

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

**THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DEWITT §**

WHEREAS, by Deed of Trust dated October 9, 2012 (the "Deed of Trust") **Dwayne E Ammann**, conveyed to **David Zalman**, as Trustee ,the herein below described property situated in Dewitt County, Texas, to secure the payment of that certain Promissory Note therein described (the "Note"), which Deed of Trust recorded under Dewitt County Clerk’s Document No. D92166, Volume 447, Page 382 in the Official Public Records of Real Property of Dewitt County, Texas, to which reference is hereby made for all purposes; d

WHEREAS, default has occurred in the payment of the Note and the same is now wholly due, and **Prosperity Bank** (the "Beneficiary"), the owner and holder of the Note, has requested the undersigned to sell the Property to satisfy the Note; and

WHEREAS, the above named Trustee and any previously appointed Substitute Trustee was removed under and in accordance with the Deed of Trust and the Beneficiary designated and appointed **L. David Smith, Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra Mendoza, Janice Stoner and Jodi Steen** , any of whom may act independently as Substitute Trustee to enforce the Trust, and any of whom may conduct the sale of the Property and may be contacted as indicated on the signature block below.

NOW, THEREFORE, pursuant to the authority conferred upon me by the Deed of Trust, **I, L. David Smith**, hereby give notice that I or one of the other Substitute Trustees whose names and addresses are set out below, will sell the Property at public auction to the highest bidder, for cash,

Filed for Record
This, the 13th day of March 2023
at 1:15 o'clock P M
Natalie Carson
NATALIE CARSON, COUNTY CLERK OF
DeWitt County, Texas
Paula Mendez-Banda
DEPUTY

on **Tuesday, April 4, 2023**. The earliest time at which the sale will occur shall be at **12:00 o'clock Noon** and it may take place not later than three hours after said time, and the sale shall take place in the area which has been designated as the area for foreclosures to take place, being the patio area in front of the West Door of the Dewitt County Courthouse building, facing Gonzales Street, located at 307 N. Gonzales Street, Cuero, Texas or any other area which has been designated by the Dewitt County Commissioner's Court as the area for foreclosures to take place This conveyance will be made subject to any exceptions referenced in the Deed of Trust to the extent the same are still in effect and shall not cover any part of the Property that has been released from the liens of the Deed of Trust. The Property that will be sold at the foreclosure sale includes the following described real property, together with all improvements and fixtures thereon and appurtenances thereto:

Being 1.93 acres of land, more or less, out of the Washington Lockhart Survey A-29 located in Dewitt County, Texas and being more particularly described by metes and bounds in Exhibit A attached to the Deed of Trust dated October 9, 2012 executed by Dwayne E Amman to David Zalman, Trustee, recorded under Dewitt County Clerk's Document No. 92166, Volume 447, Page 382 in the Official Public Records of Real Property of Dewitt County, Texas, to which reference is hereby made for all purposes.

THE SALE OF THE PROPERTY IS "AS-IS" AND "WHERE-IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. THE SUBSTITUTE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE COMPLIANCE WITH THE LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

SUBSTITUTE TRUSTEES

**NOTICE IS HEREBY PROVIDED THAT ONE OF THE FOLLOWING NAMED
SUBSTITUTE TRUSTEES WHOSE ADDRESS AND CONTACT INFORMATION FOR
PURPOSES HEREOF IS AS FOLLOWS MAY CONDUCT THE SALE:**

**L. David Smith, Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra Mendoza, Janice Stoner
and Jodi Steen.**

c/o L. David. Smith
2618 Kittansett Circle
Katy Texas 77450
Telephone: (281)788-3666
Email: ldslaw7@gmail.com

**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.**

Dated this 27th day of February, 2023.

L. David Smith Substitute Trustee

L. David. Smith, Substitute Trustee
2618 Kittansett Circle
Katy Texas 77450
Telephone:(281) 788-3666
Email:ldslaw7@gmail.com