

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**DATE:** December 30, 2023

**DEED OF TRUST:**

**Date:** November 19, 2022  
**Grantor:** David Eugene Flake and Hollis Renee Hartley  
**Beneficiary:** Viva Farms, LLC  
**Trustee:** Mark Pigg

**COUNTY WHERE PROPERTY IS LOCATED:** Garza County, Texas

**ANY ONE OF THE FOLLOWING NAMED PERSONS TO ACT AS SUBSTITUTE TRUSTEE:**

TYSCOTT HAMM / B. BLAZE TAYLOR / JACEY DUBOIS

**SUBSTITUTE TRUSTEE'S MAILING ADDRESS:**

9816 Slide Road, Suite 201; Lubbock, Lubbock County, Texas, 79424

**Recording Information:** Deed of Trust recorded at Document No. 221132 of the Official Public Records of Garza County, Texas.

**Property:** See Exhibit A.

**NOTE:**

**Date:** November 19, 2022  
**Amount:** \$426,486.00  
**Debtor:** David Eugene Flake and Hollis Renee Hartley  
**Holder:** Viva Farms, LLC  
**Maturity Date:** November 19, 2037

**Date of Sale of Property (First Tuesday of the Month):** Tuesday, February 6, 2024

**Earliest Time of Sale of Property (Between 10:00 a.m. and 4:00 p.m.):** 10:00 a.m.

**Place of Sale of Property:** At Garza County Courthouse, 300 West Main Street, Post, Texas, 79356 or as designated by the County Commissioners.

The Deed of Trust may encumber both real and personal property. Notice is hereby given of Holder's election to proceed against and sell both the real property and any personal property

described in the Deed of Trust in accordance with the Holder's rights and remedies under the Deed of Trust and Section 9.604 of the Texas Business and Commerce Code.

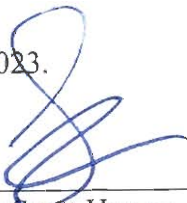
Because of default in performance of the obligations of the deed of trust, the above-named person as Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place and date specified to satisfy the debt secured by the Deed of Trust. The sale will begin at the earliest time stated above or within three (3) hours after that time.

No warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose shall be conveyed at the sale, save and except the Grantor's warranties specifically authorized by the Grantor in the Deed of Trust. The property shall be offered "AS IS", purchasers will buy the property "at the purchaser's own risk" and "at his peril", and no representation is made concerning the quality or nature of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property, subject to any liens or interests of any kind that may survive the sale. Interested persons are encouraged to consult counsel of their choice prior to participating in the sale of the property.

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.

This notice is an attempt to collect a debt, and any information obtained will be used for that purpose.

Executed this 30th day of December, 2023.

  
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TyScott Hamm, Substitute Trustee

**EXHIBIT 1**  
**Tract 5**

FIELD NOTES for a 159.71 acre tract of land out of Section 31, Block 6, Abstract No. 154, H. & G. N. Ry. Co. Survey, Garza County, Texas, and more particularly described as follows:

BEGINNING at a 1/2" iron rod set with a cap inscribed "OJD ENG" (hereafter referred to as an OJD cap) in the south line of said Section 31 in County Road 386 which bears S. 89° 00' 38" E. a distance of 3952.17 feet from a 1/2" iron rod found at the southwest corner of said Section 31 for the southwest corner of this tract.

THENCE N. 01° 03' 21" E., at 11.0 feet pass an OJD cap set in the north margin of said County Road 386, at 4595.0 feet pass an OJD cap set in a fence line, a total distance of 5278.89 feet to an OJD cap set for the northwest corner of this tract.

THENCE S. 88° 56' 39" E., along the north line of said Section 31, a distance of 1318.70 feet to the northeast corner of said Section 31 in the Double Mountain Fork of the Brazos River for the northeast corner of this tract.

THENCE S. 01° 04' 12" W., at 1293.3 feet pass an OJD cap set in a fence line, at 5268.37 feet pass an OJD cap set in said north margin of said County Road 386, a total distance of 5277.37 feet to a 1/2" iron rod found at the southeast corner of said Section 31 in said County Road 386 for the southeast corner of this tract.

THENCE N. 89° 00' 38" W., along the south line of said Section 31 and said County Road 386, a distance of 1317.39 feet to the POINT OF BEGINNING and containing 159.71 acres of land.

FILED FOR RECORD  
14th day of January 2024  
at 9:59 o'clock A M  
TERRI LAURENCE  
COUNTY CLERK, GARZA COUNTY TEXAS  
By [Signature] Deputy