

POSTED

AT 11:58 o'clock A M

Notice of Trustee's Sale

FEB 11 2021

Date: February 5, 2021

SHERRY LEMON, COUNTY CLERK
WISE COUNTY, TEXAS
Michelle Farrell Deputy

Substitute Trustee:

REUBEN L. MANCOCK

Substitute Trustee's Address:

7480 GOLDEN POND PLACE, SUITE 200
AMARILLO, TX 79121

Mortgagee: HAPPY STATE BANK, a Texas bank

Note: Note dated August 16, 2018 in the amount of \$500,000.00

Deed of Trust

Date: August 16, 2018

Grantor: SUPREME ENERGY COMPANY, INC., a Texas corporation;

Mortgagee: HAPPY STATE BANK, a Texas bank

Recording information: Clerk's Instrument Number: 201811924 of the Official Records of Taylor County, Texas.

Property: As described on Exhibit A, including all personal property secured by the security agreement included in the Deed of Trust.

County: Wise

Date of Sale (first Tuesday of month): March 2, 2021

Time of Sale: 10:00 a.m.

Place of Sale: At the southeast door of the Wise County Courthouse, Decatur, Texas, or at any subsequent area designated by the Commissioner's Court pursuant to Section 51.002 of the Texas Property Code as a place where foreclosure sales are to take place.

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.

Mortgagee has appointed REUBEN L. HANCOCK as Trustee under the Deed of Trust. Mortgagee has instructed Trustee to offer the Property for sale toward the satisfaction of 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.

Notice is given that on the Date of Sale, Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash, "AS IS". THERE WILL BE NO WARRANTY RELATING TO TITLE, POSSESSION, QUIET ENJOYMENT, OR THE LIKE FOR THE PERSONAL PROPERTY IN THIS DISPOSITION. The sale will begin at the Time of Sale or not later than three hours thereafter. The sale will be conducted subject to the right of rescission contained in section 51.016 of the Texas Property Code.



REUBEN L. HANCOCK
7480 GOLDEN POND PLACE, SUITE 200
AMARILLO, TX 79121

EXHIBIT A

LEGAL DESCRIPTION

26.718 ACRES

VAN ZANDT CSL SURVEY, A-1182

WISE COUNTY, TEXAS

BEING all of that certain tract or parcel of land situated in the Van Zandt County School Land Survey, Abstract No. 1182, Wise County, Texas, being a part of that certain called 41.76 acre tract of land described in deed to John Eric Schmitz, recorded in Document #201503721, Official Records, Wise County, Texas, said 41.76 acre tract of land being further described in Volume 807, Page 27, Deed Records, Wise County, Texas, subject tract being more particularly described as follows:

BEGINNING at the southwest corner of the tract being described herein at an iron rod found in the north right-of-way line of State Highway 114 for the southeast corner of that certain called 4.23 acre tract of land described in deed to Robert Wade Ratliff and wife, Linda Ratliff, recorded in Volume 379, Page 735, Deed Records, Wise County, Texas and the southwest corner of said 41.76 acre tract of land, from which an iron rod found for the southwest corner of said 4.23 acre tract of land bears N 65° 49' 15" W, a distance of 176.92 feet;

THENCE N 02° 16' 51" E, with the east line of said 4.23 acre tract of land and the west line of said 41.76 acre tract of land, a distance of 918.52 feet to a 2-inch metal fence corner post found in the south line of that certain called 14.97 acre tract of land described in deed to Robert Wade Ratliff and wife, Linda Ratliff, recorded in Volume 379, Page 733, Deed Records, Wise County, Texas for the northeast corner of said 4.23 acre tract of land, the most westerly northwest corner of said 41.76 acre tract of land and the most westerly northwest corner of said tract herein described;

THENCE N 86° 48' 08" E, with the south line of said 14.97 acre tract of land and a north line of said 41.76 acre tract of land, a distance of 264.01 feet to a 2-inch metal fence corner post found for the southeast corner of said 14.97 acre tract of land and an ell corner of said 41.76 acre tract of land;

THENCE N 00° 17' 27" E, with the east line of said 14.97 acre tract of land and a west line of said 41.76 acre tract of land, a distance of 454.10 feet to a 1/2-inch iron rod found for the southwest corner of that certain called 15.00 acre tract of land described in deed to Robert Ratliff and wife, Linda Ratliff, recorded in Document #201503722, Official Records, Wise County, Texas and the most northerly northwest corner of said tract herein described;

THENCE S 87° 41' 31" E, severing said 41.76 acre tract of land and with the south line of said 15.00 acre tract of land, a distance of 819.88 feet to a 1/2-inch iron rod found in the west line of Lot 6, Griffin Country, according to the map or plat thereof recorded in Cabinet A, Slide 327, Plat Records, Wise County, Texas and the east line of said 41.76 acre tract of land for the southeast corner of said 15.00 acre tract of land and the northeast corner of said tract herein described;

THENCE S 00° 46' 22" E, with the east line of said 41.76 acre tract of land, the west line of said Lot 6 and the west line of Lot 5 of said Griffin Country, a distance of 303.58 feet to a capped iron rod found in the west line of said Lot 5;

THENCE S 01° 24' 46" E, continuing with the east line of said 41.76 acre tract of land, with the west line of said Lot 5 and the west line Lots 4 & 3 of said Griffin Country, a distance of 555.86 feet to a capped iron rod set in the west line of said Lot 3;

THENCE S 00° 48' 38" E, continuing with the east line of said 41.76 acre tract of land, the east line of said Lot 3 and the east line of Lot 2 of said Griffin Country, a distance of 299.67 feet to a 2-inch iron rod found for the northeast corner of that certain called 7.50 acre tract of land described in deed to Francis Griffin and Melba Griffin, Trustees of the Francis and Melba Griffin Trust, recorded in Document #2009-47656, Official Records, Wise County, Texas, the most easterly southeast corner of said 41.76 acre tract of land and the most easterly southeast corner of said tract herein described;

THENCE N 89° 14' 28" W, with the north line of said 7.50 acre tract of land and a south line of said 41.76 acre tract of land, a distance of 630.57 feet to a 1/2-inch iron rod found in the east line of that certain called 4.53 acre tract of land described in deed to Larry Thomas Whittenburg and wife, Sharon F. Whittenburg, recorded in Volume 299, Page 63, Deed Records, Wise County, Texas for the northwest corner of said 7.50 acre tract of land and a reentrant corner of said 41.76 acre tract of land;

THENCE N 00° 37' 42" E, with the east line of said 4.53 acre tract of land and an east line of said 41.76 acre tract of land, a distance of 153.45 feet to a 2-inch metal fence corner post found in the north line of said 4.53 acre tract of land for an ell corner of said 41.76 acre tract of land;

THENCE S 89° 30' 48" W, with the north line of said 4.53 acre tract of land and a south line of said 41.76 acre tract of land, a distance of 337.72 feet to a 6-inch metal fence corner post found for the northwest corner of said 4.53 acre tract of land and an ell corner of said 41.76 acre tract of land;

THENCE S 00° 38' 15" W, with the west line of said 4.53 acre tract of land and an east line of said 41.76 acre tract of land, a distance of 431.06 feet to an iron rod found in the north right-of-way line of said State Highway 114 for the southwest corner of said 4.53 acre tract of land, the most southerly southeast corner of said 41.76 acre tract of land and the most southerly southeast corner of said tract herein described;

THENCE N 65° 49' 15" W, with the north right-of-way line of said State Highway 114 and the south line of said 41.76 acre tract of land, a distance of 188.95 feet to the POINT OF BEGINNING and containing 26.718 acres of land, more or less.

MEMBERSHIP INTEREST

1. All rights of Debtors' embodied in or arising out of debtor's status as a member of Aquatech Saltwater Disposal, LLC, a Texas limited liability company (the "Aquatech Saltwater"), consisting of: (a) all economic rights, including without limitation, all rights to share in the profits and losses of the Aquatech Saltwater and all rights to receive distributions of the assets of the Aquatech Saltwater; and (b) all governance rights, including without limitation, all rights to vote, consent to action and otherwise participate in the management of the Aquatech Saltwater.
2. All rights of Debtors' embodied in or arising out of debtor's status as a member of Aqua Tech Water and Disposal, LLC, a Texas limited liability company ("Aqua Tech Water"), consisting of: (a) all economic rights, including without limitation, all rights to share in the profits and losses of the Aqua Tech Water and all rights to receive distributions of the assets of the Aqua Tech Water; and (b) all governance rights, including without limitation, all rights to vote, consent to action and otherwise participate in the management of the Aqua Tech Water.

DISPOSAL PERMIT

1. All of Debtors' rights, title and interest in that certain Texas Railroad Commission Injection / Disposal Permit No. F-17337 (Hydro-FX Lease, Well No. 1, Boonsville (Ellenburger) Field, Wise County, Texas.

SALTWATER DISPOSAL WELL

1. API No. 42-497-35728 (Hydro-FX Well No. 1), Wise County, Texas

OTHER INTERESTS

1. All of Debtors' rights, titles, and interests in and to personal property and fixtures currently owned or hereafter acquired that are on or used or obtained for use, in connection with operations under the Leases and/or on the Lands and/or operations related to the Wells, including but not limited to all rights, titles, and interests in and to all equipment, machinery, structures (including office buildings), fixtures, pumps, inventory, improvements, and other personal, mixed, or movable property, located on the lands covered by the Leases or otherwise described on, including, without limitation: water wells; saltwater disposal wells and facilities; injection wells and facilities; well equipment; casing; rods; tanks and tank batteries; tubing; pumps; pumping units and engines; platforms; treatment, oil skimming and separation plants and facilities; testing and sampling equipment; tank washouts and facilities; valves; gauges; meters; generators; motors; gun barrels; flow lines; water lines; chemicals; solutions; water systems (for treatment, disposal, and injection); and any and all additions or accessions to, substitutions for, and replacements of any of the foregoing, together with all attachments, components, parts, equipment, and accessories installed thereon or affixed thereto.
2. All of Debtors' rights, titles and interests in and to all files, records (including, without limitation, land and title records, plats, surveys, abstracts of title, title insurance policies, title opinions, and title curative, lease, contract, marketing, correspondence, operations, environmental, insurance, production, accounting, Property-Related Tax, regulatory, Texas Railroad Commission filings and correspondence and facility service and well records and files), and other information that relate in any way to any of the items listed in this Exhibit A.
3. All of Debtors' rights, titles and interests in and to revenues, contract rights, general intangibles, inventory, as-extracted collateral relating to the Lands, the Leases and/or the Wells.

Notice of [Substitute] Trustee Sale

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.

1. Date, Time and Place of Sale.

Date: 03/02/2021

Time: The sale will begin at 01:00 PM or not later than three hours after that time

Place: Wise County, Texas at the following location: **THE SOUTHEAST PORCH AT THE COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE AS THE PLACE WHERE FORECLOSURE SALES ARE TO TAKE PLACE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS**

Property Address: 200 SUMMITT STREET, ALVORD, TX 76225

2. Terms of Sale: The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the 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 deed of trust. Any conveyance of the property is subject to all matters of record affecting the property.

3. Instrument to be Foreclosed: The instrument to be foreclosed is the Deed of Trust or Contract Lien dated 04/23/2004 and recorded 04/26/2004 in Book OR 1415 Page 499 Document 347736, real property records of Wise County, Texas, with **Robert N Ponder and Latecia Kay Ponder, husband and wife** grantor(s) and NEW CENTURY MORTGAGE CORPORATION as Lender, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE REGISTERED HOLDER OF ASSET BACKED SECURITIES CORPORATION HOME EQUITY LOAN TRUST 2004-HE5 ASSET BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-HE5 as Beneficiary.

4. Appointment of Substitute Trustee: In accordance with Texas Property Code Sec. 51.0076, the undersigned authorized agent for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.

5. Obligation Secured: Deed of Trust or Contract Lien executed by **Robert N Ponder and Latecia Kay Ponder, husband and wife**, securing the payment of the indebtedness in the original principal amount of **\$89,100.00**, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. **U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE REGISTERED HOLDER OF ASSET BACKED SECURITIES CORPORATION HOME EQUITY LOAN TRUST 2004-HE5 ASSET BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-HE5** is the current mortgagee of the note and deed of trust or contract lien.

POSTED
AT 11:51 o'clock ~ M

JAN 21 2021

SHERY LEMON, COUNTY CLERK
WISE COUNTY, TEXAS
By Vicky Gaona Deputy

Vicky Gaona

Notice of [Substitute] Trustee Sale

6. Default: A default has occurred in the payment of indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness.

7. Property to be sold: The property to be sold is described as follows:

BEING LOT ONE (1), BLOCK ONE (1), TRIO ADDITION, TO THE CITY OF ALVORD, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET "A", SECTION 48, MAP RECORDS, WISE COUNTY, TEXAS.

8. Mortgage Servicer Information: The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code § 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the property referenced above. **PHH Mortgage Corporation**, as Mortgage Servicer, is representing the current mortgagee, whose address is:

C/O PHH Mortgage Corporation

**1 Mortgage Way
Mt. Laurel, NJ 08054**

Phone: 877-744-2506

Notice of [Substitute] Trustee Sale

9. Limitation of Damages: If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's attorney.

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.

Date: January 20, 2021



Stephanie Spurlock, Camisha Scott, Iman Walcott, Tanesha Humphrey, Claire Buxton – Attorney or Authorized Agent of The Mortgagee or Mortgage Servicer

C/O Power Default Services, Inc.
Northpark Town Center
1000 Abernathy Rd NE; Bldg 400, Suite 200
Atlanta, GA 30328
Telephone: 855-427-2204
Fax: 866-960-8298

POWER DEFAULT SERVICES, INC. MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE.

Certificate of Posting

I am _____ whose address is c/o AVI Title Services, LLC, 5177 Richmond Avenue, Suite 1230, Houston, TX 77056. I declare under penalty of perjury that on _____ I filed this Notice of Foreclosure Sale at the office of the Wise County Clerk and caused it to be posted at the location directed by the Wise County Commissioners Court.