

Notice of Foreclosure Sale

5/9/2019

FILED FOR RECORDS

2019 MAY -9 AM 9:00

LUCIAN STOCKWELL
CLERK, VAN ZANDT CO., TX

BY _____ DEP.

DEED OF TRUST ("Deed of Trust"):

Dated: November 10, 1999

Grantor: Procoro Lopez and Julie Lopez

Trustee: R. Paul Elliott

Lender: Allen F. Schmidt, et ux Ann K. Schmidt

Recorded in: Volume 1533, Page 0488 of the real property records of Van Zandt County, Texas being in the Deed of Trust recorded in the real property records of Van Zandt County, Texas

Legal Description:

All that certain lot, tract or parcel of land, situated in Van Zandt County, Texas, being a part of the JESSE STOCKWELL SURVEY, Abstract No. 760, and being Lot No. SEVEN (7) of ROLLING HILLS ADDITION to Canton, Texas, and being the same land described in deed from James Doyle McClellan et ux, Carol Louise McClellan to Ferman H. Barrentine dated December 1, 1970, recorded in Volume 752, Page 416, Deed Records of Van Zandt County, Texas.

Being the same land described in deed dated May 23rd, 1979 from Ella Broaddus, A single person to Marie B. Cope, a single person, recorded in Volume 912, Page 878 of the Deed Records of Van Zandt County, Texas.

Secures: Promissory Note ("Note") in the original principal amount of \$47,000.00, executed by Procoro Lopez and Julie Lopez ("Borrower") and payable to the order of Lender

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 AM and not later than three hours thereafter.

Place: In Canton, Van Zandt County, Texas, in the area of the courthouse designated by the Commissioners Court, pursuant to Section 51.002 of the Texas Property Code, as the place where foreclosure sales are to take place. (outside the North Entrance to the County

Courthouse at 121 E. Dallas St., Canton, TX

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 Allen F. Schmidt and Ann K. Schmidt'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, Allen F. Schmidt and Ann K. Schmidt, the owners and holders of the Note, has requested Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Allen F. Schmidt and Ann K. Schmidt's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Allen F. Schmidt and Ann K. Schmidt'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 Allen F. Schmidt and Ann K. Schmidt 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 William L. Stewart. 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.

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.



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