

Notice of Foreclosure Sale

March 5, 2024

FILED FOR RECORD

JAN 24 2024

SUSAN STRICKLAND
COUNTY CLERK, VAN ZANDT CO., TX
BY _____ DEP

Deed of Trust ("Deed of Trust"):

Dated: December 1, 2015

Grantor: Abby Cecile Hilliard

Substitute Trustee: R. Paul Elliott

Lender: Gene and Judy Howell

Recorded in: Instrument No. 2015-009882 of the real property records of Van Zandt County, Texas

Property Description: See Exhibit "A"

Secures: Promissory Note ("Note") in the original principal amount of \$55,000.00, executed by Abby Hilliard ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday March 5, 2024

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: North Entrance, Van Zandt County Courthouse, Canton, Texas

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 Todd G, Howell'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, Gene and Judy Howell, the owners and holders 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 Gene and Judy Howell's election to proceed against and sell both the real

property and any personal property described in the Deed of Trust in accordance with Gene and Judy Howell'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 Gene and Judy Howell pass 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.

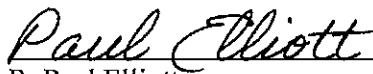
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain 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 Gene and Judy Howell. 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.



R. Paul Elliott
Attorney for Mortgagee

301 S. Main St.
Canton, TX 75103
Telephone (903) 567-4141
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Exhibit "A"

First Tract:

All that certain lot, tract or parcel of land, a part of the MUND GROSS SURVEY, Abstract No. 299, in Van Zandt County, Texas, and described as follows, to-wit:

BEGINNING at the Southeast corner of a tract of land conveyed by the Van Texas Church of Christ to S. O. Jackson et ux by deed dated May 22, 1957, recorded in Volume 472, page 76, of the Deed Records of Van Zandt County, Texas;

THENCE North along the East line of said lot for 25 feet and continuing in an extension for a total call of 76 feet to the Southeast corner of a lot heretofore conveyed (as Second Tract) by S. O. Jackson et ux to Dr. W. J. Garrett, Jr., in Warranty Deed dated July 16, 1955, recorded in Volume 455, page 81, of the Deed Records of Van Zandt County, Texas;

THENCE West approximately 88 feet along the South line of said Garrett tract to the Southwest corner of same for corner;

THENCE South for 76 feet along the West line of that tract of land conveyed to S. O. Jackson by J. C. Craddock and wife, Losta Craddock, in deed dated May 26, 1950, and recorded in Volume 391, page 150, of the Deed Records of Van Zandt County, Texas, to the Southwest corner of the aforesaid Church of Christ to Jackson lot. for corner;

THENCE East for approximately 92 feet along the South line of the aforesaid Church of Christ lot to the place of beginning.

Second Tract:

All that certain lot, tract or parcel of land, a part of the MUND GROSS SURVEY, Abstract No. 299, in Van Zandt County, Texas, and a part of the certain 2.28 acre tract deeded to Dr. W. J. Garrett, Jr., on January 16, 1968, by J. C. Craddock et al., said deed of record in Volume 670, page 355, of the Deed Records of Van Zandt County, Texas; and

BEGINNING at a stake for the Southwest corner, which stake is located North 88 deg. 00 min. East 235.9 feet and North 04 deg. 48 min. East 205.5 feet from the Southwest corner of the said 2.28 acre tract;

THENCE North 04 deg. 48 min. East 76.8 feet to stake for corner;

THENCE East 23.6 feet to stake for corner;

THENCE South 05 deg. 22 min. West 76.8 feet to stake for corner;

THENCE West 23.0 feet to the place of beginning.