# NOTICE OF FORECLOSURE SALE



Notice is hereby given of a public nonjudicial foreclosure sale.

1. Deed of Trust. The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the following described deed of trust:

| | |
|---|---|
| Date: | May 27, 2014 |
| Grantor: | Corry Davis Marketing, Inc. |
| Beneficiary: | Citizens State Bank |
| Substitute Trustee: | Scott A. Ritcheson, and/or Charles E. Lauffer, Jr., and/or Douglas A. Ritcheson and/or Lance Vincent |
| Recording Information: | Deed of Trust recorded under Clerk's File Number 2014-004609, in the Official Public Records of Van Zandt County, Texas. |

2. Property to be Sold. The property to be sold (the "Property") is described as follows:

**All of those certain lots, tracts or parcels of land situated in Van Zandt County, Texas which is more particularly described on what is attached hereto as Exhibit "A" and incorporated therein for all purposes, together with all existing or subsequently erected or affixed buildings, improvements, fixtures, timber and any timber to be cut; and all easements and rights of way appurtenant to the above described property; and all water and water rights; and all other rights, royalties and profits relating to the property including (without limitation) such rights as the Grantor in the herein described deed of trust may have in all minerals, oil, gas, geothermal and similar interests (excluding, however, any part of such property for which a partial release of the herein described lien has been signed by Citizens State Bank and filed of record with the Van Zandt County Clerk).**

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

| | |
|---|---|
| Date: | **March 5, 2019** |
| Time: | The sale shall begin no earlier than 10:00 a.m. or no later than three (3) hours thereafter. The sale shall be completed by no later than 1:00 p.m. |

Place: Van Zandt County Courthouse in Canton, Texas, at the following location:

In the area of such Courthouse designated by the Van Zandt County Commissioners' Court as the area where foreclosure sales shall take place, or, if no such area has been designated, then on the steps of the North entrance to the Van Zandt County Courthouse in Canton, Texas.

The deed of trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the deed of trust need not appear at the date, time and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. Such reporting or refiling may be after the date originally scheduled for this sale.

4. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the date the property is sold.

The sale will be made expressly subject to unpaid ad valorem taxes and any title matters set forth in the deed of trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all other 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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

A purchaser at the sale of the Property "acquires the Property "AS IS" without any expressed or implied warranties" (except as to the warranties of title from the grantor identified in the deed of trust described below). Any purchaser acquires the Property "at the purchaser's own risk." Texas Property Code §51.009. Nothing set forth in this Notice is an express or implied representation or warranty regarding the Property, all of which are specifically disclaimed by the undersigned and by the beneficiary of the herein described deed of trust.

5. Type of Sale. The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by Corry Davis Marketing, Inc. The deed of trust is dated May 27, 2014, and is recorded in the office of the County Clerk of Van Zandt County, Texas, under Clerk's File Number 2014-004609, in the Official Public Records of Van Zandt County, Texas.

6. Obligations Secured. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including, but not limited to, (1) the May 27, 2014 promissory note in the original principal amount of $113,930.96, executed by Corry Davis Marketing, Inc., and payable to the order of Citizens State Bank; (2) the October 24, 2012 promissory note in the original principal amount of $3,500,000.00, executed by Corry Davis Marketing, Inc., and payable to the order of Citizens State Bank; (3) all renewals and extensions of the note; (4) all interest, late charges, fees and other expenses payable under said note on the herein described deed of trust; and (5) all other debts and obligations described in the deed of trust (including all debts secured by any cross-collateralization clause in the deed of trust). Citizens State Bank is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

Questions concerning the sale may be directed to the undersigned or to the beneficiary, Citizens State Bank, Attention: John Mills, telephone (903) 581-8100.

7. Default and Request to Act. Default has occurred under the deed of trust, and the beneficiary has asked me, as substitute trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

DATED: February 11, 2019.

SCOTT A. RITCHESON, Substitute Trustee
821 ESE Loop 323, Suite 530
Tyler, Texas 75701
Tel: (903) 535-2900
Fax: (903) 533-8646

**Notice to Members of the Armed Forces of the United States:**

**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.**

## EXHIBIT "A"

**TRACT 1:**

All that certain lot, tract or parcel of land situated in Van Zandt County, Texas, on the D. Town Survey, A-845 and Q. C. Nugent Survey, A-618 and being a part of the called 149.28 acre tract conveyed to Vess Barnes, Jr., IRA Rollover by Caren C Courtney, Substitute Trustee, by Substitute Trustee's Deed dated July 7, 1998 and recorded in Volume 1472, Page 329 of the Van Zandt County Real Records. Said lot, tract, or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found at the Southeast corner of a 0.586 acre road easement tract mentioned in Volume 1478, Page 94, at the Southeast corner of a 39.512 acre tract surveyed this date and in the West right-of-way of F. M. Highway 17; WITNESS: Found ½" iron rod at the Southeast corner of the William C. Bone 10.736 acre tract recorded in Volume 1313, Page 415, North 47 degrees 32 minutes 34 second East 83.73 feet;

THENCE along the West right-of-way of F. M. Highway 17 (80 foot right-of-way) and an East line of the 149.28 acre tract, South 47 degrees 19 minutes West 981.80 feet to a ½" iron rod set at angle, South 43 degrees 10 minutes West 216.00 feet to a ½" iron rod set at P. C. of curve and around a curve to the left with a Long Chord of South 40 degrees 40 minutes West 151.63 feet to a ½" iron rod found at the East corner of the Wild Willies Two Mountain Phase Four, Section Two recorded in Glide 215-A of the Van Zandt County Plat Records and the South Corner of a 30 foot wide road and utility easement mentioned as less and except Tract Two recorded in Volume 1472, Page 329;

THENCE NORTH 51 degrees 13 minutes 18 seconds West, along fence, 687.44 feet to a ½" iron rod found at the North corner of Wild Willies Two Mountain, Phase Four, Section One recorded in Glide 215-A, in the East line of the Corry Davis Marketing, Inc. 37.11 acre tract recorded in Volume 1478, page 94;

THENCE along fence and the East line of the 37.11 acre tract with meanders as follows: North 41 degrees 35 minutes East 457.13 feet to a ½" iron rod found, South 76 degrees 43 minutes 09 seconds East 450.44 feet to a ½ iron rod found, North 39 degrees 23 minutes East 102.89 feet to a ½ " iron rod found, and North 48 degrees 37 minutes 37 seconds East 134.30 feet to a ½" iron rod found at the East corner of the 37.11 acre tract and South corner of the 0.586 acre tract;

THENCE along the 0.586 acre tract, North 80 degrees 04 minutes East 297.79 feet to a ½" iron rod found and North 80 degrees 43 minutes 26 seconds East 307.07 feet to the place of beginning and containing 13.039 acres of land.

**TRACT 2:**

The surface estate only of all the certain lot, tract or parcel of land situated in Van Zandt County, TX being a part of the Q. C. Nugent Survey, Abstract No. 618, and being all of WILD WILLIES II MOUNTAIN, PHASE IV SECTION I AND II, including streets and roads as shown on plat recorded as Glide 215A, Plat Records of Van Zandt County, Texas.

**LESS AND EXCEPT:** All those certain lots, tracts or parcels of land situated in Van Zandt County, Texas, being part of the Q. C. Nugent Survey, Abstract No. 618, and being Lots: 125, 126, 127, 128, 130, 131, 137, 140, 141, 147, 149, 150, 151, 152, 157, 158, 161, 165, 172, 174A, 186, 191, 192, 195, 202, and 206 of WILD WILLIES II MOUNTAIN, PHASE IV, SECTIONS I AND II, as shown on plat recorded on Glide 215A, Plat Records of Van Zandt County, Texas (the "Property").

**SAVE AND EXCEPT (8.04 ACRES):**

All that certain lot, tract, or parcel of land situated in the Q.C. Nugent Survey Abstract 618, Van Zandt County, Texas, being part of a called 13.039 acre tract described as Tract 1 by deed recorded in Instrument 2014-004608 and being part of a called 37.11 acre tract described by deed recorded in Volume 1478, Page 94 of the Real Records of Van Zandt County, Texas. Said tract or parcel of land being more fully described by metes and bounds as follows.

BEGINNING on a found 1/2" iron rod for the northeast corner of this tract and the northeast corner of the above mentioned 13.039 acre tract located in the west R.O.W. of F.M. 17;

THENCE with said west R.O.W. S47°18'58"W 108.93 feet to a set 1/2" iron rod for an angle corner of this tract;

THENCE S80°56'07"W 9.03 feet to a set 1/2" iron rod for an angle corner of this tract;

THENCE S47°18'58"W 825.59 feet to a set 1/2" iron rod for the south corner of this tract;

THENCE N38°50'50"W 273.90 feet to a set 1/2" iron rod, N47°17'39"W 171.99 feet to a set 1/2" iron rod and N45°38'34"W 164.64 feet to a set 1/2" iron rod for the beginning of a curve;

THENCE with said curve to the right having a Delta Angle of 270°00'00", a Radius of 60.00 feet, a Chord of N54°55'08"W 84.85 feet for a Length of 282.74 feet to a set 1/2" iron rod for the end of this curve;

THENCE N44°21'26"E 60.00 feet to a set 1/2" iron rod for the north corner of this tract;

THENCE N23°47'56"E 83.56 feet to a found 1/2" iron rod for the northwest corner of this tract;

THENCE S78°49'57"E 278.77 feet to a set 1/2" iron rod, S78°49'57"E 173.74 feet to a set 1/2" iron rod and N80°23'10"E 73.20 feet to a set 1/2" iron rod for an ell corner of this tract;

THENCE S13°50'02"E 39.77 feet to a found 1/2" iron rod for an ell corner of this tract and being a common corner of the 37.11 acre tract and the 13.039 acre tract;

THENCE N80°04'52"E 297.79 feet to a set 1/2" iron rod and N80°44'21"E 306.96 feet to the place of beginning and containing 8.04 acres of land.