

**AMENDED NOTICE OF SUBSTITUTE TRUSTEE'S  
FORECLOSURE SALE**

NOV 14 2022

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

November 14, 2022

**Deed of Trust:**

Dated: June 27, 2014

Grantor: Taylor Walker

Beneficiary: Austin Bank, Texas N.A.

Original Trustee: Larry Bolton

Recorded in: Recorded on July 3, 2014, Document Number: 2014-005299 in the Official Real Property Records of Van Zandt County, Texas.

Legal Description: All that certain lot, tract or parcel of land, lying and being situated in Van Zandt County, Texas, and being a part of the J. Y. Kuykendall Survey, Abstract No. 458, and bounded as follows:

BEGINNING at the Northeast corner of the one-acre block deeded by M. A. Barber to W. A. Barber on July 20, 1946, and recorded in Volume 363, page 200, Deed Records of Van Zandt County, Texas;

THENCE North 320 feet to corner in middle of the road;

THENCE West 285 feet to rock for corner;

THENCE South 240 feet to corner on North line of W. A. Barber 6-acre tract;

THENCE Southeast 345 feet to the place of beginning, containing 2 acres of land, more or less.

The Real Property or its address is commonly known as 950 VZ County Road 4402, Ben Wheeler, TX 75754-8148.

Secures: Indebtedness evidenced by the Promissory Note dated June 27, 2014, (the "Note"), in the original, principal amount of \$85,500.00, payable to the order of Austin Bank, Texas N. A., executed by Taylor Walker (the "Indebtedness")

**Property to be sold:** All that certain lot, tract or parcel of land, lying and being situated in Van Zandt County, Texas, and being a part of the J. Y. Kuykendall Survey, Abstract No. 458, and bounded as follows:

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THENCE Southeast 345 feet to the place of beginning, containing 2 acres of land, more or less.

The Real Property or its address is commonly known as 950 VZ County Road 4402, Ben Wheeler, TX 75754-8148.

Substitute Trustee: Donald W. Cothorn

Substitute Trustee's Address: 2320 Dueling Oaks Drive, Tyler, Texas 75703

**Foreclosure Sale:**

Date: December 6, 2022

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 a.m., and not later than three hours thereafter.

Place: Van Zandt County Courthouse in Canton, Texas, at the following location: the steps of North Entrance to the Van Zandt County Courthouse in the City of Canton, Texas, the place designated by the Zandt County Commissioner's Court as the place where foreclosures under contract are to take place; or if the preceding area is no longer the designated area, at the area at said Courthouse most recently designated by the County Commissioner's Court for such sales.

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 Austin Bank, Texas N.A.'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, Austin Bank, Texas N.A., the owner and holder of the Note, and the Lender and Beneficiary under the Deed of Trust, has requested the Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby

given of Austin Bank, Texas N.A.'s election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Austin Bank, Texas N.A.'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, the Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Austin Bank, Texas N.A. 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 Austin Bank, Texas N.A. 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.**

The undersigned has been appointed Substitute Trustee by Austin Bank, Texas N.A. by an instrument recorded in the Official Public Records of Van Zandt County, Texas.



Donald W. Cothern, Substitute Trustee  
2320 Dueling Oaks Drive  
Tyler, Texas 75703  
Phone: 903-579-7531  
Fax: 903-581-3701  
Email: [dcothern@kabfm.net](mailto:dcothern@kabfm.net)

After filing return to:

Donald Cothern  
2320 Dueling Oaks Dr.  
Tyler, Texas 75703