

JAN 13 2025

SUSAN STRICKLAND
COUNTY CLERK VAN ZANDT COUNTY
BY _____ DEP**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: December 28, 2021

Grantor(s): Lee H. Garber and Amy Garber AKA Amy D. Garber

Beneficiary: Austin Bank, Texas N.A.

Substitute Trustee: Drew Gillen

Recording Information: Deed of Trust recorded in Document No. 2022-000135 of the Official Public Records of Anderson County, Texas.

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

All that certain lot, tract or parcel of land situated within the JOSEPH SALINGUA SURVEY, Abstract No. 765, Van Zandt County, Texas, being a part of that tract of land conveyed to Lee H. Garber et ux, Amy D. Garber in Document No. 2012-000638, Real Records of Van Zandt County, Texas, and being more particularly described by metes and bounds in EXHIBIT "A" attached hereto and made a part hereof for all purposes.

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

Date: February 4, 2025

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 within 25 feet at or near and including the outside steps and the main hall of the west entrance of 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

NOTICE OF FORECLOSURE **PAGE 2**

the beneficiary of the herein described deed of trust.

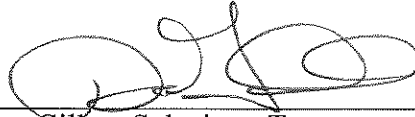
5. Type of Sale. The sale is a nonjudicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by Lee H. Garber and Amy Garber AKA Amy D. Garber. The deed of trust is dated December 28, 2021, and is recorded in the office of the County Clerk of Van Zandt County, Texas, in Doc. 2022-000135, of 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 December 28, 2021 promissory note in the original principal amount of \$181,962.82.00, executed by Lee H. Garber and Amy Garber AKA Amy D. Garber, and payable to the order of Austin Bank, Texas N.A.; (2) all renewals and extensions of the note; (3) all interest, late charges, fees and other expenses payable under said note on the herein described deed of trust; and (4) 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). Austin Bank, Texas N.A. 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, Austin Bank, N.A., Attention: Shannon Seay, telephone 903-759-3828.

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: January 10, 2025



Drew Gillen, Substitute Trustee
2381 Oak Alley
Tyler, Texas 75703
Tel: (903) 535-2900
Fax: (903) 533-8646
drew@gillenandgillen.com

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"

All that certain lot, tract or parcel of land situated within the JOSEPH SALINGUA SURVEY, Abstract No. 765, Van Zandt County, Texas, being a part of that tract of land conveyed to Lee H. Garber et ux, Amy D. Garber in Document No. 2012-000638, Real Records of Van Zandt County, Texas, and being more particularly described as follows:

BEGINNING at a nail found, within County Road No. 3221, for the northerly most corner of said Garber tract;

THENCE South 44 degrees 46 minutes 16 seconds East, with the northeast line of said Garber tract, 1555.08 feet to a 2 7/8 inch steel fence post found for corner;

THENCE South 46 degrees 02 minutes 05 seconds West, with the southeast line of said Garber tract, 561.63 feet to a point for corner;

THENCE North 44 degrees 46 minutes 13 seconds West, with the southwest line of said Garber tract, 817.62 feet to a point for corner;

THENCE North 45 degrees 10 minutes 28 seconds East, 44.07 feet to a point for corner;

THENCE North 44 degrees 05 minutes 21 seconds West, 729.99 feet to a railroad spike set for corner in County Road No. 3221, from which a nail found bears North 20 degrees 38 minutes 48 seconds West at 5.35 feet for witness;

THENCE North 45 degrees 16 minutes 35 seconds East, with the northwest line of said Garber tract and within County Road No. 3221, 508.80 feet to the Point of Beginning and containing 19.19 acres of land.