



NOTICE OF FORECLOSURE/TRUSTEE'S SALE

Notice pursuant to Texas Property Code § 51.002(i): 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. Sender is: Crenshaw, Dupree & Milam, LLP, attn: Amber S. Miller, 4411 98th Street Suite 400, Lubbock, Texas, 79424.

Notice is hereby given of a public nonjudicial foreclosure sale.

1. **PROPERTY TO BE SOLD:** The property to be sold is described as follows:

FIELD NOTES on a 3.548 acre tract out of Section 26, Block D-5, ;Lubbock County, Texas, as described in Lubbock County Clerk File Number 2008012523, and being further described as follows:

BEGINNING at a railroad spike found near the center of Avenue L (a strip paved road) for the Southwest corner of this tract from which the Northwest corner of the Southwest Quarter of Section 26, Block D-5 is called to bear N 00°14'45" E, a distance of 1845.91 feet;

THENCE N 01°58'56" E (Texas North Central Zone Bearing Basis), along the center line of Avenue L and the West line of Section 26, a distance of 314.88 feet to a found square bolt for the Northwest corner of this tract;

THENCE S 88°13'08" E, a distance of 210.82 feet to a 4" metal post for a corner of this tract;

THENCE S 88°17'51" E, a distance of 131.47 feet to a 4" metal post for the most Northerly Northeast corner of this tract;

THENCE S 42°32'02" E, a distance of 352.01 feet to a found ½" iron rod for the most Easterly Northeast corner of this tract;

THENCE S 02°46'09" W, a distance of 63.46 feet to a found ½" rod with stainless steel cap marked Abacus Engineering RPLS 4460 for the Southeast corner of this tract;

THENCE N 88°11'38" W, a distance of 588.22 feet to the Place of Beginning, and containing 3.548 acres including any Right-of-Way. (the "Property").

2. **DATE, TIME AND PLACE OF SALE:** The sale is scheduled to be held at the following date, time and place:

Date: Tuesday, July 5, 2022

Time: The sale shall occur at the earliest of 10:00 o'clock a.m., or not later than three hours after that time.

Place: THE GAZEBO LOCATED ON THE FRONT LAWN OF THE LUBBOCK COUNTY COURTHOUSE, WITH THE FIRST ALTERNATE LOCATION

BEING THE SECOND FLOOR AUDITORIUM AT 916 MAIN, AND THE SECOND ALTERNATE LOCATION BEING THE COMMISSIONERS' COURT LOCATED ON THE FIFTH FLOOR OF THE COURTHOUSE, or as designated by the County Commissioners or as designated by the County Commissioners Court.

3. **INSTRUMENT TO BE FORECLOSED:** Deed of Trust (2nd Lien) dated August 22, 2018, executed by Ag-Co Chemical, LLC, a Texas limited liability company, as Grantor, to Douglas H. Frietag, as Trustee, and Stanton Fertilizer, Inc., a Texas corporation, as Lender, recorded as Document No. 2018034833 in the Official Public Records of Lubbock County, Texas on September 12, 2018.

4. **OBLIGATION SECURED:** The Deed of Trust secures the payment of the following indebtedness described therein:

PROMISSORY NOTE

Date:	December 28, 2017
Principal Amount:	\$350,000.00
Maker/Borrower:	Ag-Co Chemical, LLC
Payee:	Stanton Fertilizer, Inc.

5. **ORDER TO FORECLOSE:** Stanton Fertilizer, Inc. has obtained an Order of Final Default Judgment from the 237th District Court of Lubbock County, Texas on May 26, 2022 under Cause No. DC-2022-CV-0455 for the sale of the Property by nonjudicial foreclosure. Stanton Fertilizer, Inc. has requested the Substitute Trustee to conduct the sale as ordered under the Order of Final Default Judgment.

6. **SUBSTITUTE TRUSTEE:** In accordance with TEXAS PROPERTY CODE § 51.0076, the undersigned attorney for the Lender, Stanton Fertilizer, Inc., has named and appointed, and by these presents does name and appoint the following Substitute Trustee:

Substitute Trustee:	Amber S. Miller
Street and Mailing Address:	Crenshaw, Dupree & Milam, LLP Attn: Amber S. Miller 4411 98 TH Street, Suite 79424 P.O. Box 64479 Lubbock, Texas 79464-4479 (P.O. Box)
Telephone:	(806) 762-5281
Fax:	(806) 762-3510

7. **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 its bid credited to the indebtedness up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

The sale will be made subject to any title matters set forth in the Deed of Trust. Prospective bidders are reminded that by law the sale will 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.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid in cash if their bid is accepted.

Pursuant to Texas Property Code § 51.009, the property will be sold in "as is, where is" condition, without any express or implied warranties except as to the warranty of title (if any) provided for under the Deed of Trust.

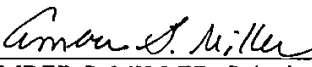
Pursuant to Texas Property Code § 51.0075, the Trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further condition shall be announced before bidding is opened for the first sale of the day held by the substitute trustee.

8. **DEFAULT AND REQUEST TO ACT:** Default has occurred in the payment of the indebtedness secured by the Deed of Trust, and such indebtedness is now wholly due and payable. The owner and holder of the indebtedness has requested that the undersigned, as the current Trustee under the Deed of Trust, sell the property and apply the proceeds of such sale in accordance with the provisions of the Deed of Trust.

You will be able to prevent this foreclosure by paying Stanton Fertilizer, Inc. before this foreclosure sale the total amount that is owed as reflected on the Final Default Judgment entered by the 237th District Court of Lubbock County, Texas on May 26, 2022 under Cause No. DC-2022-CV-0455 and on the Note secured by the referenced Deed of Trust, plus all attorney's fees incurred by Stanton Fertilizer, Inc. in collecting the same. Payment must be made in cash or by cashier's check made payable to Stanton Fertilizer, Inc. and received by the undersigned before conducting the foreclosure sale. Partial payments will be applied on the Note but will not prevent the foreclosure sale. If you mail payment and it is received after the sale, it will have been sent too late. To the extent permitted under the terms of the Note and applicable law, the obligors on the Note will be liable for any deficiency remaining after application of the net foreclosure sale proceeds to the Note.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

DATED this 9th day of June, 2022.


AMBER S. MILLER, Substitute Trustee

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Kelly Pinion

Kelly Pinion, County Clerk
Lubbock County, TEXAS
06/10/2022 12:12 PM
FEE: \$3.00
2022028494