

STATE OF TEXAS           §  
                                     §  
COUNTY OF LUBBOCK   §

**AMENDED NOTICE OF FORECLOSURE SALE**

Date: September 3, 2024

Original Deed of Trust

Dated:                   October 23, 2018

Grantors:               Michael Berg & Brenda Berg

Trustee:                John E. Grist

Lender:                 Commercial State Bank ndba  
                             American Momentum Bank

Recorded in:           Instrument No. 2018041009 filed in the Official Public  
                             Records of Lubbock County, Texas

Secures:                Promissory Note (the "Note") dated October 23, 2018  
                             in the original principal amount of \$327,600.00,  
                             executed by Grantors Michael Berg and Brenda Berg  
                             and payable to the order of Lender.

Secured Property  
to be Sold:             Lot Eighteen (18) Spur Business Park an Addition to the  
                             City of Lubbock, Lubbock County, Texas, according to  
                             the Map, Plat and/or Dedication Deed thereof recorded  
                             in/under Volume 6086 Pg. 331 of the Real Property  
                             Records of Lubbock County, Texas and further  
                             described as 5811 64<sup>th</sup> Street, Lubbock, Texas 79424

Substitute  
Trustee:                 B. Blue Hyatt, Lisa Hooper and Jackson Willingham  
                             c/o Lynch, Chappell & Alsup, PC  
                             300 N. Marienfeld, Suite 700  
                             Midland, Texas 79701

Telephone: 432-683-3351

Foreclosure Sale:

Date: Tuesday, September 3, 2024

Time: The sale of the Property (the "Foreclosure Sale") shall begin no earlier than 1:00 p.m. or no later than three hours thereafter. The sale shall be completed by no later than 4:00 P.M.

Location: Lubbock County Courthouse in Lubbock, Texas, at the front entrance of the Courthouse or the area designated by the Lubbock County Commissioners 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, subject to the provisions of the Deed of Trust and that certain Order Granting Foreclosure entered by the Probate Court of Lubbock County, Texas on July 23, 2024.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Lender, the owner and holder of the Note, 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 Lender's election to proceed against and sell both the real property and any and all personal property described in the Deed of Trust in accordance with Lender'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 described above, Substitute Trustee will sell the Property by public sale to the highest bidder for cash in accordance with the Deed of Trust.

The Deed of Trust permits the Lender to postpone, withdraw, or reschedule the sale for another day. In that case, the Substitute Trustee under the deed of trust need not appear at the Date, Time, and Place of Sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the

Texas Property Code and the Deed of Trust. Such reposting or refiling may be after the date originally scheduled for this sale.

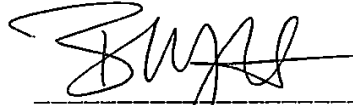
Those desiring to purchase the Property will need to demonstrate their ability to pay cash on the day the Property is sold.

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. 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 in "as is, where is" condition, without any express or implied warranties or covenants, except as to the warranties of title 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 of the Texas Property Code, the 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 the Substitute Trustee.

Notice is given that before the Foreclosure Sale, Lender may appoint another person as Substitute Trustee to conduct the Foreclosure Sale.



B. Blue Hyatt  
Lynch, Chappell & Alsup, P. C.  
300 North Marienfeld, Suite 700  
Midland, TX 79701  
Telephone: (432) 683-3351  
Fax: (432) 683-8346

STATE OF TEXAS

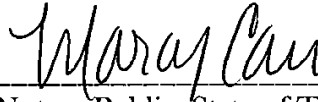
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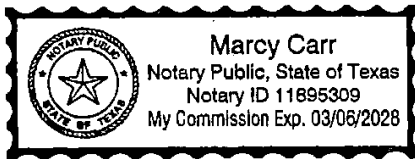
COUNTY OF LUBBOCK

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This instrument was acknowledged before me on the 29<sup>th</sup> day of July, 2024, by B. Blue Hyatt.



Notary Public, State of Texas



# FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



*Kelly Pinion*

Kelly Pinion, County Clerk  
Lubbock County, TEXAS  
08/01/2024 10:35 AM  
FEE: \$2.00  
2024030877

