

**NOTICE OF FORECLOSURE SALE**

**FILED FOR RECORD**

May 7, 2019

**2019 MAY -7 PM 3: 34**

SUSAN STRICKLAND  
COUNTY CLERK, VAN ZANDT CO., TX

**Deed of Trust:**

BY \_\_\_\_\_ DEP.

Dated: January 3, 2019  
 Grantor: Ed Smith and Sarah Smith  
 Trustee: Justin L. Beckham  
 Lender: James Eric Melton and Kimberly Ann Melton  
 Recorded in: Document No. 2019-003001, Real Property Records of Van Zandt County, Texas

**Legal Description:** All those certain lots or parcels of land, being Lots 788, 789, 848, 849, and 850 of the Tall Oaks Subdivision, Van Zandt County, Texas, according to the plat of said subdivision as the same appears of record in Glide 238-A, Plat Records of Van Zandt County, Texas.

Together with the 2002 Powerhouse Manufactured home, Serial No. CV02AL0260076 A&B situated on the herein above described real property.

**Less and Except:**

All that certain lot, tract or parcel of land situated in Van Zandt County, Texas, being 3.035 acres in the E. Willingham Survey, Abstract No. 893, and being part of a called 476.57 acre tract described in a substitute trustee's deed, dated July 6, 1976 from Donnell H. Laux, Substitute Trustee to Harold A. Chamberlin, recorded in Volume 860, Page 685, Real Records of Van Zandt County, Texas. Said 3.035 acre tract being called all of Lot 850, part of lot 849, and part of Lot 788 of the Tall Oaks Estates (An Unrecorded Subdivision) and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set for corner at fence corner for the occupied Northeast Corner of Lot 849. Said point being the occupied Northwest corner of Lot 851, called 1.52 acres in a deed to Raymond Smith, et ux, Rhonda Smith, recorded in Volume 1091, Page 282 Real Records of Van Zandt County, Texas.

THENCE S. 02 deg. 39 min. 29 sec. W., along the occupied west line of lot 851 and east line of Lot 849, generally with fence, 200.35 feet to a 1/2" iron rod set for corner for the occupied

Northwest corner of Lot 850 and Southwest corner of Lot 851. A fence corner bears N. 29 deg. 56 min. 46 sec. W. 2.87 feet for reference;

THENCE S. 87 deg. 44 min. 49 sec. E. with the occupied south line of Lot 851, 252.63 feet to a 1/2" iron rod set for corner in the west line of Van Zandt County Road No. 2414. A 3/8" iron rod found bears N. 76 deg. 50 min. 31 sec W. 2.71 feet for reference;

Thence S. 40 deg. 26 min. 14 sec. W. Along the west line of road and east line of Lot 850, passing the Northeast corner of Lot 788 at 254.17 feet, continuing a total distance of 388.34 feet to a 1/2" iron rod set for corner in the east line of Lot 788 and west line of road;

Thence N. 68 deg. 17 min. 21 sec. W. 225.73 feet to a 1/2" iron rod set in a north/south fence for corner;

Thence N. 03 deg. 17 min. 09 sec. E. with fence, near the west line of Lots 788 and 849, 430.36 feet to a 1/2" iron rod found for corner at fence corner for the occupied northwest corner of Lot 849;

Thence S. 87 deg. 46 min. 36 sec. E., along the fenced north line of Lot 849, 193.93 feet to the point of beginning and containing 3.035 acres of land, according to my survey and calculations.

**Secures:** Installment Note ("Note") dated January 3, 2019, in the original principal amount of \$20,000.00, executed by Ed Smith and Sarah Smith ("Borrower") and payable to the order of Lender, and all other indebtedness of Borrower to Lender.

**Property:** The real property, improvements, and personal property described in and mortgaged in the Deed of Trust, including the real property described in Document No. 2019-003001 of the Real Property Records of Van Zandt County, Texas, and all rights and appurtenances thereto

**Substitute Trustee:** Tammie Harp

**Substitute Trustee's Address:** 137 W. James Street, Wills Point, Texas, 75169

**Foreclosure Sale:**

**Date:** Tuesday, June 4, 2019

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.

Place: Van Zandt County Courthouse located at 121 E. Dallas Street, Canton, Texas 75103

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 James Eric Melton and Kimberly Ann Melton'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, James Eric Melton and Kimberly Ann Melton, the owners and holders of the Note, have requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of James Eric Melton and Kimberly Ann Melton's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with James Eric Melton and Kimberly Ann Melton'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, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

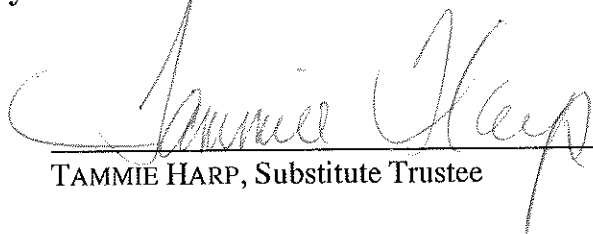
If James Eric Melton and Kimberly Ann Melton pass the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

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 James Eric Melton and Kimberly Ann Melton. 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.**

  
TAMMIE HARP, Substitute Trustee