

FILED FOR RECORD

JUL 16 2024

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

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**THE STATE OF TEXAS           §  
  §       **KNOW ALL MEN BY THESE PRESENTS:**  
COUNTY OF VAN ZANDT       §**

**WHEREAS**, on April 20, 2022 **Michael W. Bare** (herein the "Grantor"), executed and delivered a Deed of Trust ( herein sometimes referred to as the "Deed of Trust" and/or "Security Instrument") conveying to **David Zalman**, as Trustee, the herein below described property to secure **Prosperity Bank**, in the payment of all indebtedness (collectively the "Note") therein described, the Deed of Trust being filed and recorded under Clerk's Document No. 2020-003495, in the Official Public Records of Real Property of Van Zandt County, Texas, to which reference is hereby made for all purposes; and

**WHEREAS**, default has occurred in the payment of the Note and the same is now wholly due, and **Prosperity Bank** (the "Beneficiary"), the owner and holder of the Note, has requested the undersigned to sell the Property to satisfy the Note; and

**WHEREAS**, the above named Trustee and any previously appointed Substitute Trustee was removed under and in accordance with the Deed of Trust and the Beneficiary designated and appointed **L. David Smith, Randy Daniel, Cindy Daniel and Jim O'Bryant**, any of whom may **act independently** as Substitute Trustee to enforce the Trust, and any of whom may conduct the sale of the Property and may be contacted as indicated on the signature block below.

**NOW, THEREFORE**, pursuant to the authority conferred upon me by the Deed of Trust, I, **L. David Smith**, hereby give notice that I or one of the other Substitute Trustees whose names and addresses are set out below, will sell the Property at public auction to the highest bidder, for cash,

on **Tuesday, August 6, 2024**. The earliest time at which the sale will occur shall be at **10:00 o'clock A.M.** and it may take place not later than three hours after said time, and the sale shall take place in the area which has been designated as the area for foreclosures to take place, being the steps of the North entrance to the Van Zandt County Courthouse 121 E. Dallas Street, Canton, Texas or as designated by the County Commissioner's Court and Office This conveyance will be made subject to any exceptions referenced in the Deed of Trust to the extent the same are still in effect and shall not cover any part of the Property that has been released from the liens of the Deed of Trust. The Property that will be sold at the foreclosure sale includes the following described real property, together with all improvements and fixtures

**All that certain lot, tract or parcel of land situated in the A. M. Johnson Survey A-433, Van Zandt County, Texas and being more particularly described by metes and bounds in Exhibit A attached to the Deed of Trust dated April 20, 2020 executed by Michael W. Bare to David Zalman, Trustee which Deed of Trust is recorded under Clerk's Document No. 2020-003495, in the Official Public Records of Real Property of Van Zandt County, Texas, to which reference is hereby made for all purposes.**

THE SALE OF THE PROPERTY IS "AS-IS" AND "WHERE-IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. THE SUBSTITUTE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE COMPLIANCE WITH THE LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

#### **SUBSTITUTE TRUSTEES**

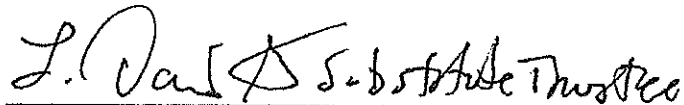
**NOTICE IS HEREBY PROVIDED THAT ONE OF THE FOLLOWING NAMED SUBSTITUTE TRUSTEES WHOSE ADDRESS AND CONTACT INFORMATION FOR PURPOSES HEREOF IS AS FOLLOWS MAY CONDUCT THE SALE:**

**L. David Smith, Randy Daniel , Cindy Daniel and Jim O'Bryant**

c/o L. David. Smith  
2618 Kittansett Circle  
Katy Texas 77450  
Telephone: (281)788-3666  
Email: ldslaw7@gmail.com

**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.**

Dated this 15<sup>th</sup> day of July, 2024.

A handwritten signature in black ink that reads "L. David Smith" followed by "Substitute Trustee" written in a cursive script.

L .David. Smith, Substitute Trustee  
2618 Kittansett Circle  
Katy Texas 77450  
Telephone:(281) 788-3666  
Email:ldslaw7@gmail.com