

FILED FOR RECORD

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AMY L. VARNELL
CASS COUNTY CLERK

NOTICE OF FORECLOSURE SALE

STATE OF TEXAS §
 §
COUNTY OF CASS §

Notice is hereby given of a public foreclosure sale pursuant to the Default Judgment entered by the Cass County, Texas County Court at Law on July 21, 2017 and the Judgment entered by the Cass County, Texas County Court at Law on August 10, 2017, in Cause No. CCL-16C609, styled *Citizens Bank & Trust Company of Vivian, Louisiana vs. John Daniel Smith and Jennifer Michelle Hobbs*.

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

All that certain 1.064 acre tract of land in the Mary Johnson survey, A-571, in Cass Co., Texas, being a part of that same tract of land conveyed to Scotty C. Prince by Warranty Deed recorded in File #37892 of the Official Public Records of Cass County, Texas, said 1.064 acre tract of land described by metes and bounds as follows:

BEGINNING at a point on the south edge of Co Road #4668 and in the center of a 70' street for the Northwest corner of this described tract, from which a 60d Nail found in the center of said road, in the East line of said Johnson Survey, a West line of the Bryant Holmes Survey, A-447, for the Southeast corner of a 20 acre tract of land conveyed to Kimberly A. Heflin by Warranty Deed recorded in Volume 1100, Page 428, the North Northeast corner of said Prince tract, bears S 88 deg 32' 22" E, 633.42';

THENCE S 88 deg 32' 22" E (Basis of Bearing Solar Observation), 204.07' along a line to a point on the South edge of said road for the Northeast corner of the described tract;

THENCE South, at 20.00' pass a 1/2" Rebar set 2.6' South of a fence for reference, continuing a total distance of 225.78' along a line to a 1/2" Rebar set for the Southeast corner of this described tract;

THENCE N 89 deg 16' 10" W, at 169.02' pass a 1/2" Rebar set in the East line of said Easement for reference, continuing a total distance of 204.02' along a line to a point in the center of said Easement for the Southwest corner of this described tract;

THENCE North, at 208.83' pass a 1/2" Rebar set in the East line of said Easement, 35.00' Rt., continuing a total distance of 228.39' along said center to the Point of Beginning, containing 1.064 acres of land, more or less.

ALSO, with the above described land, one 1,152 sq. ft. Titan Homes Division, Titan manufactured home, Serial Numbers 1348529540A and 1348529540B, that has been permanently attached to the above land and will hereafter be considered a part of same; and any foreclosure on the above described land will cover and include said manufactured home.

2. Date, Time, and Place of Sale. The sale is scheduled to be held at the following date, time, and place:

Date: Tuesday, February 6, 2018

Time: The sale shall begin no earlier than 10:00 a.m. or no later than three hours thereafter.

Place: Cass County Courthouse in Linden, Texas, at the following location: the area designated by the Commissioners Court of Linden, Cass County, Texas, pursuant to §51.002 of the Texas Property Code as the place where foreclosure sales are to take place (if no such place is so designated, the sale will take place in the area where this Notice of Substitute Trustee's Sale is posted).

The Deed of Trust permits the Mortgagee of Record to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the Deed of Trust need not appear at the date, time and place of a scheduled 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. The reposting or refileing may be after the date originally scheduled for this sale.

Pursuant to § 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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

Pursuant to § 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

3. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the Beneficiary thereunder to have the bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale. Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold.

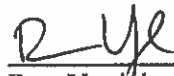
The sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. The sale shall not cover any part of the property that has been released of public record from the lien of 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.

4. Type of Sale. The sale is a Deed of Trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust dated June 29, 2010 executed by John Daniel Smith, in favor of Citizens Bank and Trust Co. of Vivian, Louisiana, which Deed of Trust is recorded in the office of the County Clerk of Cass County, Texas, as Instrument No. 2010003049 of the Real Property Records of Cass County, Texas, and by the Guaranty dated June 29, 2010 executed by Jennifer Michelle Hobbs f/k/a Jennifer Michelle Cross in favor of Citizens Bank and Trust Co. of Vivian, Louisiana and pursuant to the Default Judgment entered by the Cass County, Texas County Court at Law on July 21, 2017 and the Judgment entered by the Cass County, Texas County Court at Law on August 10, 2017, in Cause No. CCL-16C609, styled *Citizens Bank & Trust Company of Vivian, Louisiana vs. John Daniel Smith and Jennifer Michelle Hobbs*.
5. Obligation Secured. The Deed of Trust provides that it secures the payment of the indebtedness and obligations therein described, including but not limited to, the Promissory Note in the original principal amount of \$50,595.00 executed by John Daniel Smith, a single man and payable to the order of Citizens Bank and Trust Co. of Vivian, Louisiana and all modifications, renewals and extensions of the Note. Citizens Bank and Trust Co. of Vivian, Louisiana is the current owner and holder of the obligation and is the Beneficiary under the Deed of Trust.

Mortgagee: Citizens Bank and Trust Company of Vivian, Louisiana
120 W. Arkansas Avenue
Vivian, Louisiana 71082

6. Default and Request to Act. Default has occurred under the Deed of Trust, and the Beneficiary has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the Beneficiary may appoint another person substitute trustee to conduct the sale.
7. **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.**

DATED this 13th day of November, 2017.



Ron Yanich, Substitute Trustee
c/o Crisp & Freeze
1825 Moores Lane
Texarkana, Texas 75503
Phone: (903) 831-4004