

**NOTICE OF SUBSTITUTE TRUSTEE'S
FORECLOSURE SALE**

July 11, 2024

FILED FOR RECORD
JUL 15 2024
SUSAN STRICKLAND
COUNTY CLERK, VAN ZANDT CO., TX
BY _____ DEP

**Residential Construction Contract With Deed of Trust
And Power of Sale:**

Dated: May 18, 2015

Owner: Dina R. Wood, f/k/a Dina Wood Walker

Lender: Austin Bank, Texas N.A.

Original Trustee: Russell Gideon

Recorded: Recorded on May 22, 2015, Document Number: 2015-004178, in the Official Public Records of Van Zandt County, Texas; and as corrected by that Non-Material Error Correction Affidavit dated June 22, 2015, and recorded on June 23, 2015, Document Number 2015-005092, in the Official Public Records of Van Zandt County, Texas (the "Deed of Trust").

Legal Description: All that certain lot, tract or parcel of land, lying and being situated in Van Zandt County, Texas, and being a 22.561 acre tract and being all that certain lot, tract or parcel of land situated in the A.D. Benton Survey, Abstract No. 86 and the L.H. Baughman Survey, Abstract No. 76, Van Zandt County, Texas, and being part of a called 44.57 acre tract described in a deed from Harold F. Tehan to Timothy P. Tehan, Trustee of the BJT 1996 Family Trust as recorded in Volume 1512, Page 965, Van Zandt County Real Records, and being more particularly described by metes and bounds in Exhibit "A" to the filed Deed of Trust, and as corrected by that Non-Material Error Correction Affidavit dated June 22, 2015, and recorded on June 23, 2015, Document Number 2015-005092, in the Official Public Records of Van Zandt County, Texas. which Exhibit "A" is also attached to this Notice.

The Real Property or its address is commonly known as 1249 VZ County Road 1820, Grand Saline, Texas 75140.

Secures: Indebtedness evidenced the Promissory Note #2100000065 dated May 18, 2015, in the original principal amount of \$488,000.00, payable to Austin Bank, Texas N. A. ("Lender"), executed by Dina R. Wood ("Borrower"), as further extended and modified by the Renewal, Extension and Modification Agreements (Promissory

Note and Deed of Trust) recorded in the Official Public Records of Van Zandt County, Texas (the "Indebtedness")

Property to be sold: All that certain lot, tract or parcel of land, lying and being situated in Van Zandt County, Texas, and being a 22.561 acre tract and being all that certain lot, tract or parcel of land situated in the A.D. Benton Survey, Abstract No. 86 and the L.H. Baughman Survey, Abstract No. 76, Van Zandt County, Texas, and being part of a called 44.57 acre tract described in a deed from Harold F. Tehan to Timothy P. Tehan, Trustee of the BJT 1996 Family Trust as recorded in Volume 1512, Page 965, Van Zandt County Real Records, and being more particularly described by metes and bounds in Exhibit "A" to the filed Deed of Trust, and as corrected by that Non-Material Error Correction Affidavit dated June 22, 2015, and recorded on June 23, 2015, Document Number 2015-005092, in the Official Public Records of Van Zandt County, Texas. which Exhibit "A" is also attached to this Notice.

The Real Property or its address is commonly known as 1249 VZ County Road 1820, Grand Saline, Texas 75140.

Substitute Trustee: Donald W. Cothern

Substitute Trustee's Address: 2320 Dueling Oaks Drive, Tyler, Texas 75703

Foreclosure Sale:

Date: August 6, 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 a.m., and not later than three hours thereafter, and will be completed no later than 4:00 o'clock p.m. that day.

Place: Van Zandt County Courthouse in Canton, Texas, at the following location: the steps of the North Entrance to the Van Zandt County Courthouse in the City of Canton, Texas, the place designated by the Zandt County Commissioner's Court as the place where foreclosures under contract are to take place; or if the preceding area is no longer the designated area, at the area at said Courthouse most recently designated by the County Commissioner's Court for such sales.

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 Austin Bank, Texas N.A.'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 Indebtedness and in the performance of the obligations of the Deed of Trust. Because of that default, Austin Bank, Texas N.A., the owner and holder of the Note, and the Lender under the Deed of Trust, has requested the Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Austin Bank, Texas N.A.'s election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Austin Bank, Texas N.A.'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, the Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Austin Bank, Texas N.A. 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.

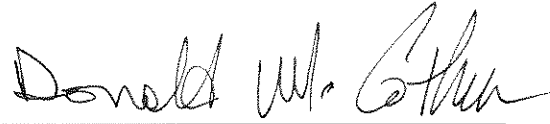
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain 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 Austin Bank, Texas N.A. 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 sale 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.

The undersigned has been appointed Substitute Trustee by Austin Bank, Texas N.A. by an instrument previously recorded in the Official Public Records of Van Zandt County, Texas.



Donald W. Cothorn, Substitute Trustee
2320 Dueling Oaks Drive
Tyler, Texas 75703
Phone: 903-579-7531
Fax: 903-581-3701
Email: dcothorn@kabfm.net

After filing return to:

Donald Cothorn
2320 Dueling Oaks Dr.
Tyler, Texas 75703

EXHIBIT "A"

BEING a 22.561 acre tract and being all that certain lot, tract or parcel of land situated in the A. D. Denton Survey, Abstract No. 86 and the L. H. Baughman Survey, Abstract No. 76, Van Zandt County, Texas, and being part of a called 44.57 acre tract described in a deed from Harold F. Tehan to Timothy P. Tehan, Trustee of the BJT 1996 Family Trust as recorded in Volume 1512, Page 965, Van Zandt County Real Records, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found at the westerly most southeast corner of said 44.57 acre tract and the southwest corner of a called 8000 square feet tract described in a deed to Scott as recorded in Volume 601, Page 358, V.Z.C.D.R., on the north line of a called 50 acre tract described as Third Tract in a deed to Fowler as recorded in Volume 860, Page 691, V.Z.C.D.R., and on the centerline of County Road No. 1820, for a corner;

THENCE S 89°41'50" W along the southernmost south line of said 44.57 acre tract, the north line of said 50 acre tract, and along the centerline of said county road a distance of 982.38 feet to a 1/2 inch iron rod set, for a corner;

THENCE across said 44.57 acre tract the following courses and distances:

N 01°11'02" W a distance of 277.60 feet to a 1/2 inch iron rod set, for a corner;

N 90°00'00" E a distance of 48.87 feet to a 1/2 inch iron rod set, for a corner;

N 55°43'21" E a distance of 391.62 feet to a 1/2 inch iron rod set, for a corner;

N 19°16'39" W a distance of 12.46 feet to a 1/2 inch iron rod set, for a corner;

N 55°43'21" E a distance of 151.52 feet to a 1/2 inch iron rod set, for a corner;

N 13°49'41" W a distance of 75.07 feet to a 1/2 inch iron rod set, for a corner;

N 77°28'12" W a distance of 91.68 feet to a 1/2 inch iron rod set, for a corner;

N 37°05'47" W a distance of 91.75 feet to a 1/2 inch iron rod set, for a corner;

N 80°26'57" E a distance of 74.86 feet to a 1/2 inch iron rod set, for a corner;

N 00°00'00" E a distance of 309.24 feet to a 1/2 inch iron rod set on the north line of said 44.57 acre tract and the south line of the Texas and Pacific Railroad right of way, for a corner;

THENCE S 81°30'00" E along the north line of said 44.57 acre tract and the south line said railroad right of way a distance of 1036.66 feet to a Bois D' Arc fence corner post at the northeast corner of said 44.57 acre tract and the northwest corner of Rhodesburgh Subdivision as recorded Volume 51, Page 29, V.Z.C.D.R., for a corner;

THENCE S 09°48'03" E along the easternmost east line of said 44.57 acre tract and the west line of said Rhodesburgh Subdivision a distance of 484.25 feet to an axle found at the easterly most southeast corner of said 44.57 acre tract and the northeast corner of a called 3 acre tract described in a deed to Harris as recorded in Volume 433, Page 254, V.Z.C.D.R., for a corner;

THENCE S 88°47'04" W along the northernmost south line of said 44.57 acre tract and the north line of said 3 acre tract a distance of 463.76 feet to a fence corner post at an inside corner of said 44.57 acre tract and the northwest corner of said 3 acre tract, for a corner;

THENCE S 02°00'29" E along the westernmost east line of said 44.57 acre tract, and along the west lines of said 3 acre tract and said 8000 square feet tract a distance of 430.64 feet to the POINT OF BEGINNING and containing 22.561 acres of land.