

Amended Notice of Foreclosure Sale

April 8, 2021

FILED FOR RECORD
2021 APR -8 PM 3:42
SILVIA STICKLAND
COUNTY CLERK, VAN ZANDT CO. TX
BY _____ DEP.

Deed of Trust ("Deed of Trust"):

Dated: September 30, 2015

Grantor: Centennial Radiator, Inc.

Trustee: R. Paul Elliott

Lender: James Wesley Chitty

Recorded in: Document Number: 2015-008376 of the real property records of Van Zandt County, Texas

Legal Description:

All that certain 2.155 acre tract located in the SAM BELL SURVEY, Abstract No. 46, in Van Zandt County, Texas, and being all of the same land described in a Deed of Trust conveyed to James Wesley Chitty as described and recorded in Volume 200, page 498, of the Deed of Trust Records of Van Zandt County, Texas. Said 2.155 acre tract being more particularly described as follows:

Bearings are based on the State Plane Coordinate System, Texas North Central Zone, N.A.D. 1983;

COMMENCING at a 1" iron pipe found for the Southwest corner of a called 1.00 acre tract conveyed to James Wesley Chitty as described and recorded in Document No. 2011-008012 of the Real Records of Van Zandt County, Texas, same point also being the Southeast corner of a called 1 acre tract conveyed to Randall L. and Glenda Cope as described and recorded in Volume 1481, page 737, of the Real Records of Van Zandt County, Texas, same point also being on the North line of Union Pacific Railroad right of way;

THENCE South 89 deg. 57 min. 36 sec. East along and with the North line of said Union Pacific Railroad a distance of 136.51 feet to a 1/2" iron rod set for the POINT OF BEGINNING, same point being on the North line of said Union Pacific Railroad, same point also being the Southeast corner of said called 1.00 acre tract;

THENCE North 00 deg. 57 min. 26 sec. West along and with the East line of said 1.00 acre tract a distance of 314.05 feet to a 1/2" iron rod set for corner, same point being the Northeast corner of said called 1.00 acre tract, same point also being on the South line of W. Frank Street;

THENCE North 89 deg. 27 min. 47 sec. East along and with the South line of W. Frank Street a distance of 297.45 feet to a 1/2" iron rod set for corner, same point also being on the South line of W. Frank Street, same point also being on the West line of Florence Street (not constructed);

THENCE South 00 deg. 57 min. 26 sec. East along and with the west line of Florence Street a distance of 317.05 feet to a 1/2" iron rod set for corner, same point also being on the North line of the Union Pacific Railroad;

THENCE North 89 deg. 57 min. 36 sec. West along and with the North line of the Union Pacific Railroad a distance of 297.49 feet back to the place of beginning and containing 2.155 acres of land.

Personal Property: The property constituting personal property located in or used on the Property as itemized in the attached Exhibit "A" and made a part hereof for all purposes.

Secures: Promissory Note ("Note") in the original principal amount of \$150,000.00, executed by Centennial Radiator, Inc. ("Borrower") and payable to the order of Lender

Foreclosure Sale:

Date: Tuesday, May 4, 2021

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: 121 E. Dallas St., Canton, Texas 75103
(North Entrance of the Van Zandt County Courthouse)

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 Wesley Chitty'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 Wesley Chitty, 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 Wesley Chitty'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 Wesley Chitty'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 Wesley Chitty 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 Wesley Chitty. 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.



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