

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**NOTICE OF FORECLOSURE SALE**

April 24, 2023

**Deed of Trust:** Deed of Trust dated October 31, 2022 executed by Seth Miller and Sarah Miller to Jack B. Eggleston, Trustee, recorded on November 30, 2022 in Document No. 2022-003805, Official Public Records, Eastland County, Texas.

**Grantor:** Seth Miller and Sarah Miller

**Original Trustee:** Jack B. Eggleston  
Eggleston King Davis, LLP  
102 Houston Avenue, Suite 300  
Weatherford, Texas 76086

**Lender/Beneficiary:** CMJM, Ltd., a Texas limited partnership

**Legal Description:** **Tract 8, Desdemona Ranches, Eastland County, Texas, being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.**

**Securing:** Promissory Note dated October 31, 2022 in the original principal amount of One Hundred Thirty Thousand Nine Hundred Twenty Three and 06/100 Dollars (\$130,923.06) executed by Seth Miller and Sarah Miller payable to the order of CMJM, Ltd.

**Foreclosure Sale:**

**Date:** Tuesday, June 6, 2023

**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 10:00 A.M. and not later than three hours thereafter.

**Place:** Eastland County Courthouse, 100 W. Main Street, Eastland, Texas 76448, or if the preceding area is no longer the designated area, at

RECEIVED 2:40 P.M.  
CATHY JENTHO, COUNTY CLERK

APR 26 2023

EASTLAND COUNTY, TEXAS  
By OK Deputy

the area most recently designated by the County Commissioner's Court.

**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 Notes and in the performance of the obligations of the Deed of Trust. Because of that default, Beneficiary, the owner and holder of the Notes, 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 Beneficiary's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Beneficiary'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 Beneficiary 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 Beneficiary. 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.**

**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.**

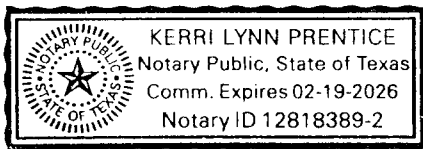
TRUSTEE:

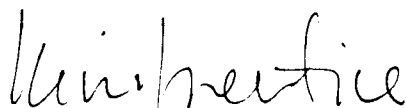


Jack B. Eggleston  
Eggleston King Davis, LLP  
102 Houston Avenue, Suite 300  
Weatherford, TX 76086  
Telephone (817) 596-4200  
[jack@ekdlaw.com](mailto:jack@ekdlaw.com)

STATE OF TEXAS )  
)  
COUNTY OF PARKER )

This instrument was acknowledged before me on April 24, 2023, by Jack B. Eggleston, acting in his capacity as Trustee.



  
\_\_\_\_\_  
Notary Public, State of Texas  
My Commission Expires: 2/19/26

RETURN TO:  
Eggleston King Davis, LLP  
102 Houston Avenue, Suite 300  
Weatherford, TX 76086

## EXHIBIT "A"

Field notes of a survey of 21.16 acres of land called Tract 8 in a partition of 787.37 acres of land conveyed to John L. Montgomery and Carolyn F. Montgomery Trust, recorded in Document # 2020-001434 of the Official Public Records of Eastland County, Texas, said 21.16 acres consisting of 0.13 acres out of and part of the Wm. H. Sargent Survey, Abstract No. 441 and 21.03 acres out of and part of the R. W. Anderson Survey, Abstract No. 1028, Eastland County, Texas and being more particularly described as follows;

Beginning at ½" rebar with survey cap #5085 set in the West line of John L. Montgomery and Carolyn F. Montgomery Trust called 787.38 acre tract and East line of Ulmer Hogg, Jr., 400.09 acre tract described in Volume 2114 Page 189, Official Public Records of Eastland County, Texas, for the Northwest corner of this described tract and being located S 00° 16' 27" W 1429.71 feet and N 90° 00' 00" W 20.68 feet from the Northwest corner of the R. W. Anderson Survey.

Thence N 90° 00' 00" E, 855.64 feet with the North line of this described tract and over and across John L. Montgomery and Carolyn F. Montgomery Trust called 787.38 acre tract, to a ½" rebar with survey cap # 5085 set in the center of a 60 foot Roadway easement, for the Northeast corner of this described tract.

Thence with the East line of this described tract and along the centerline of said 60 foot Roadway easement, also over and across John L. Montgomery and Carolyn F. Montgomery Trust called 787.38 acre tract, as follows; Thence S 29° 02' 43" E 270.72 feet to a ½" rebar with survey cap # 5085 set; Thence S 34° 24' 30" E 151.63 feet to a ½" rebar with survey cap # 5085 set; Thence S 02° 24' 56" W 50.03 feet to a ½" rebar with survey cap # 5085 set; Thence S 28° 54' 31" W 100.84 feet to a ½" rebar with survey cap # 5085 set; Thence S 06° 40' 11" E 200.00 feet to a ½" rebar with survey cap # 5085 set; Thence S 28° 14' 49" E 201.14 feet to a ½" rebar with survey cap # 5085 set; Thence S 16° 35' 50" E 101.41 feet to a ½" rebar with survey cap # 5085 set; Thence S 08° 13' 05" E 152.81 feet to a ½" rebar with survey cap # 5085 set; Thence S 07° 32' 11" W 40.90 feet to a ½" rebar with survey cap # 5085 set in the center of said 60 foot Roadway easement, for the Southeast corner of this described tract.

Thence N 90° 00' 00" W, 988.31 feet with the South line of this described tract and over and across John L. Montgomery and Carolyn F. Montgomery Trust called 787.38 acre tract, to a ½" rebar with survey cap # 5085 set in the center of a 60 foot Roadway easement, for the Southwest corner of this described tract.

Thence with the West line of this described tract and along the centerline of said 60 foot Roadway easement, also over and across John L. Montgomery and Carolyn F. Montgomery Trust called 787.38 acre tract, as follows; Thence N 03° 00' 20" E 83.03 feet to a ½" rebar with survey cap # 5085 set; Thence N 16° 56' 30" E 266.82 feet to a ½" rebar with survey cap # 5085 set; Thence N 62° 30' 01" E 25.37 feet to a ½" rebar with survey cap # 5085 set; Thence S 55° 23' 24" E 152.37 feet to a ½" rebar with survey cap # 5085 set; Thence S 69° 31' 16" E 50.04 feet to a ½" rebar with survey cap # 5085 set; Thence N 72° 10' 12" E 50.66 feet to a ½" rebar with survey cap # 5085 set; Thence N 09° 32' 57" W 50.06 feet to a ½" rebar with survey cap # 5085 set; Thence N 30° 39' 22" W 150.39 feet to a ½" rebar with survey cap # 5085 set; Thence N 17° 00' 20" E 51.54 feet to a ½" rebar with survey cap # 5085 set; Thence N 03° 53' 27" E 149.67 feet to a ½" rebar with survey cap # 5085 set; Thence N 15° 52' 59" W 50.44 feet to a ½" rebar with survey cap # 5085 set; Thence N 45° 24' 33" W 50.14 feet to a ½" rebar with survey cap # 5085 set; Thence N 68° 00' 00" W 154.01 feet to a ½" rebar with survey cap # 5085 set; Thence N 81° 14' 11" W 100.58 feet to a ½" rebar with survey cap # 5085 set; Thence N 61° 07' 09" W 50.26 feet to a ½" rebar with survey cap # 5085 set; Thence N 24° 28' 39" W 50.59 feet to a ½" rebar with survey cap # 5085 set; Thence N 89° 26' 35" W 48.62 feet to a ½" rebar with survey cap # 5085 set in the West line of John L. Montgomery and Carolyn F. Montgomery Trust called 787.38 acre tract and the East line of Ulmer Hogg, Jr. 400.09 acre tract, for the Northerlymost Southwest corner of this described tract.

Thence N 00° 33' 25" E, 268.55 feet with the West line of this described tract and West line of John L. Montgomery and Carolyn F. Montgomery Trust called 787.38 acre tract, same being the East line of Ulmer Hogg, Jr., 400.09 acre tract, to the place of beginning and containing 21.16 acres of land.

Bearings on the above described 21.16 acre tract were based upon Grid North, WGS 84, as determined by G. P. S. Surveying System.

PROPERTY SUBJECT TO RIGHT OF WAYS, EASEMENTS OR AGREEMENTS AS FOLLOWS;

- (1) LONE STAR GAS CO.; R/W VOL. 527 PG. 387 DRECT. (blanket in nature)
- (2) LONE STAR GAS CO.; R/W VOL. 591 PG. 520 DRECT. (blanket in nature)
- (3) NORTHERN GAS PRODUCTS; (BLANKET R/W) VOL. 763 PG. 37 DRECT.
- (4) CLIPPER WINDPOWER DEVELOPMENT CO., INC.; MEMORANDUM OF WINDPARK EASEMENT AGREEMENT, VOL. 2156 PG. 217 OPRECT.
- (5) SILVER STAR II POWER PARTNERS; PARTIAL RELEASE OF WIND EASEMENT AGREEMENT DOC. # 2019-003057 OPRECT.