

NOTICE OF FORECLOSURE SALE

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 OR 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.

1. **Property to Be Sold** The property to be sold is described as follows: A 0.51 ACRE TRACT OF LAND OUT OF SURVEY 1236, CERTIFICATE 607, ABSTRACT 775, T.T. RAILWAY COMPANY SURVEY, GARZA COUNTY, TEXAS DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN "X" IN CONCRETE SET IN THE EAST RIGHT-OF-WAY LINE OF AVENUE F (LOOP 46) AS SHOWN BY PLAT OF THE ORIGINAL TOWN OF POST RECORDED IN VOLUME 13, PAGE 1 OF THE DEED RECORDS OF GARZA COUNTY, TEXAS AND IN THE SOUTH RIGHT-OF-WAY LINE OF EAST SEVENTH STREET AS SHOWN BY PLAT OF MILL VILLAGE RECORDED IN VOLUME 244, PAGE 507 OF SAID DEED RECORDS FOR THE NORTHWEST CORNER OF THIS TRACT, THE NORTHWEST CORNER OF SURVEY 1236 BEARS NORTH 0 DEGREES 13 INCHES WEST A DISTANCE OF 741.70 FEET;

THEN NORTH 89 DEGREES 47 MINUTES EAST ALONG SAID EAST SEVENTH STREET RIGHT-OF-WAY LINE A, AT 161.00 FEET PASS A 1/2 INCH STEEL ROD WITH CAP SET IN THE WEST LINE OF A PROPOSED 16 FOOT ALLEY CONTINUING A TOTAL DISTANCE OF 177.00 FEET TO A POINT FOR THE NORTHEAST CORNER OF THIS TRACT;

THEN SOUTH 0 DEGREES 13 FEET EAST A DISTANCE OF 131.12 FEET TO A POINT FOR THE SOUTHEAST CORNER OF THIS TRACT,

THEN SOUTH 89 DEGREES 17 MINUTES 11 SECONDS WEST, AT 16.00 FEET PASS A 1/2 INCH IRON ROD FOUND IN THE WEST LINE OF SAID ALLEY CONTINUING A TOTAL DISTANCE OF 127.00 FEET TO A 1/2 INCH IRON ROD FOUND IN THE EAST LINE OF A 0.034 ACRE TRACT OF LAND DESCRIBED IN VOLUME 43, PAGE 629 OF SAID DEED RECORDS FOR THE SOUTHERNMOST SOUTHWEST CORNER OF THIS TRACT;

THEN NORTH 0 DEGREES 13 MINUTES WEST A DISTANCE OF 20.00 FEET TO A 1/2 INCH STEEL AND WITH CAP SET FOR NORTHEAST CORNER OF SAID 0.034 ACRE TRACT AND AN INSIDE CORNER OF THIS TRACT;

THEN SOUTH 89 DEGREES 47 MINUTES WEST A DISTANCE OF 50.00 FEET TO A 1/2 INCH STEEL ROD WITH CAP SET IN SAID AVENUE F RIGHT-OF-WAY LINE FOR THE NORTHWEST CORNER OF SAID 0.034 ACRE TRACT AND THE WESTERNMOST SOUTHWEST CORNER OF THIS TRACT,

THEN NORTH 0 DEGREES 13 MINUTES WEST A DISTANCE OF 112.11 FEET TO THE POINT OF BEGINNING.

2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 11/09/2009 and recorded in Book 0306 Page 0749 Document 091267 real property records of Garza County, Texas.

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

Date: 02/04/2025

Time: 10:00 AM


Place: Garza County, Texas at the following location: INSIDE THE FOYER OF THE WEST DOOR LEADING TO THE LAW ENFORCEMENT ANNEX BUILDING OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.

4. **Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property Pursuant to section 51.009 of the Texas Property Code, the property will be sold in AS IS, WHERE IS condition, without any express or implied warranties, except as to the warranties of title, if any, provided for under the deed of trust


5. **Obligations Secured.** The Deed of Trust executed by CECIL WAYNE SMITH AND LISA SMITH, provides that it secures the payment of the indebtedness in the original principal amount of \$55,967.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. MIDFIRST BANK is the current mortgagee of the note and deed of trust and MIDFIRST BANK is mortgage servicer. A servicing agreement between the mortgagee, whose address is MIDFIRST BANK c/o MIDFIRST BANK, 999 N W Grand Blvd, Oklahoma City, OK 73118 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. **Substitute Trustee(s) Appointed to Conduct Sale.** In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.


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.


Mackie Wolf Zientz & Mann, P.C.
Brandon Wolf, Attorney at Law
L. Keller Mackie, Attorney at Law
Michael Zientz, Attorney at Law
Lori Liane Long, Attorney at Law
Chelsea Schneider, Attorney at Law
Ester Gonzales, Attorney at Law
Karla Balli, Attorney at Law
Parkway Office Center, Suite 900
14160 Dallas Parkway
Dallas, TX 75254

For additional sale information visit: www.xome.com or (844) 400-9663

I am  whose address is c/o AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230, Houston, TX 77056. I declare under penalty of perjury that on 12-5-24 I filed this Notice of Foreclosure Sale at the office of the Garza County Clerk and caused it to be posted at the location directed by the Garza County Commissioners Court.

24-000032-365-2 // 302 S AVENUE F, POST, TX 79356

FILED FOR RECORD
5th day of December 2024
at 4:51 o'clock P. M.
TERRI LAURENCE
COUNTY CLERK, GARZA COUNTY TEXAS
By  Deputy