

NOTICE OF FORECLOSURE SALE

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2010 NOV 13 AM 9:32

**PAM PEARMAN
COUNTY CLERK, VAN ZANDT CO., TX**

BY _____ DEP.

("Deed of Trust"): Deed of Trust

Dated: February 27, 2009

Grantor: Garland Willis and wife, Tammy Willis

Trustee: Julie C. Stern

Lender: First State Bank of Ben Wheeler, Texas

Recorded in: Indebtedness secured by Deed of Trust dated February 27, 2009 and recorded in Document No. 2009-001601 and Promissory Note dated February 27, 2009, and further secured by an Extension of Real Estate Note and Lien dated February 28, 2014 and recorded in Document No. 2014-001673 executed by Garland Willis and Tammy Willis, to the First State Bank of Ben Wheeler. Amount: \$38,193.67, Deed of Trust Records, Van Zandt County, Texas.

Legal Description:

All that certain lot, tract or parcel of land, a part of the A. GRAY SURVEY, Abstract No. 290, Van Zandt County, Texas, and also being the residue of that certain called 27.00 acre tract of land that is described in a deed dated August 8, 2001, from D. David Darnell, Trustee for Tammy Darnell et al., to Garland Willis and wife, Tammy Willis, that is recorded in Volume 1647, page 263, of the Real Property Records of Van Zandt County, Texas, and being more completely described as follows, to-wit:

BEGINNING at a 1/2 inch rod found for corner at the Southeast corner of said tract and Southwest corner of that certain called 28.63 acres (Volume 1095, page 305) and the North boundary line of F.M. No. 1255;

THENCE South 68 deg. 04 min. 02 sec. West, along the South boundary line of said tract and the North boundary line of said road, for a distance of 459.04 feet to a 1/2 inch iron rod set for corner at the Southerly Southeast corner of a called 1.00 acres (Volume 2040, page 514);

THENCE North 06 deg. 22 min. 24 sec. West, along the East boundary line of said called 1.00 acres for a distance of 79.42 feet to a point for corner and continue along said line as follows, to-wit:

- North 01 deg. 06 min. 30 sec. West, for a distance of 544.52 feet;
- North 23 deg. 07 min. 25 sec. East, for a distance of 48.79 feet;
- North 37 deg. 13 min. 57 sec. East, for a distance of 43.81 feet;
- North 59 deg. 02 min. 49 sec. East, for a distance of 31.25 feet;

THENCE South 02 deg. 41 min. 51 sec. West, along the Northerly West boundary line of said called 1.00 acres for a distance of 87.55 feet to fence corner, for corner;

THENCE South 87 deg. 23. Min. 40 sec. East, along the South boundary line of said called 1.00 acres for a distance of 179.99 feet to fence corner, for corner;

THENCE North 02 deg. 43. Min. 42 sec. East along the East boundary line of said called 1.00 acres, for a distance of 138.96 feet to a 1/2 inch iron rod set for corner;

THENCE North 87 deg. 36 min. 20 sec. West, along the North boundary line of said tract for a distance of 180.07 feet to a fence corner, for corner and continue along the West boundary line of said called 1.00 acre as follows, to-wit:

South 02 deg. 41 min. 51 sec. West, for a distance of 21.91 feet;
South 59 deg. 02 min. 49 sec. West, for a distance of 51.84 feet;
South 37 deg. 13 min. 57 sec. West, for a distance of 51.41 feet;
South 23 deg. 07 min. 25 sec. West, for a distance of 56.41 feet;
South 01 deg. 06 min. 30 sec. East, for a distance of 550.76 feet;

THENCE South 06 deg. 22 min. 24 sec. East, continuing along the West boundary line of said called 1.00 acres for a distance of 87.59 feet to a 1/2 inch iron rod set for corner at the Southwest corner of said called 1.00 acres and the South boundary line of said called 27.00 acres and in the North boundary line of said F.M. No. 1255;

THENCE South 68 deg. 04 min. 02 sec. West, along the South boundary line of said tract and the North boundary line of said road, for a distance of 155.98 feet to a 1/2 iron rod set for corner;

THENCE North 01 deg. 13 min. 52 sec. East, along the West boundary line of said tract and the East boundary line of that certain David Darnell tract, for a distance of 2166.15 feet to a 1 inch iron pipe found for corner at the Northwest corner of said tract and the Southwest corner of a called 75.00 acres (Volume 815, page 822);

THENCE South 89 deg. 54 min. 59 sec. East, along the North boundary line of said tract and the South boundary line of said called 75.00 acres and the South boundary line of a called 46.94 acres, at 390.08 feet pass a 1 inch iron pipe found at the Southeast corner of said called 75.00 acres and the Southwest corner of said called 46.94 acres (0.42 feet North of line) and continue for a total distance of 561.45 feet to a 1 inch iron pipe found for corner at the Northeast corner of said tract and the Northwest corner of said called 28.636 acres;

THENCE South 00 deg. 26 min. 05 sec. West along the East boundary line of said tract and the West boundary line of said called 29.63 acres for a distance of 1925.95 feet to the place of beginning, containing 26.0384 acres, more or less.

Secures: Promissory ("Note") in the original principal amount of \$48,911.80, executed by Garland Willis and wife, Tammy Willis ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, December 4th, 2018

Time: The sale of the Property will be held between the hours of 10:00 A.M. and 1:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 a.m.

Place: North Door of the 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 First State Bank of Ben Wheeler, Texas and First State Bank of Ben Wheeler'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, First State Bank of Ben Wheeler, Texas, the owner and holder of the Note, has requested Trustee to sell the Property.

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

If First State Bank of Ben Wheeler, Texas 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 First State Bank of Ben Wheeler, Texas. 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, 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 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.

Witness my hand this the 11th day of November, 2018.

Julie Stern

JULIE STERN, Trustee

THE STATE OF TEXAS

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COUNTY OF VAN ZANDT

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BEFORE ME, the undersigned authority, in and for said County, Texas, on this day personally appeared JULIE STERN, Trustee, known to me to be the person whose name is subscribed to the foregoing instrument.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 12th day of November, 2018.

Karen Krailo

Karen Krailo
Notary Public, State of Texas

