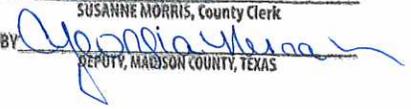


FILED
AT 10:19 O'CLOCK a M

NOTICE OF FORECLOSURE SALE

NOV 10 2016

November 10, 2016

SUSANNE MORRIS, County Clerk
BY  DEPUTY, MADISON COUNTY, TEXAS

Deed of Trust:

Dated: December 29, 2014

Grantor: Manuel L. Garza, III and wife, Alexandria N. Garza

Trustee: Alan L. Tinsley

Lender: Charles E. Ard and wife, Jana Ard

Recorded in: Volume 1396, Page 193 of the Official Records of Madison County, Texas.

Secures: Real Estate Lien Note in the original principal amount of \$65,000.00, executed by Manuel L. Garza, III, and wife, Alexandria N. Garza, ("Borrower") and payable to the order of Charles E. Ard and wife, Jana Ard ("Lender").

Property: Being 0.365 acres of land, more or less, situated in the City of Madisonville, J.S. Collard Survey, Abstract N. 10, Madison County, Texas and being all of a tract or parcel of land as described in a Deed from M.Y. Vick to Grady F. Fannin, dated August 23, 1948 and recorded in Volume 85, Page 163, Deed Records and being all of the residue of a tract or parcel of land as described in the "Second Tract" in a deed from J.D. Wise to Grady F. Fannin, dated June 8, 1977, and recorded in Volume 216, Page 703, Deed Records, Madison County, Texas, said two tracts being more definitely described as one contiguous tract of 0.365 acres and more particularly described in Exhibit "A" attached hereto.

Guaranty: The Note is guaranteed by a Real Estate Lien Note dated December 29, 2014, and executed by Manuel L. Garza, III, and wife, Alexandria N. Garza in favor of Lender.

Substitute Trustee: Whitney T. Smith

Address: 101 W. Trinity St.
Madisonville, TX 77864

Foreclosure Sale:

Date: December 6, 2016

Time: At the earliest 10:00 am or not later than three hours after the time.

Place: Lobby on the first floor of the courthouse in
Madisonville, Madison County, Texas 77864

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 Charles E. Ard and wife, Jana Ard's (Lender/Beneficiary) 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, Charles E. Ard and wife, Jana Ard, the owner and holder of the Note, has requested Whitney T. Smith as Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Charles E. Ard and wife, Jana Ard's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Charles E. Ard and wife, Jana Ard'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, Whitney T. Smith, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Charles E. Ard and wife, Jana Ard 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 Charles E. Ard and wife, Jana Ard. 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, Whitney T. Smith, 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 Whitney T. Smith, 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.

Respectfully submitted,

By: 

WHITNEY T. SMITH, Attorney
Substitute Trustee
Texas Bar No. 00794667
Email: whitneytsmithlaw@gmail.com
101 W. Trinity St.
Madisonville, Texas 77864
Tel. (936) 348-5400
Fax. (936)348-5401