

JUN 30 2022

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

## NOTICE OF FORECLOSURE SALE

**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 OR 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.**

1. *Property to Be Sold.* The property to be sold is described as follows: BEING 0.728 OF AN ACRE OF LAND SITUATED IN THE TOWN OF BEN WHEELER, VAN ZANDT COUNTY, TEXAS, PART OF THE JACOB WOLFSON SURVEY, ABSTRACT NO. 962, BEING ALL OF THAT CERTAIN CALLED 0.49 ACRE TRACT "TRACT ONE", BEING ALL OF THAT CERTAIN "TRACT TWO", BEING A PART OF THAT CERTAIN "TRACT THREE" AND BEING A PART OF THAT CERTAIN CALLED 0.04 ACRE TRACT "TRACT FOUR" DESCRIBED IN A WARRANTY DEED, DATED MARCH 15, 2004, FROM SARAH B. BROWN, ET AL, TO WILLIAM A. STANDARD AND VICKI STANDARD, RECORDED IN VOLUME 1908, PAGE 512 OF THE REAL RECORDS OF VAN ZANDT COUNTY, TEXAS. SAID 0.728 OF AN ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD (FOUND) FOR CORNER AT THE MOST WESTERLY SOUTHWEST CORNER OF THE ABOVE REFERENCED 0.49 ACRE TRACT "TRACT ONE" AND AT THE SOUTHEAST CORNER OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND DESCRIBED IN A WARRANTY DEED FROM BONTEEL JONES AND WIFE, NORA H. JONES TO THE FIRST BAPTIST CHURCH OF BEN WHEELER, TEXAS, RECORDED IN VOLUME 997, PAGE 281 OF THE DEED RECORDS OF VAN ZANDT COUNTY, TEXAS;

THENCE: NORTH 01 DEGREES 53 MINUTES 34 SECONDS WEST, WITH THE WEST LINE OF SAID 0.49 ACRE TRACT, WITH THE WEST LINE OF THE ABOVE REFERENCED "TRACT TWO", AND WITH THE WEST LINE OF THE ABOVE REFERENCED 0.04 ACRE TRACT "TRACT FOUR", A DISTANCE OF 97.31 FEET TO A 1/2 INCH IRON ROD (SET) FOR CORNER IN THE WEST LINE OF SAID 0.04 ACRE TRACT, IN THE EAST LINE OF THAT CERTAIN CALLED 0.16 ACRE TRACT DESCRIBED IN A WARRANTY DEED FROM DAVID L. KITSMILLER AND WIFE, SANDRA KITSMILLER TO THE FIRST BAPTIST CHURCH OF BEN WHEELER, TEXAS, RECORDED IN VOLUME 1429, PAGE 880 OF THE REAL RECORDS OF VAN ZANDT COUNTY, TEXAS, AND BEING LOCATED SOUTH 01 DEGREES 53 MINUTES 34 SECONDS EAST, A DISTANCE OF 4.89 FEET FROM A 1/2 INCH IRON ROD (SET) AT THE NORTHWEST CORNER OF SAID 0.04 ACRE TRACT AND AT AN ELL CORNER OF THAT CERTAIN CALLED 0.7758 ACRE TRACT (1.44 ACRES, LESS AND EXCEPT 0.6642 ACRE) DESCRIBED AS "TRACT 20" IN A WARRANTY DEED FROM DAVID L. KITSMILLER AND WIFE, SANDRA S. KITSMILLER TO SAN DAVID LIMITED MANAGEMENT COMPANY, L.L.C., RECORDED IN VOLUME 1761, PAGE 513 OF THE REAL RECORDS OF VAN ZANDT COUNTY, TEXAS;

THENCE: SOUTH 87 DEGREES 18 MINUTES 10 SECONDS EAST, OVER AND ACROSS SAID 0.04 ACRE TRACT, A DISTANCE OF 123.03 FEET TO A 1/2 INCH IRON ROD (SET) FOR CORNER;

THENCE: NORTH 85 DEGREES 26 MINUTES 31 SECONDS EAST, OVER AND ACROSS SAID 0.04 ACRE TRACT, A DISTANCE OF 23.97 FEET TO A 1/2 INCH IRON ROD (SET) FOR CORNER IN THE NORTH LINE OF SAID 0.04 ACRE TRACT AND IN THE SOUTH LINE OF THE ABOVE MENTIONED 0.7758 ACRE TRACT;

THENCE: SOUTH 86 DEGREES 35 MINUTES 01 SECONDS EAST (BEARING BASE, PER VOL. 1908, PG. 512, R.R.V.Z.C.T.), WITH THE NORTH LINE OF SAID 0.04 ACRE TRACT AND WITH A SOUTH LINE OF SAID 0.7758 ACRE TRACT, A DISTANCE OF 100.54 FEET TO A 1/2 INCH IRON ROD (SET) FOR CORNER AT THE NORTHEAST CORNER OF SAID 0.04 ACRE TRACT AND, AT AN ELL CORNER OF SAID 0.7758 ACRE TRACT, AND BEING LOCATED IN THE WEST LINE OF THE ABOVE REFERENCED "TRACT THREE";

THENCE: NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, WITH THE WEST LINE OF "TRACT THREE" AND WITH THE MOST SOUTHERLY EAST LINE OF SAID 0.7758 ACRE TRACT, A DISTANCE OF 28.75 FEET TO A 1/2 INCH IRON ROD (SET) FOR CORNER AT THE NORTHWEST CORNER OF "TRACT THREE" AND AT AN ELL CORNER OF SAID 0.7758 ACRE TRACT;

THENCE: SOUTH 88 DEGREES 47 MINUTES 38 SECONDS EAST, WITH THE NORTH LINE OF "TRACT THREE" AND WITH THE MOST EASTERLY SOUTH LINE OF SAID 0.7758 ACRE TRACT, A DISTANCE OF 66.68 FEET TO A 3/8 INCH NAIL SPIKE (SET) FOR CORNER AT THE INTERSECTION OF SAME WITH THE WEST RIGHT-OF-WAY LINE OF FARM TO MARKET ROAD NO. 279;

THENCE: IN A SOUTHERLY DIRECTION, WITH THE WEST RIGHT-OF-WAY LINE OF FARM TO MARKET ROAD NO. 279, AND WITH A CURVE TO THE RIGHT, THIS PORTION THEREOF HAVING A RADIUS OF 825.02 FEET, A DELTA ANGLE OF 03 DEGREES 39 MINUTES 42 SECONDS, A CHORD BEARING OF SOUTH 15 DEGREES 45 MINUTES 50 SECONDS EAST AND A CHORD LENGTH OF 52.72 FEET, AN ARC LENGTH OF 52.73 FEET TO A 1/2 INCH IRON ROD (SET) FOR CORNER AT THE INTERSECTION OF SAID RIGHT-OF-WAY LINE WITH THE SOUTH LINE OF TRACT THREE";

THENCE: SOUTH 89 DEGREES 53 MINUTES 12 SECONDS WEST, WITH THE SOUTH LINE OF "TRACT THREE" AND WITH THE NORTH LINE OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND DESCRIBED IN A WARRANTY DEED FROM JAMES F. DAVIDSON AND WIFE, FANNIE DAVIDSON TO J. M. WOOD, RECORDED IN VOLUME 49, PAGE 100 OF THE DEED RECORDS OF VAN ZANDT COUNTY, TEXAS, A DISTANCE OF 73.01 FEET TO A 1/2 INCH IRON ROD (SET) FOR CORNER AT THE NORTHWEST CORNER OF WOOD'S LOT AND BEING LOCATED AT THE NORTHEAST CORNER OF THE ABOVE MENTIONED 0.49 ACRE TRACT "TRACT ONE";

THENCE: SOUTH 00 DEGREES 27 MINUTES 03 SECONDS EAST, WITH THE EAST LINE OF SAID 0.49 ACRE TRACT, WITH THE WEST LINE OF WOOD'S LOT, AND WITH THE MOST NORTHERLY WEST LINE OF THAT CERTAIN CALLED 0.20 ACRE TRACT "FIRST TRACT" DESCRIBED IN A WARRANTY DEED FROM THE FIRST STATE BANK OF BEN WHEELER TO VAN ZANDT COUNTY, RECORDED IN VOLUME 1536, PAGE 915 OF THE REAL RECORDS OF VAN ZANDT COUNTY, TEXAS, A DISTANCE OF 94.67 FEET TO A "X" IN CONCRETE (SET) FOR CORNER AT THE SOUTHEAST CORNER OF 0.49 ACRE TRACT;

THENCE: NORTH 89 DEGREES 48 MINUTES 53 SECONDS WEST, WITH THE MOST EASTERLY SOUTH LINE OF SAID 0.49 ACRE TRACT, AT 18.29 FEET PASSING THE NORTHEAST CORNER OF THAT CERTAIN CALLED 0.057 ACRE TRACT DESCRIBED IN A WARRANTY DEED FROM TRUITT FULGHAM TO BEN WHEELER WATER SUPPLY CORPORATION, RECORDED IN VOLUME 601, PAGE 339 OF THE DEED RECORDS OF VAN ZANDT COUNTY, TEXAS, CONTINUING WITH THE MOST EASTERLY SOUTH LINE OF SAID 0.49 ACRE TRACT, WITH THE NORTH LINE OF SAID 0.057 ACRE TRACT, WITH THE NORTH LINE OF THAT CERTAIN CALLED 0.018 ACRE TRACT DESCRIBED IN A WARRANTY DEED FROM TRUITT FULGHAM TO BEN WHEELER WATER SUPPLY CORPORATION, RECORDED IN VOLUME 614, PAGE 119 OF THE DEED RECORDS OF VAN ZANDT COUNTY, TEXAS, AND WITH THE NORTH LINE OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND DESCRIBED IN A WARRANTY DEED FROM FLOYCE A. EASLEY TO BEN WHEELER WATER SUPPLY CORPORATION, RECORDED IN VOLUME 858, PAGE 231 OF THE DEED RECORDS OF VAN ZANDT COUNTY, TEXAS, IN ALL A TOTAL DISTANCE OF 151.09 FEET TO A CHAIN LINK CORNER POST (FOUND) FOR CORNER AT THE MOST EASTERLY SOUTHWEST CORNER OF SAID 0.49 ACRE TRACT AND AT THE NORTHWEST CORNER OF SAID BEN WHEELER WATER SUPPLY CORPORATION TRACT (VOL. 858. PG. 231);

THENCE: NORTH 20 DEGREES 36 MINUTES 27 SECONDS WEST, WITH THE MOST SOUTHERLY WEST LINE OF SAID 0.49 ACRE TRACT, A DISTANCE OF 35.34 TO A CHAIN LINK CORNER POST (FOUND) FOR CORNER FOR AT ELL CORNER OF SAME;

THENCE: SOUTH 88 DEGREES 13 MINUTES, 59 SECONDS WEST. WITH THE MOST WESTERLY SOUTH LINE OF SAID 0.49 ACRE TRACT, A DISTANCE OF 89.17 FEET BACK TO THE PLACE OF BEGINNING AND CONTAINING 0.728 OF AN ACRE OF LAND.

**2. Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 03/31/2017 and recorded in Document 2017-002945 real property records of Van Zandt County, Texas.

**3. Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:

Date: 08/02/2022

Time: 10:00 AM

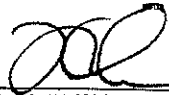
Place: Van Zandt County, Texas at the following location: THE STEPS OF THE NORTH ENTRANCE TO THE VAN ZANDT COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.

**4. Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in AS IS, WHERE IS condition, without any express or implied warranties, except as to the warranties of title, if any, provided for under the deed of trust.

**5. Obligations Secured.** The Deed of Trust executed by WAYNE BAGLEY, provides that it secures the payment of the indebtedness in the original principal amount of \$72,313.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. SFMC, LP DBA SERVICE FIRST MORTGAGE COMPANY is the current mortgagee of the note and deed of trust and SERVICE FIRST MORTGAGE COMPANY is mortgage servicer. A servicing agreement between the mortgagee, whose address is SFMC, LP DBA SERVICE FIRST MORTGAGE COMPANY c/o SERVICE FIRST MORTGAGE COMPANY, 1 Corporate Dr., Ste 360, Lake Zurich, IL 60047 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

**6. Substitute Trustee(s) Appointed to Conduct Sale.** In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.

**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.**



Mackie Wolf Zientz & Mann, P.C.  
Brandon Wolf, Attorney at Law  
✓ L. Keller Mackie, Attorney at Law  
Michael Zientz, Attorney at Law  
Lori Liane Long, Attorney at Law  
Chelsea Schneider, Attorney at Law  
Ester Gonzales, Attorney at Law  
Karla Balli, Attorney at Law  
Parkway Office Center, Suite 900  
14160 Dallas Parkway  
Dallas, TX 75254

Certificate of Posting

I am \_\_\_\_\_ whose address is c/o AVT Title Services, L.L.C, 5177 Richmond Avenue, Suite 1230,  
Houston, TX 77056. I declare under penalty of perjury that on \_\_\_\_\_ I filed this Notice of Foreclosure Sale at the office  
of the Van Zandt County Clerk and caused it to be posted at the location directed by the Van Zandt County Commissioners Court.