

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. Properties to Be Sold. The properties to be sold are described as follows:

LANDS END PROPERTY:

Tract 1:

All of Lots Number Twelve (12) and Thirteen (13), Shoreline Estates, Unit Two (2), an Addition to the City of Lakeside City, Archer County, Texas, according to the Plat recorded in Volume 269, Page 580, Archer County Deed Records; and

Tract 2:

A TRACT OF LAND OUT OF LOT 14, SHORELINE ESTATES, UNIT TWO (2), AN ADDITION TO LAKESIDE CITY, ARCHER COUNTY, TEXAS, AS RECORDED IN VOLUME 269, PAGE 580, ARCHER COUNTY DEED RECORDS AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod lying the East line of said Shoreline Estates, Unit Two, said iron rod being the Northeast corner of said Lot 14, and the Northeast corner of this description;

THENCE South 06° 24' 00" East along the East line of said Lot 14 a distance of 71.20 feet to a ½ inch iron rod in the East line of said Shoreline Estates for the Southeast corner of this description;

THENCE North 86° 38' 24" West a distance of 102.65 feet to a ½ inch iron rod lying in a curve of the East right-of-way of Lands End for the Southwest corner of this description;

THENCE in a Northerly direction along the East right-of-way line of Lands End with a 7.568 degree curve to the left having a radius of 757.0 feet, a curve distance of 57.23 feet to a ½ inch iron rod for the Northwest corner of

Lot 14 and of this description:

THENCE North 85° 32' 15" East a distance of 98.02 feet to the PLACE OF BEGINNING and containing 0.146 acre, more or less; said Tracts 1 and 2 being commonly known as 117 Lands End, Wichita Falls, Texas 76308.

ROYAL ROAD PROPERTY:

All of Lot No. One (1) in Block One (1) Adams Subdivision, No. 1, an Addition to the City of Lakeside City, Archer County, Texas, according to the Plat thereof of record in Volume 3, Page 21. Archer County Plat Records, and being commonly known as 125 Royal Rd., Wichita Falls, Texas 76308

HIGHWAY 79 S PROPERTY:

Tract 1:

2.84 ACRE TRACT OF LAND BEING 0.72 ACRE OUT OF JOHN A. SCOTT SURVEY NUMBER 6, ABSTRACT 636, AND 2.12 ACRES OUT OF H. COX SURVEY, ABSTRACT 67, ARCHER COUNTY, TEXAS, DESCRIBED AS FOLLOWS:

BEGINNING at an iron rod found on the North line of State Highway 79 and the East line of the John A. Scott Survey No. 6, A-636, and West line of H. Cox Survey A-67 that is called 74.5 feet North of the Southeast corner of John A. Scott Survey No. 6, A-636;

THENCE S 47° 19' W 48.34 feet to a concrete marker at the intersection of the North line of Edwards Drive and the North line of State Highway 79;

THENCE N 63° 15' W 93.35 feet along the North line of Edwards Drive to a concrete marker at the beginning of a curve to the left;

THENCE in a Westerly direction with said curve to the left having a radius of 142.5 feet, a central angle of 21° 29' 12", and an arc length of 53.44 feet to an iron rod set on the West line of Donna Street as shown on the dedication plat of Archer Heights Subdivision, a concrete marker bears N 89° 50' W 4.16 feet;

THENCE N 00° 11' E along the East line of Donna Street 155.21 feet to an iron rod;

THENCE S 89° 49' E 170.0 feet to an iron rod set on the East line of the Scott Survey and the West line of D.L. & C. Co. Survey;

THENCE N 00° 11' E with said survey line and the East line of an alley as shown on the plat of Archer Heights Subdivision 128.75 feet to an iron rod at the corner of a tract sold to the City of Wichita Falls and designated as Tract 132LW, an iron rod bears S 61° 02' E 1.65 feet from this point;

THENCE with the meanders of Tract 132LW, S 61° 02' E 25.46 feet to an iron rod found N 28° 59' E 204.42 feet to an iron rod found N 21° 13' W

16.77 feet to an iron rod found; N 68° 26' E 20.39 feet to an iron rod found; N 28° 59' E at 66.15 feet pass an iron rod found continuing N 28° 29' E, in all a distance of 76.45 feet to a point;
THENCE S 22° 02' E 71.90 feet to a concrete marker;
THENCE S 42° 11' E 223.88 feet to a concrete marker on the North line of State Highway 79;
THENCE S 38° 21' W along the North line of State Highway 79 a distance of 82.67 feet to a square highway monument;
THENCE S 48° 14' W along the North line of State Highway 79 a distance of 399.82 feet to the PLACE OF BEGINNING and containing 2.84 acres of land, more or less;

Tract 2:

A TRACT OF LAND OUT OF THE HARVEY COX SURVEY, A-67, ARCHER COUNTY, TEXAS, SAID TRACT BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod lying in the East line of a 20 foot alley in Block 6, Archer Heights, an Addition to the City of Lakeside City, said iron rod bears North 38° 19' 57" East 32.75 feet from the Northeast corner of Lot 13, of said Block 6, Archer Heights, said iron rod being the most Westerly Northwest corner and PLACE OF BEGINNING of this description;
THENCE North 29° 33' 10" East 34.82 feet to a ½ inch iron rod being the most Northerly Northwest corner of this tract;
THENCE North 49° 49' 07" East 138.58 feet to a ½ inch iron rod being the most Northerly Northeast corner of this tract;
THENCE South 60° 26' 50" East 50.00 feet to a ½ inch iron rod being the most Easterly Northeast corner of this tract;
THENCE South 29° 33' 10" West 55.13 feet to a ½ inch iron rod for corner;
THENCE South 69° 04' 53" West 20.41 feet to a ½ inch iron rod for corner;
THENCE South 20° 55' 07" East 16.85 feet to a ½ inch iron rod for corner;
THENCE South 29° 33' 10" West 204.40 feet to a ½ iron rod being the Southeast corner of this tract;
THENCE North 60° 26' 50" West 25.16 feet to a ½ inch iron rod lying in said East line of a 20 foot alley, said iron rod being the Southwest corner of this tract;
THENCE along said East line of a 20 foot alley, North 00° 41' 39" East 150.92 feet to the PLACE OF BEGINNING and containing 0.48 acre of land, more or less; and

Tract 3:

0.447 acres, more or less, being the same land described as a 3.267 acres of land in the Harvey Cox Survey, A-67, Archer County, Texas, in that certain Deed from Maracaibo Oil Exploration Corporation to Tribune Oil

Corporation, dated February 27, 1964, recorded in Book 299, Page 24, Deed Records of Archer County, Texas. LESS AND EXCEPT:

- (a) 0.48 acres conveyed by Pacific Enterprises Oil Company (USA) to the City of Wichita Falls by Deed dated July 9, 1990, recorded in Volume 501, Page 249, Official Public Records of Archer County, Texas; and
 - (b) 2.34 acres, more or less, out of 2.84 acres conveyed by Pacific Enterprises Oil Company (USA) to Dennis Simco and wife, Linda Simco, by Deed dated August 8, 1991, recorded in Volume 509, Page 416, Official Public Records of Archer County, Texas;
- said Tracts 1, 2, and 3 being commonly known as 3224 Highway 79 S, Wichita Falls, TX, 76308.

2. Instruments to be Foreclosed. The instruments to be foreclosed are (1) the Deed Of Trust duly recorded as Instrument No. 155489, Official Public Records, Archer County, Texas, as modified pursuant to that certain Modification Of Deed Of Trust duly recorded as Instrument No. 157889, Official Public Records, Archer County, Texas (“Deed Of Trust No. 1, as modified”); (2) the Deed Of Trust duly recorded as Instrument No. 155198, Official Public Records, Archer County, Texas (“Deed Of Trust No. 2”); (3) the Deed of Trust duly recorded as Instrument No. 154673, Official Public Records, Archer County, Texas (“Deed of Trust No. 3”); and any and all other instruments filed of record with respect to said Deed of Trust No. 1, as modified, Deed of Trust No. 2, and Deed of Trust No. 3, respectively (which are hereinafter referred to as the “Security Instruments”).

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

- Date: February 4, 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 4:00 P.M.
- Place: Archer County Courthouse Annex, 112 E. Walnut Street, Archer City, Archer County, Texas, 76351, at the following location:

North entrance of 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 Instruments, permitting the Beneficiary thereunder to have the bid credited to Note Nos. 1, 2, and 3, respectively, up to the amount of the unpaid debt secured by the Security Instruments 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 Instruments, 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 Instruments. The sale shall not cover any part of the property that has been released of public record from the liens of the Security Instruments. 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 Instruments, 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 Instruments. 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 Instruments executed by DESILU PROPERTIES, LLC.

6. Obligations Secured. The Security Instruments provide that they secure the payment of the indebtedness and obligations therein described (collectively, the "Obligations") including but not limited to (1) the Promissory Note dated August 29, 2023, in the original principal amount of \$573,000.00 ("Note No. 1"); (2) the Promissory Note dated July 12, 2022, in the original principal amount of \$212,500.00 ("Note No. 2"); and the Promissory Note dated May 12, 2022, in the original principal amount of \$233,750.00 ("Note No. 3"), said Note Nos. 1, 2, and 3, respectively, being executed by DESILU PROPERTIES, LLC, and payable to the order of UNION SQUARE CREDIT UNION. UNION SQUARE CREDIT UNION is the current owner and holder of the Obligations and is the Beneficiary under the Security Instruments.

As of January 9, 2025, there was owed **(1)** \$604,751.80 on Note No. 1, being principal in the amount of \$573,000.00; interest in the amount of \$30,721.80; return check charge in the amount of \$30.00; with additional interest accruing at the rate of \$98.12 per day thereafter; and at least \$1,000.00 in attorney's fees; **(2)** \$206,186.46 on Note No.2, being principal in the amount of \$200,754.47; interest in the amount of \$4,060.97; late fees in the amount of \$871.02; with additional interest accruing at the rate of \$28.88 per day thereafter; and at least \$500.00 in attorney's

fees; and (3) \$233,341.23 on Note No. 3, being principal in the amount of \$222,982.99; interest in the amount of \$8,920.12; late fees in the amount of \$938.12; with additional interest accruing at the rate of \$36.65 per day thereafter; and at least \$500.00 in attorney's fees. Applicable Trustee's fees, additional interest, late fees, property insurance and ad valorem taxes, additional attorney's fees and other expenses, may be added to the amounts owed.

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

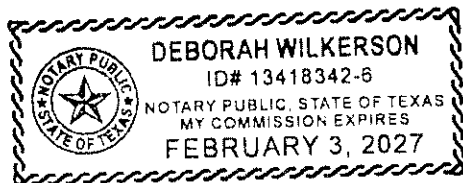
7. Default and Request to Act. Default has occurred under the Security Instruments, and the Beneficiary has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the Beneficiary may appoint another person substitute trustee to conduct the sale.

DATED January 10, 2025.

Jonathan R. Ellzey
JONATHAN R. ELLZEY, Substitute 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 10th day of January, 2025, by JONATHAN R. ELLZEY, Substitute Trustee.



Deborah Wilkerson
Notary Public, State of Texas