

First Amended Notice of Foreclosure Sale

FILED FOR RECORD
AUG 09 2024
SUSAN STRICKLAND
COUNTY CLERK, VAN ZANDT CO., TX
BY _____ DEP

("Deed of Trust"):

Dated: October 19, 2021

Grantor: Brad Michael Carter

Trustee: James F. Bowen

Lender: James Parks

Recorded in: Document No 2022-001760 of the real property records of Van Zandt County, Texas

Legal Description: Exhibit 1

Secures: ("Note") in the original principal amount of \$100,000.00, executed by Brad Michael Carter ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, September 3, 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.

Place: the front steps of the Van Zandt County Courthouse, 121 E. Dallas Street, Canton, Texas 75103

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 James Parks'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, James Parks, 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 James Parks's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with James Parks'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 James Parks 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 James Parks. 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.

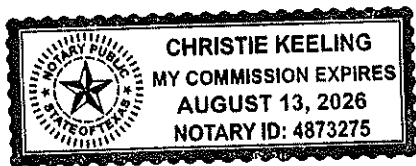
Jon G. Burt

Jon G. Burt
200 W. Grove
Kaufman, Texas 75142
Telephone: 972-962-6000
Telecopier: 972-932-8080
E-mail: jonburtlaw@gmail.com

STATE OF TEXAS)

COUNTY OF KAUFMAN)

This instrument was acknowledged before me on August 8, 2024, by Jon G. Burt.



Christie Keeling

Notary Public, State of Texas
My commission expires: 8-13-2026

PHYLLIS BACON
11.098 ACRES

FIELD NOTES

J. S. MANCHA SURVEY
ABSTRACT 503

VAN ZANDT COUNTY, TEXAS

All that certain lot, tract or parcel of land situated in Van Zandt County, State of Texas, on the J. S. Mancha Survey, A-503, and being a part of the second tract conveyed to Edna Evangeline Carter and Walter Clyde Carter, by Eugene Emerson Abbott, Grace Josephine Ingram, a single woman, and John Melvin Abbott, by Warranty Deed dated September 4, 1964, and recorded in Volume 570, Page 609, of the Henderson County Deed Records said lot, tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod set for corner in the westerly North line of the of the second tract, 433.56 West of the northerly Northeast corner of same, in the westerly South line of the Wynell S. Reeves 127.57 acre tract recorded in Volume 1683, Page 310, of the Van Zandt County Real Records and at the Northwest corner of the Drew Carter 11.098 acre tract surveyed this date;

THENCE SOUTH 418.75 feet to a 5/8" iron rod set for corner at the westerly Southwest corner of the said Drew Carter 11.098 acre tract;

THENCE EAST 334.47 feet to a 5/8" iron rod set for corner at an ELL corner of the said Drew Carter 11.098 acre tract;

THENCE SOUTH 475.56 feet to a PK nail set for corner in the centerline of F. M. HWY. No. 1861, and at the southerly Southwest corner of the said Drew Carter 11.098 acre tract, from WHENCE a 5/8" iron rod set in the North ROW line of the said HWY. bears North 50.06 feet;

THENCE NORTH 88 degrees 55 minutes 42 seconds West along the centerline of F. M. HWY. No. 1861, 536.95 feet to the southerly Southwest corner of this tract, from WHENCE a 1/2" iron rod found in the North ROW line of the said HWY. and at the called Southeast corner of the William A. Watkins 1.00 acre tract recorded in Volume 1840, Page 520, of the Van Zandt County Real Records bears North 00 degrees 59 minutes 46 seconds East 50.12 feet;

THENCE NORTH 00 degrees 59 minutes 46 seconds East 258.95 feet to a 1/2" iron rod found for corner at the Northeast corner of the said 1.00 acre tract;

THENCE NORTH 89 degrees 05 minutes 10 seconds West 208.64 feet to a 1/2" iron rod found for corner at the Northwest corner of the said 1.00 acre tract and at an angle corner of the Jerry Monroe 11.098 acre tract surveyed this date;

THENCE NORTH 05 degrees 42 minutes 44 seconds West 625.14 feet to a 5/8" iron rod set for corner at the Northeast corner of the said Jerry Monroe 11.098 acre tract and in the South line of the said Wynell S. Reeves 127.57 acre tract;

THENCE EAST 468.72 feet to the place of beginning and containing 11.098 acres of land.