

Notice of [Substitute] Trustee Sale

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.

1. Date, Time and Place of Sale.

Date: 02/04/2025

Time: The sale will begin at 10:00 AM or not later than three hours after that time

Place: Fayette County, Texas at the following location: **ON THE FAYETTE COUNTY COURTHOUSE LAWN ON THE WEST SIDE AT THE POSTING BOARD LOCATED ON THE STONE WALL ENCLOSURE OF THE COURTHOUSE FACING WEST COLORADO STREET NEAR ITS INTERSECTION WITH NORTH MAIN STREET, OR THE PRECEDING AREA IS NO LONGER THE DESIGNATED AREA, AT THE AREA MOST RECENTLY DESIGNATED BY THE COUNTY COMMISSIONER'S COURT PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE AS THE PLACE WHERE FORECLOSURE SALES ARE TO TAKE PLACE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS**

Property Address: 205 TRAIN STREET, ELLINGER, TX 78938

2. Terms of Sale: The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. 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, except as to the warranties of title, if any, provided for under the deed of trust. Any conveyance of the property is subject to all matters of record affecting the property.

3. Instrument to be Foreclosed: The instrument to be foreclosed is the Deed of Trust or Contract Lien dated 02/03/2005 and recorded 02/04/2005 in Book 1298 Page 775 Document 05-0610, real property records of Fayette County, Texas, with **ALFRED D. WYANT, A SINGLE PERSON** grantor(s) and HOME MORTGAGE CONSULTANTS, INC. DBA CITYWIDE MORTGAGE COMPANY as Lender, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. as Beneficiary.

4. Appointment of Substitute Trustee: In accordance with Texas Property Code Sec. 51.0076, the undersigned authorized agent for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.

5. Obligation Secured: Deed of Trust or Contract Lien executed by **ALFRED D. WYANT, A SINGLE PERSON**, securing the payment of the indebtedness in the original principal amount of \$41,100.00, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. **The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A.** as successor to JPMorgan Chase Bank, N.A., as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates Series 2005-RS4 is the current mortgagee of the note and deed of trust or contract lien.

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6. Default: A default has occurred in the payment of indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness.

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

FIELD NOTE DESCRIPTION OF 0.228 ACRES OF LAND, BEING ALL OF LOTS 15, 16, AND 17, AND A PORTION OF LOTS 14 AND 18, OF BLOCK 5 OF THE SIMANK ADDITION TO THE TOWN OF ELLINGER, A SUBDIVISION IN FAYETTE COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 190 PAGE 188, OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING THOSE SAME TRACTS OF LAND CONVEYED TO LILLIAN S. BLINKA AND WILLIE J. FRANKA IN A DEED AS RECORDED IN VOLUME 640 PAGE 533 OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A 2" IRON PIPE FOUND IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF TRAIN STREET (RAILROAD STREET PER PLAT) AND BEING FOR THE MOST WESTERLY CORNER OF THOSE CERTAIN TRACTS OF LAND CONVEYED TO LILLIAN S. BLINKA AND WILLIE J. FRANKA IN A DEED AS RECORDED IN VOLUME 640 PAGE 534 OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING FOR THE MOST SOUTHERLY CORNER OF THAT CERTAIN (0.193 ACRE) TRACT OF LAND CONVEYED TO HENRY SLANINA AND MILDRED SLANINA IN A DEED AS RECORDED IN VOLUME 356 PAGE 397 OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND ALSO BEING IN THE SOUTHWESTERLY LINE OF LOT 18, BLOCK 5, OF THE SIMANK ADDITION TO THE TOWN OF ELLINGER, A SUBDIVISION IN FAYETTE COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 190 PAGE 188 OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING FOR THE MOST WESTERLY CORNER OF THE TRACT HEREIN DESCRIBED, THENCE, LEAVING SAID RIGHT-OF-WAY LINE, AND WITH THE COMMON LINE BETWEEN THE BLINKA TRACTS AND THE SLANINA TRACT, N 45 DEG. 10' 58" E 100.21 FEET TO A 1/2" IRON ROD FOUND AT THE MOST SOUTHERLY CORNER OF THAT CERTAIN (0.193 ACRE) TRACT OF LAND CONVEYED TO HENRY SLANINA AND MILDRED SLANINA IN A DEED AS RECORDED IN VOLUME 331 PAGE 357 OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND ALSO BEING AT THE MOST WESTERLY CORNER OF THAT CERTAIN (0.193 ACRE) TRACT OF LAND CONVEYED TO DAVID CERNOCH AND NANCY CERNOCH IN A DEED AS RECORDED IN VOLUME 1287 PAGE 668 OF THE OFFICIAL RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING FOR THE MOST NORTHERLY CORNER OF THIS TRACT, AND FROM WHICH A 2" IRON PIPE FOUND BEARS N 45 DEG. 35' 58" E 100.08 FEET, THENCE, WITH THE COMMON LINE BETWEEN THE BLINKA TRACT AND THE CERNOCH TRACT, S 44 DEG. 51' 33" E 83.93 FEET TO A CAPPED 1/2" IRON ROD FOUND AT THE MOST WESTERLY CORNER OF THAT CERTAIN (0.303 ACRE) TRACT OF LAND CONVEYED TO WILLIAM LARRY ROSE AND JUDY ANN ROSE IN A DEED AS RECORDED IN VOLUME 894 PAGE 675 OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING FOR AN ANGLE IN THE NORTHEASTERLY LINE OF THIS TRACT, THENCE, WITH THE COMMON LINE BETWEEN THE BLINKA TRACT AND THE ROSE TRACT, S 44 DEG. 26' 45" E 14.95 FEET TO A 2" IRON PIPE FOUND AT THE MOST NORTHERLY CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO BERNARD J. MICHALSKY AND JEANETT J. MICHALSKY IN A DEED AS RECORDED IN VOLUME 352 PAGE 429 OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING FOR THE MOST EASTERLY CORNER OF THIS TRACT, THENCE, WITH THE COMMON LINE BETWEEN THE BLINKA TRACT AND THE MICHALSKY TRACT, S 45 DEG. 17' 20" W 100.50 FEET TO A 2" IRON PIPE FOUND IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF TRAIN STREET, BEING FOR THE MOST SOUTHERLY CORNER OF THIS TRACT, AND FROM WHICH A 1/2" IRON ROD FOUND BEARS S 45 DEG. 00' 29" E 117.56 FEET, THENCE, WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF TRAIN STREET N 44

SURVEY DESCRIPTION
10.0300 ACRES (TRACT 8)
IGNACIO CHAPA LEAGUE, A-12
TRINITY COUNTY, TEXAS

Being all of that certain tract or parcel of land containing 10.0300 acres, situated in the Ignacio Chapa League, Abstract No. 12, being out and a part of that certain tract called 695.53 acres, as described in Deed from DJKPLT, Inc. to Colt Ranch and Land Partners II, L.P., dated September 18, 2019, recorded in Volume 1025, Page 423 of the Official Public Records of Trinity County, Texas (O.P.R.T.C.T.). Said 10.0300 acre tract being more particularly described by metes and bounds as follows, to wit:

COMMENCING at a 1/2 inch Iron rod set in the east margin of Josserand Road, same being the west boundary line of a called 50.048 acre tract, as described in Volume 143, Page 132 of the Deed Records of Trinity County, Texas (D.R.T.C.T.), for the southeast corner of a called 10.4 acre tract, as described in Volume 65, Page 274 (D.R.T.C.T.), from which a 5 inch-by-4 inch concrete monument found for the recognized northwest corner of the called 50.048 acres, and also the recognized northeast corner of the called 10.4 acres bears North 26°59'30" East, a distance of 621.85 feet;

THENCE South 26°59'30" West, along and with the east margin of Josserand Road, same being the west boundary line of the called 50.048 acres, and same also being the east boundary line of the called 695.53 acres, a distance of 870.25 feet to a 3 inch-by-3 inch concrete monument with brass cap stamped "C.P.F. T-30" found for the recognized southwest corner of the 50.048 acres, from which an 18 inch sweet gum found marked "X" bears North 47°34' West, 44.2 feet;

THENCE North 63°00'30" West, a distance of 15.27 feet to a point for corner in the centerline of Josserand Road;

THENCE South 20°09'41" West, continuing along and with the east boundary line of the called 695.53 acres, same being the west boundary line of a called 436.782 acres, as described in Deed from RMK Select Timberland Investment Fund II, LLC to Larry C. Dean, dated March 26, 2013, recorded in Volume 908, Page 309 (O.P.R.T.C.T.), a distance of 494.11 feet;

THENCE South 19°25'55" West, continuing along and with the centerline of Josserand Road, same being the east boundary line of the called 695.53 acres, same being the west boundary line of a called 436.782 acres, a distance of 718.00 feet to the northeast corner and Point of Beginning of the herein described tract;

THENCE South 19°25'55" West, continuing along and with the centerline of Josserand Road, same being the east boundary line of the called 695.53 acres, same being the west boundary line of a called 436.782 acres, a distance of 297.00 feet to a 1/2 inch Iron rod set in the centerline of Josserand Road, for the southeast corner of the herein described tract;

THENCE North 70°34'05" West, passing a 1/2 inch Iron rod set for reference at a distance of 21.30 feet, and continuing for a total distance of 1440.15 feet to a 1/2 inch Iron rod set for the southwest corner of the herein described tract;

THENCE North 21°59'11" East, a distance of 312.94 feet to a 1/2 inch Iron rod set for the northwest corner of the herein described tract;

THENCE South 69°56'24" East, passing a 1/2 inch iron rod set for reference at a distance of 1406.28 feet, and continuing for a total distance of 1426.28 feet to the Point of Beginning and containing 10.0300 acres, more or less.

Bearings are based upon SPC Texas Central Zone 4203, NAD 83, surface values.

1/2-inch iron rods set in this survey have a plastic cap that bears the name "Goodwin-Lasiter".

Concrete monuments found in this survey were set during a survey performed by Abbot Hargraves for Champlon Paper and Fibre Company in 1955.

TS No.: 2024-01216-TX
24-001116-673

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9. Limitation of Damages: If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's attorney.

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

Date: 12/26/2024



Mark Bombick – Attorney or Authorized Agent of The Mortgagee or Mortgage Servicer

C/O Power Default Services, Inc.
7730 Market Center Ave, Suite 100
El Paso, TX 79912
Telephone: 855-427-2204
Fax: 866-960-8298

For additional sale information visit: www.auction.com or (800) 280-2832

POWER DEFAULT SERVICES, INC. MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE.

Certificate of Posting

I am _____ whose address is c/o AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230, Houston, TX 77056. I declare under penalty of perjury that on _____ I filed this Notice of Foreclosure Sale at the office of the Fayette County Clerk and caused it to be posted at the location directed by the Fayette County Commissioners Court.

FILED
1:54pm
DEC 30 2024

Brenda Fietsam
BRENDA FIETSAM
CO. CLERK, FAYETTE CO., TEXAS