

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**Assert and protect your rights as a member of the armed forces of the United States. If you 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.**

**WHEREAS**, Kirk Swindall and Kyra Swindall executed a Deed of Trust (the "Deed of Trust") dated March 26, 2008, conveying to W. R. Collier, Trustee, the property (the "Property") hereinafter described to secure American State Bank, as Beneficiary, in the payment of debt therein described, said Deed of Trust being recorded in Volume 461, Page 1183, Official Public Records of Schleicher County, Texas; and,

**WHEREAS**, the Property is situated in Schleicher County, Texas, and is more fully described as follows:

Being 5.5 acres of land out of Survey 77, Block A, HE&WT RY. Co. and being Tract 4 of a Division of Keeney 25.57 acre tract, Schleicher County, Texas, being located at the Northeast corner of Survey 77, Block A, HE&WT RY. Co; the East line of this tract being the East line of said Survey 77, the NE corner of Survey 77 being 490 varas North of the NE corner of Tract 5 as per map or plat of said Subdivision prepared by John P. Poole, Surveyor, on September 12, 1952, which map or plat is of record in the Deed Records of Schleicher County, Texas, to which reference is here made from complete description, Plat Recorded in Volume 1, Page 25, Plat Records, Schleicher County, Texas.

The Property or its address is commonly known 501 Old Sonora Highway, Eldorado, TX 76936

**WHEREAS**, Prosperity Bank, whose mailing address is 402 Cypress, Abilene, Texas 79601, is the owner and holder of the indebtedness described in the Deed of Trust; and

**WHEREAS**, default has occurred in the payment of said indebtedness, and the same is now wholly due, and the owner and holder of said debt has requested the undersigned to sell said Property to satisfy said indebtedness; and

**WHEREAS**, the undersigned has been duly appointed substitute trustee under the provisions of said Deed of Trust;

**NOW, THEREFORE, NOTICE IS HEREBY GIVEN** that on Tuesday, the 3rd day of March, 2020, the Property will be sold at public auction, in accordance with the terms of the Deed of Trust and the Texas Property Code. The location of the sale will be the area designated by the Commissioner's Court of Schleicher County, Texas, where such sales are to take place, being the South door of the Schleicher County Courthouse in Eldorado, Texas; or if said area is not the designated area, in the area most recently designated by the Schleicher County Commissioner's Court. The sale will begin at 1:00 o'clock p.m. (which is the earliest time at which the sale will begin) or not later than three (3) hours after that time. The Property will be sold to the highest bidder for cash; except, however, that Prosperity Bank's bid will be by credit against the indebtedness owing to Prosperity Bank.

This sale shall be subject to any legal impediments to the sale of the Property and to any exceptions referenced in the Deed of Trust or appearing of record to the extent the same are still in effect and shall not cover any property that has been released from the lien of the Deed of Trust.

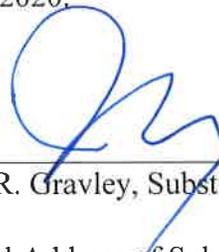
The Property will be sold "AS IS", and no warranties or representations, either express or implied, shall be conveyed, given or made at the sale. Prospective bidders are encouraged to consult

with counsel of their choice, and to conduct an independent investigation of the nature and physical condition of the Property and of the status of all matters affecting title to, and encumbrances upon, the Property, prior to participating in the sale of the Property.

Prospective bidders are advised that the purchase price shall be due and payable, in cash, without delay on acceptance of the highest bid; except, however, that Prosperity Bank's bid will be by credit against the indebtedness owing to Prosperity Bank.

Prosperity Bank reserves the right to postpone, withdraw, or reschedule the sale for another day. In the event that the sale is postponed or rescheduled, notice of the date of any rescheduled Substitute Trustee's Sale will be re-posted and re-filed in accordance with the posting and filing requirements of the Texas Property Code. The re-posting or re-filing may be after the date originally scheduled for this sale.

**WITNESS MY HAND THIS** 4th day of February, 2020.



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James R. Gravley, Substitute Trustee

Physical Address of Substitute Trustee:  
402 Cypress, Suite 800  
Abilene, Texas 79601

Mailing Address of Substitute Trustee  
P.O. Box 3579  
Abilene, Texas 79604

Phone: (325) 677-4190  
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