

**FILED**  
At 10:10 O'Clock 17 M.

**NOTICE OF TRUSTEE'S SALE BY  
SUBSTITUTE TRUSTEE**

DEC 16 2024

  
Clerk of the County Court  
Palo Pinto County, Texas  
By  Deputy

Notice is hereby given of a public non-judicial foreclosure sale.

1. Property to Be Sold. The property to be sold is described in Exhibit "A" attached hereto.
2. Date, Time, and Place of Sale. The sale is scheduled to be held at the following date, time, and place:

Date: **January 7, 2025**

Time: The sale shall begin no earlier than 10:00 A.M. or no later than three hours thereafter.

Place: Palo Pinto County Courthouse in Palo Pinto, Texas, at the south door of the courthouse.

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 reposting or refileing may be after the date originally scheduled for this sale.

3. 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 day the property is sold.

The 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 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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.


4. Type of Sale. The sale is a non-judicial deed of trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Deeds of Trust executed by property owners listed in Exhibit "A". The Deeds of Trust are recorded in the plat records in the office of the County Clerk of Palo Pinto County, Texas, under the volumes and page numbers listed in Exhibit "A."

5. Obligations Secured. The Deeds of Trust provide that they secure the payment of the

[indebtedness and obligations therein described (collectively the "Obligations") including but not limited to (1) the promissory note in the original principal amount payable to the order of Double Diamond, Inc.; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of the property owners to Double Diamond, Inc. Double Diamond, Inc. is the current owner and holder of the Obligations and is the beneficiary under the deed of trust.

6. Default and Request To Act. Default has occurred under the deed of trust, and the beneficiary has requested 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 this 6 day of December, 2024.

  
\_\_\_\_\_  
SONJA CRISLER  
160 CLIFFS DRIVE  
GRAFORD, TX 76449

**EXHIBIT "A"**

Cliffs I -	Cliffs Phase I Subdivision, as described in the Amended plat recorded in Slide 455-460 of the Plat Records of Palo Pinto County, Texas.
Cliffs II -	Cliffs Phase II Subdivision, as described in the plat recorded in Slide 468-473 of the Plat Records of Palo Pinto County, Texas.
Cliffs III-	Cliffs Phase III Subdivision, as described in the plat recorded in Slide 475-479 of the Plat Records of Palo Pinto County, Texas.
Cliffs IV-	Cliffs Phase IV Subdivision, as described in the plat recorded in Slide 480-485 of the Plat Records of Palo Pinto County, Texas.
Cliffs V-	Cliffs Phase V Subdivision, as described in the plat recorded in Slide 488 of the Plat Records of Palo Pinto County, Texas.
Cliffs VI-	Cliffs Phase VI Subdivision, as described in the plat recorded in Slide 489 of the Plat Records of Palo Pinto County, Texas.
Cliffs VII-	Cliffs Phase VII Subdivision, as described in the plat recorded in Slide 499-503 of the Plat Records of Palo Pinto County, Texas.
Cliffs VIII-	Cliffs Phase VIII Subdivision, as described in the plat recorded in Slide 491-498 of the Plat Records of Palo Pinto County, Texas.
Cliffs IX-	Cliffs Phase IX Subdivision, as described in the plat recorded in Slide 507-513 of the Plat Records of Palo Pinto County, Texas.
Cliffs X-	Cliffs Phase X Subdivision, as described in the plat recorded in Slide 509 of the Plat Records of Palo Pinto County, Texas.
Cliffs XI-	Cliffs Phase XI Subdivision, as described in the plat recorded in Slide 525 of the Plat Records of Palo Pinto County, Texas.
Cliffs XII-	Cliffs Phase XII Subdivision, as described in the plat recorded in Slide 582 of the Plat Records of Palo Pinto County, Texas.
Cliffs XIII-	Cliffs Phase XIII Subdivision, as described in the plat recorded in Slide 652 of the Plat Records of Palo Pinto County, Texas.
Birkdale-	Birkdale Timeshare Regime more fully described in the Declaration establishing the Birkdale Timeshare Regime recorded in Volume 972, page 779 of the Deed of Records of Palo Pinto County, Texas.
Vista Point-	Vista Point Timeshare Regime more fully described in the Declaration establishing the Vista Point Timeshare Regime recorded in Volume 1160, page 136 of the Deed of Records of Palo Pinto County, Texas.

<b>MORTGAGOR</b>	<b>LOT</b>	<b>SUBDIVISION</b>	<b>DEED OF TRUST</b>	
			<b>VOLUME</b>	<b>PAGE</b>
MARK RWANJUNGA & ALIDA REZITTA KUNDO	24 & 1/520 INTEREST IN UNITS 1-10	CLIFFS PHASE V & THE VILLAS	2538	544
JOSHUA A. SMITH & MELANIE D. SMITH	1/208 INTEREST IN UNITS 701-704	VISTA POINT	1559	315

**NOTICE OF [SUBSTITUTE] TRUSTEE'S 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 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.**

**1. Date, Time, and Place of Sale.**

Date: 01/07/2025  
Time: Between 1:00 PM – 4:00 PM and beginning not earlier than 1:00 PM and ending not later than three hours thereafter.  
Place: The area designated by the Commissioners Court of Palo Pinto County, pursuant to §51.002 of the Texas Property Code as amended: if no area is designated by the Commissioners' Court, the sale will be conducted in the area immediately adjacent (next) to the location where this Notice of Trustee's Sale was posted.

**2. Terms of Sale.** Highest bidder for cash.

**3. Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated May 15, 2015 and recorded in the real property records of Palo Pinto County, TX and is recorded under Clerk's Instrument No. 2015-00002259, Book 2104, Page 121 with Christopher Harkins and Misty Harkins (grantor(s)) and Mortgage Electronic Registration Systems, Inc., as nominee for AmCap Mortgage, Ltd mortgagee to which reference is herein made for all purposes.

**4. Obligations Secured.** Deed of Trust or Contract Lien executed by Christopher Harkins and Misty Harkins, securing the payment of the indebtedness in the original amount of \$193,223.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. Wells Fargo Bank, N.A. is the current mortgagee of the note and Deed of Trust or Contract Lien.

**5. Property to be Sold.** BEING A 2.000 ACRES TRACT OF LAND OUT OF THE WEST 1/2 OF SECTION NO 36, (MARTHA E. MILLER SURVEY), T. AND P. RR CO SURVEY, BLOCK "A". THE DEED RECORDS OF PALO PINTO COUNTY, TEXAS; AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A SET 1/2 INCH IRON ROD WITH CAP (PRICE SURVEYING) IN THE NORTH LINE OF SAID 12.237 ACRES TRACT FOR THE NORTHEAST AND BEGINNING CORNER OF THIS TRACT WHENCE A 4" STEEL POST AT THE NORTHEAST CORNER OF SAID 12.237 ACRES TRACT BEARS S. 89 DEG 51 MIN 55 SEC E 464.61 FEET AND THE NORTHEAST CORNER OF SAID WEST 1/2 OF SECTION NO 36 IS CALLED TO BEAR S. 89 DEG 51 MIN 55 SEC E 464.61 FEET AND N. 00 DEG 59 MIN W. 677.40 FEET

THENCE S. 10 DEG 14 MIN. 12 SEC. E 252.56 FEET TO A SET 1/2" IRON ROD WITH CAP (PRICE SURVEYING) FOR THE SOUTHEAST CORNER OF THIS TRACT

THENCE S 78 DEG 28 MIN. 14 SEC. W 205.51 FEET TO A SET 1/2" IRON ROD WITH CAP (PRICE SURVEYING) FOR THE MOST SOUTHERLY SOUTHWEST CORNER OF THIS TRACT

**FILED**  
At 3:15 O'Clock P M.

OCT 15 2024

*Janette K. Green*  
Clerk of the County Court  
Palo Pinto County, Texas  
By *J. Mary* Deputy



4826790

THENCE N 37 DEG. 08 MIN. 13 SEC. W 314.14 FEET TO A SET 1/2" IRON ROD WITH CAP (PRICE SURVEYING) FOR AN ELL CORNER OF THIS TRACT

THENCE N. 89 DEG. 51 MIN. 55 SEC W 163.79 FEET TO A SET 1/2" IRON ROD WITH CAP (PRICE SURVEYING) IN THE NORTHEAST RIGHT OF WAY LINE OF F.M. HIGHWAY NO. 3027 AND IN THE SOUTHWEST LINE OF SAID 12.237 ACRES TRACT FOR THE MOST WESTERLY SOUTHWEST CORNER OF THIS TRACT

THENCE NORTHWESTERLY ALONG THE ARC OF A 2 DEG 55 MIN 24 SEC CURVE TO THE LEFT WITH A RADIUS OF 1959.86 FEET, A CENTRAL ANGLE OF 1 DEG. 30 MIN. 25 SEC, A CHORD OF N 38 DEG 57 MIN 41 SEC W 51.54 FEET AND AN ARC LENGTH OF 51.54 FEET TO A FOUND 3/8 INCH IRON ROD FOR THE NORTHWEST CORNER OF THIS AND SAID 12.237 ACRES TRACT

THENCE S. 89 DEG 51 MIN. 55 SEC. E 542.34 FEET ALONG THE NORTH LINE OF SAID 12.237 ACRES TRACT TO THE PLACE OF BEGINNING.

6. **Mortgage Servicer Information.** The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code §51.002, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the Property referenced above. Wells Fargo Home Mortgage, as Mortgage Servicer, is representing the current Mortgagee whose address is:

Wells Fargo Bank, N.A.  
11625 N Community House Rd  
Charlotte, NC 28277

7. **Substitute Trustee(s) Appointed to Conduct Sale.** In accordance with Texas Property Code §51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint Kirk Schwartz Esq. or Carson Emmons Esq. or AWEST OR Guy Wiggs, Brenda Wiggs, Donna Stockman, David Stockman, Michelle Schwartz, Kathy Arrington, Janet Pinder OR Ramiro Cuevas, Aurora Campos, Jonathan Harrison, Shawn Schiller, Patrick Zwiers, Darla Boettcher, Irene Lindsay, Dana Kamin, Lisa Bruno, Angie Uselton, Jami Hutton, Tonya Washington, Monica Henderson, Terry Waters, Logan Thomas, Guy Wiggs whose address is 1320 Greenway Drive, Suite 300, Irving, TX 75038 OR AUCTION.COM OR Angela Cooper, Guy Wiggs, David Stockman, Donna Stockman, Angela Lewis, Brenda Wiggs, Michelle Schwartz, Kathy Arrington, Janet Pinder, Brandy Bacon or Jamie Dworsky , 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.**

October 11, 2024

Executed on

/s/Carson Emmons

James E. Albertelli, P.A.  
Kirk Schwartz, Esq.  
Candace Sissac, Esq.  
6565 N. MacArthur, Suite 470  
Irving, TX 75039

10-15-24

Executed on

Donna Stockman  
SUBSTITUTE TRUSTEE  
Agency Sales & Posting  
Guy Wiggs, Brenda Wiggs, Donna Stockman, David Stockman, Michelle Schwartz, Kathy Arrington, Janet Pinder OR AUCTION.COM OR Angela Cooper, Guy Wiggs, David Stockman, Donna Stockman, Angela Lewis, Brandy Bacon or Jamie Dworsky  
1320 Greenway Drive, Suite 300  
Irving, TX 75038

**CERTIFICATE OF POSTING**

My name is Donna Stockman, and my address is 1320 Greenway Drive, Suite 300, Irving, TX 75038. I declare under penalty of perjury that on 10-15-24 I filed at the office of the Palo Pinto County Clerk and caused to be posted at the Palo Pinto County courthouse this notice of sale.

Donna Stockman  
Declarant's Name: Donna Stockman  
Date: 10-15-24

**NOTICE OF FORECLOSURE SALE**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**FILED**  
At 2:00 O'Clock P M.

**Property:** 4410 S Keller Rd., Mineral Wells, TX 76067

**December 16, 2024**

**Deed of Trust:** First Lien Deed of Trust (The term "Deed of Trust" herein shall mean the Deed of Trust as so modified, renewed, and/or extended.)

DEC 17 2024  
*Donetta's Green*  
Clerk of the County Court  
Palo Pinto County, Texas  
By *[Signature]* Deputy

Dated: March 17, 2021

**Trustee:** David Harger, Jr.

**Substitute Trustee:** Michael S. Newman

Address: 8813 North Tarrant Parkway, #252, North Richland Hills, TX, 76182

**Grantor:** Johnny Barron

**Mortgagee:** Billy Ray Delp, III (hereafter "Lender")

**Recording Information:** Volume 2370, Page 372 of the real property records of Palo Pinto County, Texas.

**Property Address:** 4410 S Keller Rd., Mineral Wells, TX 76067

**Legal Description:** The Surface Estate Only in and to the following described tract:

Being a 25.733 acres tract of land, more or less, out of Blocks 17, 18, and 19, of the PITTMAN SUBDIVISION, out of the JAMES SALMON SURVEY, ABSTRACT NO. 395, and out of the J. L. FOWLER SURVEY, ABSTRACT NO. 184, all in Palo Pinto County, Texas, being part of a certain 173.275-acre tract of land described in that certain Deed recorded in Volume 1092, Page 416, Official Public Records of Palo Pinto County, Texas, and being more particularly described by metes and bounds in that certain Deed recorded in Volume 1373, Page 584, of the Official Public Records of Palo Pinto County, Texas.

**Note Secured by Deed of Trust:** First Lien Real Estate Note (The term "Note" herein shall mean the Note as so modified, renewed, and/or extended.)

Date: March 17, 2021

Original Principal Amount: \$181,000.00

Maker: Johnny Barron  
Lender: Billy Ray Delp, III

**Modifications and Renewals:** By agreement dated November 6, 2023, the maturity date of the note was extended to January 15, 2024.

**Holder:** Jill Delp is the current holder of the Note.

**Property:** All real property and improvements as described in and mortgaged in the Deed of Trust, including all rights and appurtenances thereto.

**Sale Location:** The sale will take place at the area designated by the Commissioner's Court for sales of real property under a power of sale conferred by a deed of trust or other contract lien as follows: At the South Courthouse Entrance of the Palo Pinto Courthouse, 520 Oak Street, Palo Pinto, TX 76484

**Sale Date:** January 7, 2025

**Sale Time:** The public auction of the Foreclosure Sale will take place between the hours of 10:00 AM and 4:00 PM local time. The earliest time the sale will begin is 1:00 p.m., or within three hours from that time.

**Terms of the Sale:** This public Foreclosure Sale will sell all property "AS IS" at a public auction to the highest cash bidder, with the exception of the Beneficiary, who will be allowed to bid credit against the amount owed under the obligation secured by the lien in the Deed of Trust.

Due to the default in payment of the Note and in performance of the obligations under the terms of the Deed of Trust, the Beneficiary directed the Substitute Trustee to administer the trust provisions.

The above described Deed of Trust encumbers real property. This document constitutes formal notice by the Beneficiary to foreclose and sell the property, as described in Beneficiary's right and remedies under the Deed of Trust and in accordance with the terms of Section 9.604(a) of the Texas Business and Commerce Code and the Deed of Trust.

Notice is hereby given that the Foreclosure Sale will commence at the Sale Location, Sale Date, and Sale Time indicated above. At that time, the Substitute Trustee will direct the sale of the property described in the Deed of Trust in the manner allowed by the Deed of Trust and applicable Texas law.

If there is any postponement or rescheduling of the Foreclosure Sale, additional notice will be reposted and refiled in accordance with the terms of the Deed of Trust and applicable Texas law.

Potential purchasers are reminded that this sale of property is made subject to the exceptions to conveyance and warranties of the Deed of Trust, all prior liens and defects to title, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust, and any rights of recession as set forth in the Texas Property Code. Potential purchasers should examine the property records describing the property within the Deed of Trust for further assurances.



Pursuant to Section 51.009 of the Texas Property Code, this property will be sold "AS IS" to the highest cash bidder. Please be aware that the sale of this property will not include any possession warranties, title warranties, warranties of quiet enjoyment or other warranties, except as expressly provided by the Deed of Trust. All potential purchasers should conduct examinations of the property records for further assurances.

Pursuant to Section 51.0075(a) of the Texas Property Code, the Substitute Trustee will establish conditions for the Foreclosure Sale as are deemed reasonable and in accordance with the Texas Property Code. Any conditions beyond what are listed in this document will be disclosed prior to the opening of bidding on the day of the 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 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.**

A handwritten signature in black ink that reads "Michael S. Newman". The signature is written in a cursive style with a long, sweeping underline.

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Michael S. Newman, Substitute Trustee

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At 2:20 O'Clock P.M.

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Michael S. Newman, Substitute Trustee