

JAN 11 2019

SUSAN STRICKLAND  
COUNTY CLERK, VAN ZANDT CO., TX  
BY \_\_\_\_\_ DEP**NOTICE OF FORECLOSURE SALE**

Notice is hereby given of a public nonjudicial foreclosure sale.

1. Deed of Trust. The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the following described deed of trust:

Date: October 24, 2012

Grantor: Village Promotions, Inc.

Beneficiary: Citizens State Bank

Substitute Trustee: Scott A. Ritcheson, and/or Charles E. Lauffer, Jr. and/or Douglas A. Ritcheson and/or Lance Vincent

Recording Information: Deed of Trust recorded under Clerk's File Number 2012-008501, in the Official Public Records of Van Zandt County, Texas.

2. Property to be Sold. The property to be sold (the "Property") is described as follows:

**A leasehold estate and all other interests and rights of Grantor in and to that certain premises being 12.426 acres that are more particularly described in that lease agreement recorded in Volume 1370, Page 577 of the Real Property Records of Van Zandt County and the Amended lease agreement recorded in Volume 1408, Page 561 of the Real Property Records of Van Zandt County, Texas, and also described on Exhibit "A" attached hereto (excluding, however, any property for which a partial release of the lien has been signed by Citizens State Bank and filed of record).**

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

Date: **February 5, 2019**

Time: The sale shall begin no earlier than 10:00 a.m. or no later than three (3) hours thereafter. The sale shall be completed by no later than 1:00 p.m.

Place: Van Zandt County Courthouse in Canton, Texas, at the following location:

In the area of such Courthouse designated by the Van Zandt County Commissioners' Court as the area where foreclosure sales shall take place, or, if no such area has been designated, then on the steps of the North entrance to the Van Zandt County Courthouse in Canton, Texas.

The deed of trust permits the beneficiary 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. Such reporting or refiled may be after the date originally scheduled for this sale.

4. 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 date the property is sold.

The sale will be made expressly subject to unpaid ad valorem taxes and 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 other 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.

A purchaser at the sale of the Property "acquires the Property "AS IS" without any expressed or implied warranties" (except as to the warranties of title from the grantor identified

in the deed of trust described below). Any purchaser acquires the Property "at the purchaser's own risk." Texas Property Code §51.009. Nothing set forth in this Notice is an express or implied representation or warranty regarding the Property, all of which are specifically disclaimed by the undersigned and by the beneficiary of the herein described deed of trust.

5. Type of Sale. The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by Village Promotions, Inc. The deed of trust is dated October 24, 2012, and is recorded in the office of the County Clerk of Van Zandt County, Texas, under Clerk's File Number 2012-008501, in the Official Public Records of Van Zandt County, Texas.

6. Obligations Secured. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including, but not limited to, (1) the October 24, 2012 promissory note in the original principal amount of \$3,500,000.00, executed by Corry Davis Marketing, Inc., and payable to the order of Citizens State Bank; (2) all renewals and extensions of the note; (3) all interest, late charges, fees and other expenses payable under said note on the herein described deed of trust; and (4) all other debts and obligations described in the deed of trust (including all debts secured by any cross-collateralization clause in the deed of trust). Citizens State Bank is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiary, Citizens State Bank, Attention: John Mills, telephone (903) 581-8100.

7. Default and Request to Act. Default has occurred under the deed of trust, and the beneficiary has asked 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.

DATED: January 3, 2019.



SCOTT A. RITCHESON, Substitute Trustee  
821 ESE Loop 323, Suite 530  
Tyler, Texas 75701  
Tel: (903) 535-2900  
Fax: (903) 533-8646

**Notice to Members of the Armed Forces of the United States:**

**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.**

## EXHIBIT "A"

All that certain lot, tract or parcel of land situated in Van Zandt County, Texas, on the Q. C. NUGENT SURVEY, Abstract No. 618, and being a part of the 60.55 acre tract conveyed to Corry Davis Marketing, Inc., by Mary Julia King a/k/a Mary Corry King by deed dated January 6, 1994, and recorded in volume 1302, page 429, of the Real Records of Van Zandt County, Texas. Said lot, tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the middle of Mill Creek, at the North corner of the 60.55 acre tract and the West corner of the Gerald Turner 149.28 acre tract recorded in Volume 1245, page 13, of the Van Zandt County Real Records; WITNESS: ½" iron rod found South 50 deg. 45 min. 15 sec. East 8.21 feet;

THENCE South 50 deg. 45 min. 15 sec. East 376.08 feet to a ½" iron rod set under fence in the Northeast line of the 60.55 acre tract;

THENCE South 20 deg. 22 min. 57 sec. West 1170.64 feet to a ½" iron rod set for corner;

THENCE North 68 deg. 44 min. 28 sec. West 314.98 feet to a ½" iron rod set in the Northeast line of the Texas Highway Department easement recorded in Volume 144, page 152; WITNESS: ½" iron rod North 68 deg. 44 min. 28 sec. West 30.8 feet;

THENCE North 05 deg. 38 min. 05 sec. East 242.37 feet to a 1" iron pipe found at the Northeast corner of said easement;

THENCE South 89 deg. 39 min. 35 sec. West 50.24 feet to the Northwest corner of easement in Mill Creek; WITNESS: ½" iron rod North 89 deg. 39 min. 35 sec. East 6.24 feet;

THENCE down Mill Creek, North 17 deg. 46 min. 49 sec. East 119.10 feet, North 08 deg. 30 min. 08 sec. East 344.19 feet, North 24 deg. 03 min. 39 sec. East 343.71 feet and North 44 deg. 32 min. 05 sec. East 298.08 feet to the place of beginning and containing 12.426 acres of land, more or less.

And being the same land described in Amended Lease Agreement between Corry Davis Marketing, Inc., d/b/a Old Mill Marketplace, as Lessor, and ADV Development, Inc., as Lessee, dated December 15, 1996, recorded in Volume 1408, page 561, Real Records of Van Zandt County, Texas.

**SAVE AND EXCEPT, HOWEVER:**

The following six (6) lots, tracts or parcels of land and the easement property:

**1.02 acres:**

All that certain lot, tract, or parcel of land situated in the Q.C. Nugent Survey Abstract 618, Van Zandt County, Texas, being part of a called 37.11 acre tract described by deed recorded in Volume 1478, Page 94 and being part of a called 13.039 acre tract described as Tract 1 by deed recorded in Instrument 2014-004608 of the Real Records of Van Zandt County, Texas. Said tract or parcel of land being more fully described by metes and bounds as follows.

BEGINNING on a set 1/2" iron rod for the northeast corner of this tract S80°23'10"W 73.20 feet and N78 49'57"W 170.77 feet from the most northerly northeast corner of the above mentioned 37.11 acre tract;

THENCE S25°57'24"W 245.00 feet to a set 1/2" iron rod for the southeast corner of this tract located in the northeast line of a 60' proposed road easement;

THENCE with said northeast line N45°38'34"W 283.78 feet to a set 1/2" iron rod for the southwest corner of this tract;

THENCE N23°47'56"E 83.56 feet to a found 1/2" iron rod for the northwest corner of this tract located in the north line of said 37.11 acre tract;

THENCE with said north line S78°49'57"E 281.75 feet to the place of beginning and containing 1.02 acres of land.

1.01 acres:

All that certain lot, tract, or parcel of land situated in the Q.C. Nugent Survey Abstract 618, Van Zandt County, Texas, being part of a called 13.039 acre tract described as Tract 1 by deed recorded in Instrument 2014-004608 and being part of a called 37.11 acre tract described by deed recorded in Volume 1478, Page 94 of the Real Records of van Zandt County, Texas. Said tract or parcel of land being more fully described by metes and bounds as follows.

BEGINNING on a set 1/2" iron rod for the northeast corner of this tract S80°23'10"W 73.20 feet and N78°49'57"W 60.64 feet from the most northerly northeast corner of the above mentioned 37.11 acre tract;

THENCE S06°45'27"W 219.83 feet to a set 1/2" iron rod for an angle corner of this tract;

THENCE S31°12'26"W 116.58 feet to a set 1/2" iron rod for the southeast corner of this tract located in the northeast line of a proposed 60' road easement;

THENCE with said northeast line N47°17'39"W 175.55 feet to a set 1/2" iron rod for the southwest corner of this tract;

THENCE N25°57'24"E 245.00 feet to a set 1/2" iron rod for the northwest corner of this tract located in the north line of said 37.11 acre tract;

THENCE with said north line S78°49'57"E 110.13 feet to the place of beginning and containing 1.01 acres of land.

**1.00 acre:**

All that certain lot, tract, or parcel of land situated in the Q.C. Nugent Survey Abstract 618, Van Zandt County, Texas, and being part of a called 13.039 acre tract described as Tract 1 by deed recorded in Instrument 2014-004608 of the Real Records of Van Zandt County, Texas. Said tract or parcel of land being more fully described by metes and bounds as follows.

BEGINNING on a set 1/2" iron rod for the south corner of this tract located N40°39'58"E 151.63 feet, N43°09'58"E 70.45 feet, N42°45'14"W 5.01 feet, N43°09'58"E 146.17 feet and N47°18'58"W 99.08 feet to a set 1/2" iron rod for the south corner of this tract located in the northeast line of a proposed 60' road easement;

THENCE with said northeast line N38°50'50"W 274.31 feet to a set 1/2" iron rod for the west corner of this tract;

THENCE N31°12'26"E 116.58 feet to a set 1/2" iron rod for the north corner of this tract;

THENCE S65°09'02"E 149.66 feet to a set 1/2" iron rod for an angle corner of this tract;

THENCE S23°22'09"E 177.74 feet to a set 1/2" iron rod for the east corner of this tract;

THENCE S47°18'58"W 128.76 feet to the place of beginning and containing 1.00 acre of land.



**1.01 acres:**

All that certain lot, tract, or parcel of land situated in the Q.C. Nugent Survey Abstract 618, Van Zandt County, Texas, being part of a called 13.039 acre tract described as Tract 1 by deed recorded in Instrument 2014-004608 and being part of a called 13.039 acre tract described as Tract 1 by deed recorded in Instrument 2014-004608 of the Real Records of Van Zandt County, Texas. Said tract or parcel of land being more fully described by metes and bounds as follows.

BEGINNING on a found 1/2" iron rod for the most northerly northeast corner of the above mentioned 37.11 acre tract;

THENCE S13°50'02"E 39.77 feet to a found 1/2" iron rod for an ell corner of this tract located in the north line of said 13.039 acre tract;

THENCE with said north line N80°04'52"E 85.27 feet to a set 1/2" iron rod located in the north line of a proposed 60' road easement;

THENCE with said road easement around a curve to the left having a Delta Angle of 119°54'47", a Radius of 60.00 feet, Chord of S20°07'29"W 103.88 feet for a Length of 125.57 feet to a set 1/2" iron rod;

THENCE S26°23'12"W 178.85 feet to a set 1/2" iron rod for the southeast corner of this tract;

THENCE N65°09'02"W 149.66 feet to a set 1/2" iron rod for the southwest corner of this tract;

THENCE N06°45'27"E 219.83 feet to a set 1/2" iron rod for the northwest corner of this tract located in the north line of said 37.11 acre tract;

THENCE with said north line S78°49'57"E 60.64 feet to a found 1/2" iron rod and N80°23'10"E 73.20 feet to the place of beginning and containing 1.01 acres of land.

1.0 acre:

All that certain lot, tract, or parcel of land situated in the Q.C. Nugent Survey Abstract 618, Van Zandt County, Texas, and being part of a called 13.039 acre tract described as Tract 1 by deed recorded in Instrument 2014-004608 of the Real Records of Van Zandt County, Texas. Said tract or parcel of land being more fully described by metes and bounds as follows.

*missing  
2 call*

BEGINNING on a set 1/2" iron rod for the northeast corner of this tract S47°18'58"W 108.87 feet and S80°43'50"W 215.75 feet from the northeast corner of the above mentioned 13.039 acre tract located in the south line of a proposed 60' road easement;

THENCE S09°05'47"W 286.37 feet to a set 1/2" iron rod for the most easterly southeast corner of this tract;

THENCE S47°18'58"W 140.75 feet to a set 1/2" iron rod for the south corner of this tract;

THENCE N23°22'09"W 177.74 feet to a set 1/2" iron rod for the most westerly southwest corner of this tract;

THENCE N26°23'12"E 178.85 feet to a set 1/2" iron rod for the northwest corner of this tract located in the south line of said proposed 60' road easement;

THENCE with said south line around a curve to the left having a Delta Angle of 150°05'13", a Radius of 60.00 feet, a Chord of N65°07'29"E 115.93 feet for a length of 157.17 feet to a set 1/2" iron rod for the end of this curve;

THENCE continuing with said south line N80°04'52"E 35.11 feet to the place of beginning and containing 1.00 acre of land.

**1.01 acres:**

All that certain lot, tract, or parcel of land situated in the Q.C. Nugent Survey Abstract 618, Van Zandt County, Texas, and being part of a called 13.039 acre tract described as Tract 1 by deed recorded in Instrument 2014-004608 of the Real Records of Van Zandt County, Texas. Said tract or parcel of land being more fully described by metes and bounds as follows.

BEGINNING on a set 1/2" iron rod for the northeast corner of this tract S47°18'58"W 108.87 feet and S80°43'50"W 9.08 feet from the northeast corner of the above mentioned 13.039 acre tract located in the south line of a proposed 60' road easement;

THENCE S47°18'58"W 495.93 feet to a set 1/2" iron rod for the south corner of this tract;

THENCE N09°05'47"E 286.37 feet to a set 1/2" iron rod for the northwest corner of this tract located in the south line of said proposed 60' road easement;

THENCE with said south line N80°04'52"E 117.07 feet to a set 1/2" iron rod and N80°43'50"E 206.67 feet to the place of beginning and containing 1.01 acres of land.

**Easement property:**

All that certain lot, tract, or parcel of land situated in the Q.C. Nugent Survey Abstract 618, Van Zandt County, Texas, and being part of a called 13.039 acre tract described as Tract 1 by deed recorded in Instrument 2014-004608 of the Real Records of Van Zandt County, Texas. Said tract or parcel of land being more fully described by metes and bounds as follows.

BEGINNING on a found 1/2" iron rod for the northeast corner of this tract and the northeast corner of the above mentioned 13.039 acre tract located in the west R.O.W. of F.M. 17;

THENCE with said west R.O.W. S47°18'58"W 108.87 feet to a set 1/2" iron rod for the southeast corner of this tract;

THENCE S80°43'50"W 215.75 feet to a set 1/2" iron rod and S80°04'52"W 152.18 feet to a set 1/2" iron rod for the beginning of a curve;

THENCE with said curve to the right having a Delta Angle of 270°00'00", a Radius of 60.00 feet, a Chord of N54°55'08"W 84.85 feet for a Length of 282.74 feet to a set 1/2" iron rod located in the north line of said 37.11 acre tract;

THENCE with the north line of said 13.039 acre tract N80°04'52"E 212.52 feet to a set 1/2" iron rod and N80°44'21"E 306.96 feet to the place of beginning and containing 0.85 acres of land.