

**Notice of Foreclosure Sale**

4/24/2020

FILED FOR RECORD  
2020 APR 27 AM 10:25  
SHERIFF'S OFFICE  
COUNTY CLERK, VAN ZANDT COUNTY  
BY \_\_\_\_\_

DEED OF TRUST ("Deed of Trust"):

Dated: February 11, 2019

Grantor: James H. Moore and Linda S. Michael

Trustee: Justin Beckham

Substitute Trustee: R. Paul Elliott

Lender: Debra Kirby and Rhonda Chambers

Recorded in: Document Number 2019-001302 of the real property records of Van Zandt County, Texas

**Legal Description:**

All that certain lot, tract or parcel of land situated within the JAMES RAWLS SURVEY, Abstract No. 705, Van Zandt County, Texas, same being a part of that tract of land conveyed to Truman Heddins in Volume 657, page 252, Deed Records of Van Zandt County, Texas, and being more particularly described as follows:

BEGINNING at a nail set for corner in the South line of said Heddins tract, from which a nail set for the Southeast corner of a tract of land conveyed to Truman Heddins in Volume 780, page 843, Deed Records of Van Zandt County, Texas, bears North 89 degrees 17 minutes 47 seconds East 1537.67 feet for witness;

THENCE South 89 degrees 17 minutes 47 seconds West, with the South line of said Heddins tract and within County Road No. 1803, 514.90 feet to a nail set for corner;

THENCE North 24 degrees 21 minutes 08 seconds East, passing a x-tie post at 23.95 feet, in all 178.81 feet to a 1/2 inch steel rod set and capped "Vogt 5248" for corner;

THENCE North 68 degrees 01 minutes 30 seconds East, 150.37 feet to a 1/2 inch steel rod set and capped "Vogt 5248" for corner;

THENCE South 86 degrees 18 minutes 44 seconds East, 300.76 feet to a 1/2 inch steel rod set and capped "Vogt 5248" for corner;

THENCE South 00 degrees 27 minutes 29 seconds East, passing a 1/2 inch steel rod set and capped "Vogt 5248" at 171.28 feet, in all 193.51 feet to the point of beginning and containing 2.16 acres of land.

Secures: Promissory Note ("Note") in the original principal amount of \$80,000.00, executed by James H. Moore and Linda S. Michael ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, June 2, 2020

Time: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 AM and not later than three hours thereafter.

Place: In Canton, Van Zandt County, Texas, in the area of the courthouse designated by the Commissioners Court, pursuant to Section 51.002 of the Texas Property Code, as the place where foreclosure sales are to take place. (outside the North Entrance to the County Courthouse at 121 E. Dallas St., Canton, TX

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that William L. Stewart's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, William L. Stewart, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of William L. Stewart's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with William L. Stewart's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If William L. Stewart passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure 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 Foreclosure 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. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by William L. Stewart. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (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 section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

**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.**

**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.**



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