

JUL 20 2023

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

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE E. EDWARDS SURVEY, ABSTRACT NO. 236, VAN ZANDT COUNTY, TEXAS, SAME BEING THOSE TRACTS OF LAND CONVEYED TO MICHAEL EDWIN SMITH AND BRENDA KAY SMITH IN VOLUME 1068, PAGE 331, REAL RECORDS OF VAN ZANDT COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN COUNTY ROAD NO. 3825 FOR THE FAR SOUTHEAST CORNER OF SAID SMITH TRACTS, A 1/2 INCH STEEL ROD BEARS NORTH 01 DEGREES 15 MINUTES 13 SECONDS EAST AT 20.13 FEET FOR WITNESS;

THENCE SOUTH 86 DEGREES 28 MINUTES 56 SECONDS WEST, WITHIN SAID COUNTY ROAD NO. 3825, 384.16 FEET TO A POINT FOR CORNER, A 1/2 INCH STEEL ROD FOUND FOR CORNER, A 1/2 INCH STEEL ROD BEARS NORTH 05 DEGREES 47 MINUTES 22 SECONDS EAST 20.37 FEET FOR WITNESS;

THENCE NORTH 07 DEGREES 58 MINUTES 30 SECONDS EAST, 386.47 FEET TO A 1/2 INCH STEEL ROD FOUND FOR CORNER;

THENCE NORTH 01 DEGREES 15 MINUTES 13 SECONDS EAST, PASSING A 1/2 INCH STEEL ROD FOUND AT 171.38 FEET, IN ALL 190.77 FEET TO A POINT IN A DIRT ROAD (DEED CALLS COUNTY ROAD NO. 3826) FOR CORNER;

THENCE IN A EASTERLY DIRECTION WITH A NON-TANGENT CURVE TO THE LEFT. SAID CURVE HAVING A RADIUS OF 1484.50 FEET, A CHORD WHICH BEARS SOUTH 84 DEGREES 15 MINUTES 24 SECONDS EAST - 199.57 FEET, FOR A LENGTH OF 199.72 FEET TO A POINT IN SAID DIRT ROAD FOR CORNER;

THENCE SOUTH 88 DEGREES 06 MINUTES 39 SECONDS EAST, WITHIN SAID DIRT ROAD, 138.65 FEET TO A POINT FOR CORNER;

THENCE SOUTH 01 DEGREES 15 MINUTES 13 SECONDS WEST, PASSING A 1/2 INCH STEEL ROD AT 20.00 FEET, IN ALL 525.48 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.41 ACRES OF LAND.

THE ABOVE FIELD NOTES WERE PREPARED FROM AN ACTUAL ON THE GROUND SURVEY, MADE UNDER THE DIRECTION AND SUPERVISION OF DENNIS VOGT, R.P.L.S. #5248, DATED JUNE 13, 2005.

2. Instrument to be Foreclosed. The instrument to be foreclosed is the Deed of Trust dated 06/16/2005 and recorded in Book 2044 Page 548 Document 00020203 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: 11/07/2023

Time: 11:00 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 BILLY WEST, provides that it secures the payment of the indebtedness in the original principal amount of \$54,900.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. CU MEMBERS MORTGAGE, A DIVISION OF COLONIAL SAVINGS, F.A. is the current mortgagee of the note and deed of trust and COLONIAL SAVINGS is mortgage servicer. A servicing agreement between the mortgagee, whose address is CU MEMBERS MORTGAGE, A DIVISION OF COLONIAL SAVINGS, F.A. c/o COLONIAL SAVINGS, 2626 West Freeway, Building B, Fort Worth, TX 76102 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
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For additional sale information visit: www.auction.com or (800) 280-2832

Certificate of Posting