

Notice of Foreclosure Sale

8/8/2019

Deed of Trust ("Deed of Trust"):

FILED FOR RECORD

Dated: May 23, 2018

AUG 08 2019

Grantor: Jorja Guerra and Ryan Augenstein

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

Substitute Trustee: R. Paul Elliott

Lender: Darren Smith

Recorded in: Document No. 2018-004332 of the real property records of Van Zandt County, Texas

Secures: Purchase Money Note ("Note") in the original principal amount of \$78,000.00, executed by May 23, 2018 ("Borrower") and payable to the order of Lender

Assignment: None.

Legal Description: Please see attached Exhibit "A"

Foreclosure Sale

Date: Tuesday, September 3rd, 2019

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: In Canton, Van Zandt County, Texas, in the area of the courthouse designated by the Commissioners Court, pursuant to Section 51.002 of the Texas Property Code, as the place where foreclosure sales are to take place. (outside the North Entrance to the County Courthouse at 121 E. Dallas St., Canton, TX

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 Darren Smith'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, Darren, 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 Darren smith's election to proceed against and sell both the real property and any

personal property described in the Deed of Trust in accordance with Darren Smith'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 Darren Smith 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 R. Paul Elliott. 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.

**I AM ATTEMPTING TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

R. Paul Elliott
Attorney for Darren Smith
301 S. Main St.
Canton, TX 75103
Telephone (903) 567-4141
Telecopier (903) 567-6228

EXHIBIT "A"

LEGAL: All that certain lot, tract or parcel of land situated within the Guasaloupe Del Taro Survey, Abstract No. 843, Van Zandt County, Texas, same being that tract of land conveyed to Virgil Hawkins in Volume 1936, Page 107, Real Records of Van Zandt County, Texas, and being more particularly described as follows:

BEGINNING at a "Stanger" capped steel rod found for the Northerly most corner of said tract;

THENCE South 50 degrees 08 minutes 17 seconds East, 251.11 feet to a "Stanger" capped steel rod found for corner;

THENCE South 46 degrees 33 minutes 25 seconds West, 207.58 feet to a steel fence post found for corner;

THENCE North 50 degrees 08 minutes 45 seconds West, with the Northeast right-of-way of State Highway No. 64, 251.11 feet to a steel fence post found for corner;

THENCE North 46 degrees 33 minutes 25 seconds East, 207.61 feet to the Point of Beginning and containing 1.19 acre of land.