

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

FILED FOR RECORD  
2019 MAY 31 AM 9:47  
SUSAN STRICKLAND  
COUNTY CLERK, VAN ZANDT CO., TX  
BY \_\_\_\_\_ DEP.

STATE OF TEXAS \*  
\*  
COUNTY OF VAN ZANDT \*

Notice is hereby given that, whereas on the 14th day of October, 2009, MARY FRANCES CUNNIFF, Grantor, conveyed to LARRY BOLTON, Trustee for the benefit of AUSTIN BANK, TEXAS N.A., certain property situated in Van Zandt County, Texas, to secure the payment of one certain note therein described, which Homestead Lien Contract and Deed of Trust is recorded under County Clerk’s file number 2009-009272, Real Records of Van Zandt County, Texas, to which record reference is here made to more fully show the wording and effect of such instrument and the property covered by it; and whereas the said Homestead Lien Contract and Deed of Trust specifically authorizes the appointment of a Substitute Trustee by the beneficiary of the said Homestead Lien Contract and Deed of Trust in case of the Trustee's inability to serve, and whereas the said LARRY BOLTON is unable to serve, and whereas, by authority of the said Homestead Lien Contract and Deed of Trust, AUSTIN BANK TEXAS, N.A., as holder thereunder, did on the 29th day of May, 2019, appoint me, GEORGE T. HOLLAND, as Substitute Trustee, and whereas the said MARY FRANCES CUNNIFF is deceased, and the said MARY FRANCES CUNNIFF and the ESTATE OF MARY FRANCES CUNNIFF, Deceased, have made default in the payment of the note described in such instrument; and whereas the said beneficiary, AUSTIN BANK TEXAS, N.A., has requested me to enforce such trust, and this Notice is pursuant to that certain Expedited Order entered on May 28, 2019 in Cause No. 15,270, the ESTATE OF MARY FRANCES CUNNIFF, Deceased; a copy of said Expedited Order is attached hereto as Exhibit “B”, and made a part hereof for all purposes.

NOW, THEREFORE, I, GEORGE T. HOLLAND, Substitute Trustee as aforesaid, hereby give notice that I will accordingly, after due posting of this Notice as required by such Homestead Lien Contract and Deed of Trust, sell on Tuesday, **July 2, 2019**, (that being the first Tuesday of said month) at public auction to the highest bidder for cash in the area officially designated for foreclosure sales at the Van Zandt County Courthouse in Canton, Texas, between the hours of 11:00 o'clock A.M. and 2:00 o'clock P.M. of that day (the earliest time at which such sale will occur being 11:00 o'clock A.M.), the following described property, to-wit:

**All that certain lot, tract or parcel of land being situated in the Benjamin Webb Survey, A-932, and in the J. D. Wright Survey, A-968, Van Zandt County, Texas, and being more completely described on Exhibit “A” attached hereto and made a part hereof for all purposes.**

**Pursuant to Section 51.002 of the *Texas Property Code* (b)(I), I would advise you of the following:**

**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**

Property Address:

650 VZ CR 1117  
Grand Saline, Texas 75140

Substitute Trustee's Address:

George T. Holland  
Holland & Endres  
P. O. Box 747  
Tyler, Texas 75710  
Phone: 903/593-9950  
Fax: 903/593-9975  
Email: [gtholland@suddenlinkmail.com](mailto:gtholland@suddenlinkmail.com)

## EXHIBIT "A"

BEING 2.08 acres of land situated in the Benjamin Webb Survey, Abstract No. 932 and in the J.D. Wright Survey, Abstract No. 968, Van Zandt County, Texas, and being all of that certain lot, tract or parcel of land described in a Warranty Deed, dated September 29, 1993, from Anna Bell Taylor to Bradley Roy Cunniff, recorded in Volume 1294, Page 646 of the Real Records of Van Zandt County, Texas; said 2.08 acres of land being more particularly described as follows:

BEGINNING at a cross-tie corner post (found) for corner at the Southeast corner of the above referenced Cunniff tract, at an exterior Ell corner of that certain called 112.75 acre tract (Tract 3) described in a Special Warranty Deed with Vendor's Lien from Federal Deposit, as Liquidator for First National Bank of Grand Saline, to Lane Rodgers and wife, Tina S. Rodgers, recorded in Volume 1225, Page 675 of the Real Records of Van Zandt County, Texas, and being located in the North right-of-way line of County Road No. 1117;

THENCE South 82 deg. 44 min. 31 sec. West, with the South line of said Cunniff tract and with the North right-of-way line of County Road No. 1117, a distance of 228.75 feet to a 1/2 inch iron rod (set) for corner at the Southwest corner of said Cunniff tract and at an exterior Ell corner of said 112.75 acre tract;

THENCE North 01 deg. 00 min. 00 sec. West, with the West line of said Cunniff tract and with an East line of said 112.75 acre tract, a distance of 409.60 feet to a cross-tie corner post (found) for corner at the Northwest corner of said Cunniff tract and at an interior Ell corner of said 112.75 acre tract;

THENCE South 88 deg. 30 min. 00 sec. East, with the North line of said Cunniff tract, with a South line of said 112.75 acre tract, and generally with the remnants of an old fence, a distance of 234.15 feet to a 1/2 inch iron rod (set) for corner at the Northeast corner of said Cunniff tract and at an interior Ell corner of said 112.75 acre tract;

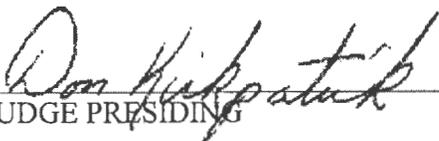
THENCE South 00 deg. 00 min. 00 sec. West (Bearing Base, per Vol. 1294, Pg. 646, R.R.V.Z.C.T.), with the East line of said Cunniff tract, with a West line of said 112.75 acre tract, and generally with the remnants of an old fence, a distance of 374.51 feet back to the PLACE OF BEGINNING and containing 2.08 acres of land.



All that certain lot, tract or parcel of land being situated in the Benjamin Webb Survey, A-932, and in the J. D. Wright Survey, A-968, Van Zandt County, Texas, and being more completely described on Exhibit "A" attached hereto and made a part hereof for all purposes.

4. The lien to be foreclosed is indexed or recorded under County Clerk's File Number 2009-009272, Real Records of Van Zandt County, Texas.
5. The material facts establishing Respondent's default as alleged in Plaintiff's Application and the supporting Affidavit. Those facts were adopted by the Court and incorporated by reference in this Order.
6. Based on the Affidavit of Petitioner, no Respondent subject to this Order is protected from foreclosure by the Serviceman's Civil Relief Act, 50 U.S.C. App. § 501 et seq.
7. Therefore, the Court grants Petitioner's motion for Default order under the *Texas Rules of Court* 736.7 and 736.8. Petitioner may proceed with foreclosure of the property described above in accordance with applicable law and the Home Equity Promissory Note and Deed of Trust sought to be foreclosed.
8. This order is not subject to a motion for rehearing, a new trial, a bill of review, or an appeal. Any challenge to this Order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

SIGNED this 28 day of May, 2019.

  
\_\_\_\_\_  
JUDGE PRESIDING

APPROVED AS TO  
SUBSTANCE AND FORM:

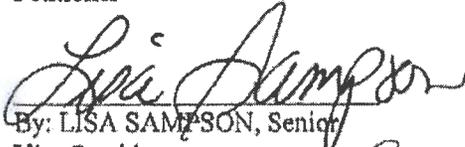
/s/ George T. Holland  
GEORGE T. HOLLAND  
P. O. Box 747  
Tyler, Texas 75710  
SBN#09847500  
903-593-9950  
gtholland@suddenlinkmail.com  
Attorney For Petitioner, Austin Bank, Texas N.A.

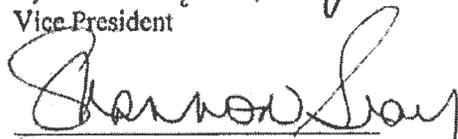
**AGREED EXPEDITED ORDER**  
**AUSTIN BANK V. CUNNIFF ESTATE**  
**FILE 18-118**  
**PAGE 2 of 3**

EXHIBIT "B"  
Page 2 of 4

APPROVED AS TO  
SUBSTANCE AND FORM:

AUSTIN BANK TEXAS N.A.,  
Petitioner

  
By: LISA SAMPSON, Senior  
Vice President

  
SHANNON SEAY, Temporary  
Administrator of the Estate of  
MARY FRANCES CUNNIFF,  
Deceased

AGREED EXPEDITED ORDER  
AUSTIN BANK V. CUNNIFF ESTATE  
FILE 18-118  
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Page 3 of 4

EXHIBIT "A"

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EXHIBIT "A"  
SOLO PAGE

EXHIBIT "B"  
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