENCE CORNER AT THE SOUTHWEST CORNER OF SAID CARCANO TRACT IN THE NORTH LINE OF A TRACT OF LAND CONVEYED TO DEWAYNE AND DEANNA SCHEFFE BY DEED RECORDED IN VOLUME 571, PAGE 660, OFFICIAL PUBLIC RECORDS ARCHER COUNTY, FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE N 88° 39' 05" W WITH THE NORTH LINE OF SAID SCHEFFE TRACT GENERALLY WITH A FENCE, A DISTANCE OF 208.10 FEET AN IRON ROD SET IN THE EAST LINE OF STATE HIGHWAY 281 AND AT THE NORTHWEST CORNER OF SAID SCHEFFE TRACT, FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE N 12° 47' 01" W WITH THE EAST LINE OF STATE HIGHWAY 281 A DISTANCE OF 315.35 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.54 ACRES OF LAND.