

1:00 p  
10/14/2022

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

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*Galvino Jimenez Ospaly*

sert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on  
ive military duty, including active military duty as a member of the Texas National Guard or the National Guard of another  
te or as a member of a reserve component of the armed forces of the United States, please send written notice of the active  
ty military service to the sender of this notice immediately.

COPY

**DATE:** October 24, 2022

**Security Instrument:** Homestead Lien Contract and Deed of Trust  
**Date:** July 18, 2006  
**Grantor:** McKinley Smith and Peggy Jo Smith  
**Lender:** Amarillo National Bank  
**Trustee:** J. Gregg Jordan  
**Substitute Trustee:** Robert Glenn III, Garland D. Sell, or Kerry McLain  
**Recorded:** in Volume 066, Page 128 of the Official Public Records of Donley County, Texas

**COURT ORDER:** Rule 736 Default Order under Cause No. DCV-22-07741 in the 100<sup>th</sup> Judicial District Court of Donley County, Texas

**PROPERTY:** All of Lot No. 10, and the East one-half (E/2) of Lot No. 11, Block No. 530, Original Town of Clarendon, Donley County, Texas, according to the recorded map or plat thereof, which has the address of 616 W. White, Clarendon, TX 79226.

**SUBJECT TO** all valid existing building and use restrictions, easements and rights-of-way of record, visible or apparent, if any, and valid reservations of oil, gas and other mineral interests, if any, and 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 Security Instrument.

**DATE OF SALE:** December 6, 2022

**EARLIEST TIME SALE WILL BEGIN:** 1:00 p.m. or within three hours after that time.

**PLACE OF SALE:** On the East steps of the Courthouse in Donley County, Texas, located at 220 W. 4<sup>th</sup> Street, Clarendon, Donley County, Texas, as designated by the Donley County Commissioners Court pursuant to Order duly recorded in the Deed Record of Donley County, Texas.

Because of default in performance of the obligations of the Security Instrument and as provided for in the Court Order, Substitute Trustee will sell the property described in the Security Instrument by public auction to the highest bidder for cash at the place and date specified to satisfy the debt secured by the Security Instrument.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Grantor, the Beneficiary, the Substitute Trustee, or the Beneficiary's attorney.

*Robert Glenn III*  
\_\_\_\_\_  
**ROBERT GLENN III, GARLAND D. SELL**  
**KERRY McLAIN** Substitute Trustee  
c/o Sell Griffin McLain PC  
4801 Lexington Square  
Amarillo, TX 79119  
(806) 374-3765



8. This order is not subject to a motion for rehearing, new trial, bill of review, or appeal. Any challenge to this order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

IT IS SO ORDERED.

SIGNED this 19 day of October, 2022.

  
\_\_\_\_\_  
JUDGE PRESIDING

1.00 p  
Nov 14, 2022

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Robert Glenn III  
Kerry McLain  
Substitute Trustee

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ROBERT GLENN III, GARLAND D. SELL  
KERRY McLAIN Substitute Trustee  
c/o Sell Griffin McLain PC  
4801 Lexington Square  
Amarillo, TX 79119  
(806) 374-3765

At 9:00 o'clock AM

Nicky Swartz

County & District Clerk, Donley County, Texas

By *[Signature]* Deputy

Cause No. DCV-22-07741

In Re: Order for Foreclosure  
Concerning

616 W. White  
Clarendon, TX 79226  
("Property Mailing Address")  
under Tex.R.Civ.P. 736

Amarillo National Bank  
("Petitioner")

McKinley Smith and Peggy Jo Smith  
("Respondents")

100th Judicial District Court

In the District Court of

Donley County, Texas

100th Judicial District Court

**DEFAULT ORDER**

1. On this day, the Court considered Petitioner's motion for a default order granting its application for an expedited foreclosure order. Petitioner's application complies with the requirements of Texas Rule of Civil Procedure 736.1.
2. The name and last known address of Respondents subject to this order are McKinley Smith and Peggy Jo Smith. Respondents were properly served with citation, but they did not file a response within the time required by law. The returns of service for Respondents have been on file with the Court for at least ten days.
3. The property that is the subject of this foreclosure proceeding is commonly known as 616 W. White, Clarendon, TX 79226 with the following legal description:  
  
All of Lot No. 10, and the East one-half (E/2) of Lot No. 11, Block No. 530, Original Town of Clarendon, Donley County, Texas, according to the recorded map or plat thereof.
4. The lien sought to be foreclosed is recorded in Volume 66, Page 128 of the Official Public Records of Donley County, Texas.
5. The material facts establishing Respondents' default are alleged in Petitioner's application and supporting affidavit. Those facts are adopted by the Court and incorporated by reference in this order.
6. Based on the affidavit of Petitioner's authorized representative, no Respondent subject to this order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 et seq.
7. Therefore, the Court grants Petitioner's motion for a default order under Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner may proceed with foreclosure of the property described above in accordance with applicable law and the lien sought to be foreclosed.

8. This order is not subject to a motion for rehearing, new trial, bill of review, or appeal. Any challenge to this order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

IT IS SO ORDERED.

SIGNED this 19 day of October, 2022.

  
\_\_\_\_\_  
JUDGE PRESIDING