

**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: July 05, 2023

Time: The sale will begin at 1:00 PM or not later than three hours after that time.

Place: FOYER OF THE AUSTIN COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS or as designated by the county commissioners.

**2. Terms of Sale. Cash.**

**3. Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated January 25, 2019 and recorded in Document CLERK'S FILE NO. 190406; AS AFFECTED BY LOAN MODIFICATION AGREEMENT CLERK'S FILE NO. 220238 real property records of AUSTIN County, Texas, with RUBEN CERVANTES, A SINGLE MAN, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), AS NOMINEE, mortgagee.

**4. Obligations Secured.** Deed of Trust or Contract Lien executed by RUBEN CERVANTES, A SINGLE MAN, securing the payment of the indebtednesses in the original principal amount of \$211,105.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. LAKEVIEW LOAN SERVICING, LLC is the current mortgagee of the note and Deed of Trust or Contract Lien.

**5. Property to Be Sold.** The property to be sold is described in the attached Exhibit A.

**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 § 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the Property referenced above. FLAGSTAR BANK, NA, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o FLAGSTAR BANK, NA  
5151 CORPORATE DRIVE  
TROY, MI 48098

**FILED**

**2023 APR 20 AM 10: 09**

*Andrea Cardenas*  
COUNTY CLERK  
AUSTIN COUNTY, CLERK



NTSS0000009790080

**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.**

The undersigned as attorney for the mortgagee or mortgage servicer does hereby remove the original trustee and all successor substitute trustees and appoints in their stead REID RUPLE, KATHLEEN ADKINS, EVAN PRESS, CHRISTIAN BROOKS, MICHAEL KOLAK, KRISTOPHER HOLUB, JOSHUA SANDERS, JAMI GRADY, AMY OLAN, ALEENA LITTON, CRYSTAL KOZA, MATTHEW HANSEN, RAMIRO CUEVAS, CARY CORENBLUM, AUCTION.COM, DANA DENNEN, CINDY DENNEN, TRACI YEAMAN, MEGAN L. RANDLE, EBBIE MURPHY, REBECCA BOLTON, OR AMY JURASEK whose address is c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320 as Substitute Trustee, who shall hereafter exercise all powers and duties set aside to the said original trustee under the said Deed of Trust; and, further does hereby request, authorize, and instruct said Substitute Trustee to conduct and direct the execution of remedies set aside to the beneficiary therein.

*Il sb Megan L. Randle*

Israel Saucedo

Certificate of Posting

My name is Megan L. Randle, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320. I declare under penalty of perjury that on 04/20/23 I filed at the office of the AUSTIN County Clerk and caused to be posted at the AUSTIN County courthouse this notice of sale.

*[Signature]*

Declarants Name: Megan L. Randle

Date: 04/20/23

402 SWEET PEA CT  
SEALY, TX 77474

00000009790080

00000009790080

AUSTIN



LOT 60, BLOCK 2, SEALY HOMESTEAD, AN ADDITION TO THE CITY OF SEALY, AUSTIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN/UNDER VOLUME 1, PAGE 263 OF THE PLAT RECORDS OF AUSTIN COUNTY, TEXAS AND ALSO BEING A PART OF THE PROPERTY DESCRIBED IN DEED DATED DECEMBER 15, 2005 BY ABA INC., HEARTLAND HOMES TO LQH DEVELOPEMENT, INC., AND RECORDED IN/UNDER FILE NO: 058750 OF THE OFFICIAL RECORDS OF AUSTIN COUNTY, TEXAS.

STATE OF TEXAS  
COUNTY OF AUSTIN

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NOTICE OF FORECLOSURE SALE

Purchase Money Deed of Trust ("Deed of Trust")

Dated: January 20, 2005

Grantor(s): John L. Johnson & Yvonne Johnson

Trustee: Everett L. Anschutz, Jr.

Lender: Option One Mortgage Corporation

Recorded in: Instrument Number 060222 of the Real Property Records of Austin County, Texas

Secures: Note ("Note") in the original principal amount of \$26,500.00 executed by Grantor(s) and payable to the order of Lender and all other indebtedness of Grantor(s) to Lender

Property: The real property and improvements described in the attached Exhibit A

Assignment: The Note and the liens and security interests of the Deed of Trust were transferred and assigned to 20 CAP FUND I, LLC ("Beneficiary") by an instrument dated June 22, 2015

Modification: The Loan Modification Agreement was entered into between John Johnson and Yvonne Johnson and 20 Cap Fund I, LLC on or about August 29, 2018.

Substitute Trustee: Megan Randle or Ebbie Murphy

Substitute Trustee's Street Address: c/o DWaldmanlaw, P.A.  
3418 Highway 6 South, Suite B#345  
Houston, TX 77082

Mortgage Servicer: FCI Lender Services, Inc.

FILED

2023 JUN -2 PM 2: 06

*Andrea Cardenas*  
COUNTY CLERK  
AUSTIN COUNTY, CLERK

2023-0017

Mortgage Servicer's  
Address:

PO Box 27370, Anaheim, CA 92809-0112

**Foreclosure Sale:**

**Date:** Wednesday, July 5, 2023

**Time:** The sale of the Property ("Foreclosure Sale") will take place between the hours of 1:00pm- 4:00pm local time.

**Place:** Inside the foyer of the Austin County Courthouse or as designated by the county commissioner's office.

**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 20 CAP FUND I, LLC's 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, 20 CAP FUND I, LLC, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of 20 CAP FUND I, LLC's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Lender's rights and remedies under the Deed of Trust and Section 9.604(a) of the Texas Business and Commerce Code.

FCI Lender Services, Inc. is representing 20 CAP FUND I, LLC in connection with the loan evidenced by the Note and secured by the Deed of Trust under a servicing agreement with Lender. The respective addresses of 20 CAP FUND I, LLC and FCI Lender Services, Inc. are set forth above.

Therefore, notice is given that on and at the Date, Time and Place of Sale described above, Substitute Trustee will sell the Property by public sale to the highest bidder for cash in accordance with the Deed of Trust.

The Deed of Trust permits the Lender to postpone, withdraw, or reschedule the sale for another day. In that case, the Substitute Trustee need not appear at the Date, Time, and Place of Sale described above to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and re-filed in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code. The reposting or re-filing may be after the date originally scheduled for this sale.

**Exhibit A: Legal Description**

**All that certain 0.5008 acre tract situated in the San Felipe de Austin Town Tract, Abstract No. 4, Austin County, Texas, being the same property conveyed to Bruce M. Viereck and wife Grace Viereck by deed recorded in Volume 163, Page 628 of the Deed Records of Austin County, Texas, and being the 3rd tract described in deed from C. A. Lay to Leona Pearl Viereck, dated February 18th, 1942, and recorded in Volume 134, Page 489-91 of the Deed Records of Austin County, Texas: said 0.5008 acre tract being more particularly described by metes and bounds as follows:**

**BEGINNING at an iron rod found in the West line of North Fowlkes Street (60' Wide) at its intersection with the North line of North Second Street (60' Wide), for the Southeast corner of the herein described tract;**

**Thence South 79°02'00" West along the North line of North Second Street, a distance of 160.30 feet (call 160.0') to an iron rod found for the Southwest corner of the herein described tract;**

**Thence North 09°49'44" West, a distance of 136.21 feet (call 136.125') to an iron rod found for the Northwest corner of the herein described tract;**

**Thence North 79°03'49" East, a distance of 160.18 feet (call 160.0') to an iron rod set in the West line of North Fowlkes Street, for the Northeast corner of the herein described tract;**

**Thence South 09°52'47" East along the West Line of North Fowlkes Street, a distance of 136.13 feet to the POINT OF BEGINNING and containing 0.5008 acre of land.**

**Property Address: 304 N. Fowlkes St., Sealy, TX 77474-1822**

## NOTICE OF SUBSTITUTE TRUSTEE'S SALE

WHEREAS, on the 9<sup>th</sup> day of March, 2015, Maribel Rojas Perez (the "Grantor"), executed a Deed of Trust conveying to John P. Bolen, Trustee, the Property hereinafter described, to secure Texas Funding Corporation in payment of the indebtedness therein described, said Deed of Trust was duly recorded in the Official Public Records of Real Property of Austin County, Texas; and

WHEREAS, Texas Funding Corporation is the owner and holder of the Note secured by the Deed of Trust and has appointed the undersigned as Substitute Trustee under the Deed of Trust in the manner authorized by the Deed of Trust; and

WHEREAS, default has occurred in the payment of said indebtedness, and the same is now wholly due, and the owner and holder of said debt has requested the undersigned to sell the Property to satisfy said indebtedness;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on Wednesday, the 5<sup>th</sup> day of July, 2023, between the hours of 1:00 P.M. and 4:00 P.M., I will sell the Property to the highest bidder for cash, inside the foyer of the Austin County Courthouse, where the Commissioners Court has designated such sales to take place. The courthouse is located at 1 East Main Street, Bellville, Texas 77418.

NOTICE IS FURTHER GIVEN that, except to the extent that the Substitute Trustee(s) may bind and obligate the Grantor to warrant title to the property under the terms of the Deed of Trust, conveyance of the property shall be made "AS IS" "WHERE IS" without any representations and warranties whatsoever, express or implied, and subject to all matters of record affecting the property.

**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 send of this notice immediately.**

Said Property is described as follows:

1. SEE ATTACHED EXHIBIT "A"
2. ALL INTEREST OF GRANTOR IN AND TO THE IMPROVEMENTS NOW OR HEREAFTER ERECTED ON THE PROPERTY AS MORE SPECIFICALLY SET FORTH IN THE ABOVE REFERENCED DEED OF TRUST.

Witness my hand this the 13<sup>th</sup> day of June, 2023.

Address of Substitute Trustee:  
8101 Boat Club Road Suite 320  
Fort Worth, Texas 76179

By: Megan Zandke  
Megan Zandke, Substitute Trustee

Return to:  
Texas Funding Corporation  
P.O. Box 19562  
Houston, TX 77224

FILED

2023 JUN 13 AM 11:27

Andrea Cardenas  
COUNTY CLERK  
AUSTIN COUNTY, CLERK

2023-0019

**EXHIBIT "A"**

1.00 acre of Land, more or less, Situated in Austin County, Texas in the San Felipe De Austin Town Tract, A-5, Austin Town Tract, A-5, and Being Block Thirty-Three of the Sealy Subdivision, (filed for record in the office of the County Clerk of Austin County, Texas, in Volume Y, Page 318 of the Deed Records) 1.00 acre tract described in Deed Dated November 8, 1991, from Citizens State Bank, Sealy, Texas, et al, to David Luk and Phone Bounsawat, filed for record in the office of the County Clerk of Austin County, Texas, in Volume 650, Page 478 of the Official Records.