

Notice of Foreclosure Sale

June 11, 2024

Deeds of Trust:

DEED OF TRUST dated June 8, 2009, recorded in Volume 703, Page 291, Deed Records of Ochiltree County, Texas, executed by Rudd Welding Inc. to Dennis W. Falk, Trustee, for the benefit of FirstBank Southwest;

DEED OF TRUST dated September 18, 2012, recorded in Volume 759, Page 764, Deed Records of Ochiltree County, Texas, executed by Nathan R. Rudd and Amanda Rudd to Dennis W. Falk, Trustee, for the benefit of FirstBank Southwest;

DEED OF TRUST from Amanda Cozart Rudd and Nathan Robert Rudd to Will C. Miller, Trustee, for the benefit of FirstBank Southwest, dated September 9, 2014, said Deed of Trust being recorded at Clerk's Instrument No. 2014-3984, Official Public Records of Ochiltree County, Texas;

DEED OF TRUST from Rudd Welding, Inc., to Will C. Miller, Trustee, for the benefit of FirstBank Southwest, dated September 9, 2014, said Deed of Trust being recorded at Clerk's Instrument No. 2014-3982, Official Public Records of Ochiltree County, Texas; and

DEED OF TRUST from Amanda Cozart Rudd and Nathan Robert Rudd to Will C. Miller, Trustee, for the benefit of FirstBank Southwest, dated April 21, 2014, said Deed of Trust being recorded at Clerk's Instrument No. 2014-1215, Official Public Records of Ochiltree County, Texas.

Legal Description:

TRACT 1:

A 5.511-acre tract out of a 19.728-acre tract in Section 21, Block 11, W. Ahrenbeck & Bros. Survey as further described in attached Exhibit A.

TRACT 2:

Being a 2.61 acre tract out of a 4.00 acre tract in the Southeast Quarter of Section 44, Block 11, W. Ahrenbeck & Bros. Survey as further described in attached Exhibit B.

Secures:

PROMISSORY NOTE ("Note XXX3966") dated April 21, 2014, in the original principal amount of \$120,000.00 executed by RUDD WELDING, INC., as Manager of RUDD FAMILY REAL ESTATE, LLC and payable to the order of Lender

PROMISSORY NOTE ("Note XXX3965") dated September 6, 2022, in the original principal amount of \$874,977.70 executed by RUDD WELDING, INC. and payable to the order of Lender

PROMISSORY NOTE ("Note XXX3964") dated September 26, 2022, in the original principal amount of \$684,705.30 executed by RUDD WELDING, INC. and payable to the order of Lender

Note XXX3964, Note XXX3965, and Note XXX3966 are jointly referred to herein as "Notes."

Guaranty: The Notes and all other indebtedness of Borrower to Lender is guaranteed by one or more Guarantee Agreements executed by Amanda Lea Cozart Rudd and Nathan Robert Rudd in favor of Lender

Foreclosure Sale:

Date: Tuesday, July 2, 2024

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 1:00 p.m. and not later than three hours thereafter.

Place: STEPS TO THE WEST ENTRANCE OF THE OCHILTREE COUNTY COURTHOUSE, 511 S. MAIN, PERRYTON, TEXAS OR AS OTHERWISE DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

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 FIRSTBANK SOUTHWEST'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 Notes and in the performance of the obligations of the Deeds of Trust. Because of that default, FIRSTBANK SOUTHWEST, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deeds of Trust may encumber both real and personal property. Formal notice is hereby given of FIRSTBANK SOUTHWEST's election to proceed against and sell both the real property and any personal property described in the Deeds of Trust in accordance with FIRSTBANK SOUTHWEST's rights and remedies under the Deeds 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 Deeds of Trust, and applicable Texas law.

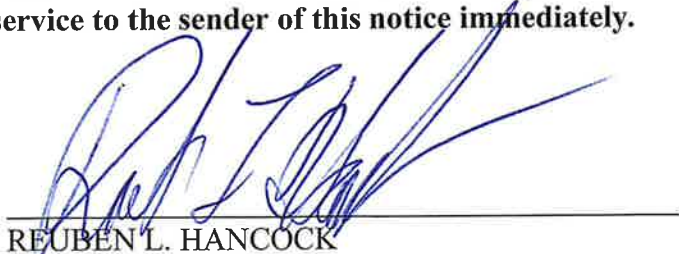
If FIRSTBANK SOUTHWEST passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deeds of Trust and the Texas Property Code.

The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deeds 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 Deeds 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 Deeds of Trust by FIRSTBANK SOUTHWEST. 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 Deeds 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.



REUBEN L. HANCOCK
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EXHIBIT A

5.511 acre tract out of a 19.728 acre tract recorded in Volume 323, Page 523, Deed Records, in Section 21, Block 11, W. Ahrenbeck & Bros. Survey, Ochiltree County, Texas and more particularly describe as follows:

Beginning at a 1" iron pipe found in East line of Loop Hwy. 143 and South line of Section 21, for the Southwest corner of this tract, from which the Southwest corner of Section 21 bears North 89°32'30" West 60.0';

Thence North 0°05'20" East 124.4' with East line of Loop Hwy. 143 to a 1/2" iron pipe found, for the Northwest corner of this tract;

Thence North 59°12' East 825.6' with South line of a 4.77-acre tract recorded in Volume 92, Page 435 Deed Records, to a 1/2" iron rod set, for the Westerly Northwest corner of a 10.0 acre tract recorded in Volume 503, Page 301, Deed Records, for the Northeast corner of this tract;

Thence South 0°01' West 552.8' with West line of said 10.0-acre tract to a 1/2" iron rod set in South line of Section 21, for the Southwest corner of said 10.0-acre tract, and for the Southeast corner of this tract;

Thence North 89°32'30" West 709.2' with South line of Section 21 to the Place of Beginning, and containing 5.511 acres, more or less.

EXHIBIT B

Being a 2.61 acre tract out of a 4.00 acre tract in the Southeast Quarter of Section 44, Block 11, W. Ahrenbeck & Bro. Survey, Ochiltree County, Texas, and recorded in Volume 490, Page 113, Deed Records of Ochiltree County, and more particularly described as follows:

Beginning at a 1/2" iron rod set for the Southeast corner of said 4.00 acre tract, and for the Southeast corner of this tract, from which the Southeast corner of Section 44 bears South 60.0' and South 89°34' East 313.0';

Thence North 545.3' with East line of said 4.00 acre tract to a 1/2" iron rod found, for the Southeast corner of a 1.389 acre tract recorded in Volume 642, Page 478, Official Public Records, for the Northeast corner of this tract;

Thence North 89°34' West 208.6' to a 1/2" iron rod found, for the Southwest corner of said 1.389 acre tract, and for the Northwest corner of this tract;

Thence South with West line of said 4.00 acre tract at 295.3' pass 3/4" iron pipe found for the Northeast corner of a 2.0 acre tract recorded in Volume 538, Page 368, continuing a total distance of 545.3' to a power pole, for the Southwest corner of said 4.00 acre tract, and for the Southwest corner of this tract;

Thence South 89°34' East 208.6' with North line of Hwy. Spur 192 to the place of beginning, and containing 2.61 acres.