

MAR 09 2023

SUSAN STRICKLAND
COUNTY CLERK, VAN ZANDT CO., TX
BY _____ DEPTS No.: 2023-00249-TX
20-000600-673**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:** 05/02/2023**Time:** The sale will begin at 11:00 AM or not later than three hours after that time**Place:** Van Zandt County, Texas at the following location: **THE STEPS OF THE NORTH ENTRANCE TO THE VAN ZANDT COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE 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:** 714 CROOKED CREEK ROAD, EDGEWOOD, TX 75117

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 07/27/2005 and recorded 08/04/2005 in Book OR 2059 Page 54 Document 00022070, real property records of Van Zandt County, Texas, with **Daniel W. Cherry, a married man & Leah B. Cherry, his spouse, Signing Pro Forma to Perfect lien only** grantor(s) and WMC MORTGAGE CORPORATION 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 **Daniel W. Cherry, a married man & Leah B. Cherry, his spouse, Signing Pro Forma to Perfect lien only**, securing the payment of the indebtedness in the original principal amount of **\$141,840.00**, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR GSAMP TRUST 2005-WMC2** 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:

All that certain lot, tract, or parcel of land situated in the H. C. Marrs Survey A-536, Van Zandt County, Texas, same being all of a called 0.43 acre tract known as First Tract, and all of a called 0.15 acre tract known as Second Tract in Warranty Deed dated April 19, 1983 from George G. Foster et ux, Fay W. Foster et al to Tony W. McBride et ux, Debora N. McBride as found recorded in Vol. 1003, Page 984 of the Real Records of Van Zandt County, Texas, and all of a called 0.43 acre tract as found in Gift deed dated January 21, 1992 from George G. Foster, a widower, and Terry Foster to Tony McBride and his wife, Debora N. McBride as found recorded in Vol. 1251, Page 144 of the Real Records of Van Zandt County, Texas, and being more fully described as follows: Beginning at a point within Crooked Creek Road for the Northeast corner of said 0.43 acre tract (Vol. 1251, Page 144 Real Records), same being the Northeast corner of this, from which a 3/8" Iron Rod reference was found bears North 71 deg. 08 min. 43 sec. West 22.13 feet; Thence: South 07 deg. 58 min. 50 sec. West 79.08 feet with Crooked Creek Road, and with the East line of said 0.43 acre tract (Vol. 1251, Page 144 Real Records) to a point for the Northeast corner of said 0.15 acre tract, from which a 3/8" Iron Rod reference was found, bears North 68 deg. 45 min. 32 sec. West 20.63 feet; Thence: South 09 deg. 44 min. 13 sec. West 100.06 feet with Crooked Creek Road, and with the East lines of said 0.15 acre tract and 0.43 acre tract (Vol. 1003, Page 984 Real records) to a point for the Southeast corner of said 0.43 acre tract (Vol. 1003, Page 984 Real Records), from which a Steel Post was found and used for a reference bears North 67 deg. 41 min. 02 sec. West 29.83 feet; Thence: North 67 deg. 53 min. 41 sec. West 257.92 feet with the South line of said 0.43 acre tract (Vol. 1003, Page 984 Real Records) to a Chain Link Corner Post found for the Southwest corner of same; Thence: North 06 deg. 00 min. 08 sec. East 99.61 feet with the West lines of said 0.43 acre tract and 0.15 acre tract (Vol. 1003, Page 984 Real Records) to a 5/8" Iron Rod found for the Northwest corner of said 0.15 acre tract; Thence: North 06 deg. 05 min. 45 sec. East 66.35 feet with the West line of said 0.43 acre tract (Vol. 1251, Page 144 Real Records) to a 3/8" Iron Rod found for the Northwest corner of same; Thence: South. 71 deg. 08 min. 43 sec. East 263.55 feet with the North line of said 0.43 acre tract (Vol. 1251, Page 144 Real Records) to the place of beginning containing 1.01 acres of land.

8. Mortgage Servicer Information: The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code § 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the property referenced above. PHH Mortgage Corporation, as Mortgage Servicer, is representing the current mortgagee, whose address is:

**C/O PHH Mortgage Corporation
PO BOX 24605 West Palm Beach, FL 33416-4605
Phone: 877-744-2506**

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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: March 8, 2023



Rebecca Browne, Trustee Sale Assistant

Camisha Scott, Iman Walcott, Tanesha Humphrey, Claire Buxton, Glenda Hamilton, Rebecca Browne – Attorney or Authorized Agent of The Mortgagee or Mortgage Servicer

C/O Power Default Services, Inc.
2300 Lakeview Parkway, Suite 756
Alpharetta, GA 30009
Telephone: 855-427-2204
Fax: 866-960-8298

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 Van Zandt County Clerk and caused it to be posted at the location directed by the Van Zandt County Commissioners Court.