

NOTICE OF ACCELERATION AND NOTICE OF 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.

DEED OF TRUST INFORMATION:

Date: 03/29/2018
Grantor(s): JADE RIGSBY, A SINGLE WOMAN
Original Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR CMG MORTGAGE, INC., DBA CMG FINANCIAL, ITS SUCCESSORS AND ASSIGNS
Original Principal: \$129,609.00
Recording Information: Instrument 181289
Property County: Austin
Property: (See Attached Exhibit "A")
Reported Address: 204 S HARRIS ST, BELLVILLE, TX 77418

MORTGAGE SERVICING INFORMATION:

The Mortgage Servicer, if not the Current Mortgagee, is representing the Current Mortgagee pursuant to a Mortgage Servicing Agreement.

Current Mortgagee: Idaho Housing and Finance Association
Mortgage Servicer: Idaho Housing and Finance Association
Current Beneficiary: Idaho Housing and Finance Association
Mortgage Servicer Address: 565 W. Myrtle, Boise, ID 83702

SALE INFORMATION:

Date of Sale: Tuesday, the 3rd day of December, 2019
Time of Sale: 01:00PM or within three hours thereafter.
Place of Sale: AT THE FOYER OF THE AUSTIN COUNTY COURTHOUSE in Austin County, Texas, or, if the preceding area is no longer the designated area, at the area most recently designated by the Austin County Commissioner's Court.

WHEREAS, the above-named Grantor previously conveyed the above described property in trust to secure payment of the Note set forth in the above-described Deed of Trust; and

WHEREAS, a default under the Note and Deed of Trust was declared; such default was reported to not have been cured; and all sums secured by such Deed of Trust were declared to be immediately due and payable; and

WHEREAS, the original Trustee and any previously appointed Substitute Trustee has been removed and Megan Randle, Ebbie Murphy, Michael Burns, Bradley Conway, Tori Jones, or Suzanne Suarez, any to act, have been appointed as Substitute Trustees and requested to sell the Property to satisfy the indebtedness; and

WHEREAS, the undersigned law firm has been requested to provide these notices on behalf of the Current Mortgagee, Mortgage Servicer and Substitute Trustees;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN of the foregoing matters and that:

1. The maturity of the Note has been accelerated and all sums secured by the Deed of Trust have been declared to be immediately due and payable.
2. Megan Randle, Ebbie Murphy, Michael Burns, Bradley Conway, Tori Jones, or Suzanne Suarez, any to act, as Substitute Trustee will sell the Property to the highest bidder for cash on the date, at the place, and no earlier than the time set forth above in the Sale Information section of this notice. The sale will begin within three hours after that time.
3. This sale shall be subject to any legal impediments to the sale of the Property and to any exceptions referenced in the Deed of Trust or appearing of record to the extent the same are still in effect and shall not cover any property that has been released from the lien of the Deed of Trust.
4. No warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose shall be conveyed at the sale, save and except the Grantor's warranties specifically authorized by the Grantor in the Deed of Trust. The property shall be offered "AS-IS", purchasers will buy the property "at the purchaser's own risk" and "at his peril", and no representation is made concerning the quality or nature of title to be acquired. Purchasers will receive whatever interest Grantor and Grantor's assigns have in the property, subject to any liens or interests of any kind that may survive the sale. Interested persons are encouraged to consult counsel of their choice prior to participating in the sale of the property.

Substitute Trustee(s): Megan Randle, Ebbie Murphy, Michael Burns, Bradley Conway, Tori Jones, or Suzanne Suarez, any to act.

Substitute Trustee Address: 14841 Dallas Parkway, Suite 425, Dallas, TX 75254

Document Prepared by:
Bonial & Associates, P.C.
14841 Dallas Parkway, Suite 425, Dallas, TX 75254
AS ATTORNEY FOR THE HEREIN
IDENTIFIED MORTGAGEE AND/OR
MORTGAGE SERVICER

2019-34

Certificate of Posting

I am Megann L. Randle whose address is 14841 Dallas Parkway, Suite 425, Dallas, TX 75254. I declare under penalty of perjury that on 10/11/19 I filed and / or recorded this Notice of Foreclosure Sale at the office of the Austin County Clerk and caused it to be posted at the location directed by the Austin County Commissioners Court.

By: Megann L. Randle

Exhibit "A"

FIELD NOTES OF A SURVEY OF A 0.245 ACRE TRACT OUT OF THE JOHN NICHOLS LEAGUE, ABSTRACT NO. 73, IN THE CITY OF BELLVILLE, AUSTIN COUNTY, TEXAS. SAID 0.245 ACRE TRACT BEING THAT SAME PROPERTY DESCRIBED IN A DEED DATED AUGUST 27, 1969 TO CHARLES L ELLIS AND WIFE, RUTH IRENE ELLIS, RECORDED IN VOLUME 312, PAGE 497, OF THE DEED RECORDS OF AUSTIN COUNTY, TEXAS FOR WHICH REFERENCE IS MADE AND THE SAID 0.245 ACRE TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT A 1-1/2 INCH IRON ROD FOUND IN THE NORTHWEST LINE OF SOUTH HARRIS STREET FOR THE EAST CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING ALSO THE SOUTH CORNER OF A CALLED 0.250 ACRE TRACT DESCRIBED IN A DEED TO DELORIS JENNINGS, VOLUME 277, PAGE 318, AUSTIN COUNTY DEED RECORDS, FROM SAID CORNER A 1/2 INCH IRON ROD FOUND FOR THE APPARENT EAST CORNER OF THE SAID 0.250 ACRE TRACT BEARS N 25 DEGREES 38' 06" E A DISTANCE OF 62.86 FEET;

THENCE S 25 DEGREES 16' 01" W A DISTANCE OF 63.56 FEET (CALLED S 26 DEGREES 30' 00" W - 63.09') WITH THE NORTHWEST LINE OF SOUTH HARRIS STREET, SAME BEING THE SOUTHEAST LINE OF THE HEREIN DESCRIBED TRACT TO A 5/8 INCH IRON ROD SET (CAPPED FRANK SURVEYING) FOR THE EAST CORNER OF A CALLED 10,375.7 SQUARE FOOT TRACT BEING ORIGINALLY A PART OF A CALLED 0.4 ACRE TRACT DESCRIBED IN VOLUME 60, PAGE 614, AUSTIN COUNTY DEED RECORDS, SAID CORNER BEING ALSO THE SOUTH CORNER OF THE HEREIN DESCRIBED 0.245 ACRE TRACT, FROM SAID CORNER A 3/4 INCH IRON ROD FOUND FOR THE APPARENT SOUTH CORNER OF THE SAID 10,375.7 SQUARE FOOT TRACT BEARS S 25 DEGREES 18' 01" W A DISTANCE OF 63.00 FEET;

THENCE N 65 DEGREES 20' 35" W A DISTANCE OF 174.82 FEET (CALLED N 66 DEGREES 00' 00" W - 171.50') WITH THE NORTHEAST LINE OF THE SAID 10,375.7 SQUARE FOOT TRACT TO A 5/8 INCH IRON ROD SET (CAPPED FRANK SURVEYING) FOR THE NORTH CORNER OF THE SAID 10,375.7 SQUARE FOOT TRACT, SAID CORNER BEING ALSO THE WEST CORNER OF THE HEREIN DESCRIBED 0.245 ACRE TRACT, CORNER BEING ALSO IN THE SOUTHEAST LINE OF A CALLED 0.860 ACRE TRACT DESCRIBED IN A DEED TO MONUELLE F. JENNINS, JR., VOLUME 531, PAGE 335, AUSTIN COUNTY OFFICIAL RECORDS, FROM SAID CORNER A 1/2 INCH IRON PIPE FOUND FOR THE APPARENT WEST CORNER OF THE SAID 10,375.7 SQUARE FOOT TRACT BEARS S 22 DEGREES 02' 45" W A DISTANCE OF 58.00 FEET, ALSO FROM SAID CORNER A CHAIN LINK FENCE CORNER POST BEARS S 62 DEGREES 56' 04" E A DISTANCE OF 1.20 FEET;

THENCE N 22 DEGREES 02' 45" E A DISTANCE OF 57.68 FEET (CALLED N 24 DEGREES 30' 00" E - 58.00') WITH THE NORTHWEST LINE OF THE HEREIN DESCRIBED TRACT, SAME BEING THE SOUTHEAST LINE OF THE SAID 0.860 ACRE TRACT TO A 1-1/4 INCH IRON ROD FOUND FOR THE NORTH CORNER OF THE HEREIN DESCRIBED 0.245 ACRE TRACT, SAID CORNER BEING ALSO THE APPARENT WEST CORNER OF THE SAID 0.250 ACRE TRACT, FROM SAID CORNER A 1/2 INCH IRON ROD FOUND FOR THE APPARENT EAST CORNER OF THE SAID 0.860 ACRE TRACT BEARS N 22 DEG 17' 30" E A DISTANCE OF 13.50 FEET;

THENCE S 67 DEGREES 15' 00" E A DISTANCE OF 178.26 FEET (CALLED S 67 DEGREES 15' 00" E-174.00') WITH THE NORTHEAST LINE OF THE HEREIN DESCRIBED TRACT, SAME BEING THE SOUTHWEST LINE OF THE SAID 0.250 ACRE TRACT TO THE PLACE OF BEGINNING, CONTAINING 0.245 ACRE OF LAND.

SURVEY PLAT TO ACCOMPANY FIELD NOTES.

PROJECT NO. 07-119

ALL BEARINGS ARE BASED ON THE NORTHEAST LINE OF THE HEREIN DESCRIBED TRACT AS DESCRIBED IN VOLUME 312, PAGE 497, AUSTIN COUNTY DEEDS RECORDS AS HAVING A RECORD DEED BEARING OF S 67 DEGREES 15' 00" E.

Return to: Bonial & Associates, P.C., 14841 Dallas Parkway, Suite 425, Dallas, TX 75254

FILED

2019 OCT 11 AM 10: 53

Carrie Gregor

COUNTY CLERK
AUSTIN COUNTY, TEXAS

2019-34

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: December 03, 2019

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 February 27, 2014 and recorded in Document CLERK'S FILE NO. 140847, AS AFFECTED BY MODIFICATION ON CLERK'S FILE NO. 175084 real property records of AUSTIN County, Texas, with CARL A FLOYD AND CATHERINE L. FLOYD, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS"), AS NOMINEE, mortgagee.

4. Obligations Secured. Deed of Trust or Contract Lien executed by CARL A FLOYD AND CATHERINE L. FLOYD, securing the payment of the indebtednesses in the original principal amount of \$275,793.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. FLAGSTAR BANK, F.S.B. 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, F.S.B., as Mortgage Servicer, is representing the current mortgagee, whose address is:

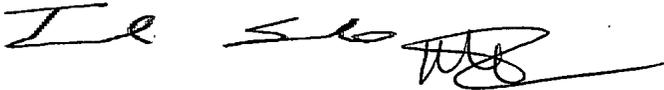
c/o FLAGSTAR BANK, F.S.B.
5151 CORPORATE DRIVE
TROY, MI 48098

2019-35



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.

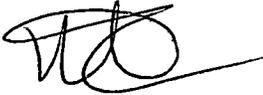
The undersigned as attorney for the mortgagee or mortgage servicer does hereby remove the original trustee and all successor substitute trustees and appoints in their stead REID RUPLE, KATHLEEN ADKINS, EVAN PRESS, MARIEL MARROQUIN, AMY BOWMAN, CARY CORENBLUM, JOSHUA SANDERS, KRISTOPHER HOLUB, JULIAN PERRINE, EBBIE MURPHY MEGAN L. RANDLE, 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.



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 10/11/19 I filed at the office of the AUSTIN County Clerk and caused to be posted at the AUSTIN County courthouse this notice of sale.



Declarants Name: Megan L. Randle

Date: 10/11/19

2019-35

EXHIBIT "A"

2.285 ACRE TRACT OF LAND LOCATED IN THE MARTIN M. KENNEY SURVEY (HTCRR CO. SURVEY, SECTION 156), ABSTRACT 352, AUSTIN COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

ALL THAT TRACT OR PARCEL OF LAND CONSISTING OF 2.285 ACRES LOCATED IN THE MARTIN M. KENNEY SURVEY (H. & T. C. R.R. CO. SURVEY, SECTION 156), A-352, AUSTIN COUNTY, TEXAS, SUBJECT TRACT BEING COMPOSED OF ALL OF THE CALLED 1.00 ACRE TRACT DESCRIBED IN DEED TO GEORGE & LYDIA GASTON RECORDED IN VOLUME 759, PAGE 132 OF THE OFFICIAL RECORDS OF AUSTIN COUNTY, TEXAS AND ALL OF THE CALLED 1.285 ACRE TRACT DESCRIBED IN DEED TO GEORGE & LYDIA GASTON RECORDED IN FILE# 021377 O.R.A.C.T. SAID TRACT CONSISTING OF A TOTAL OF 2.285 ACRES AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND IN THE NORTHWEST RIGHT-OF-WAY OF PESCHEL LANE (PUBLIC ROAD) FOR THE EAST CORNER OF THE RESIDUE TRACT BELONGING TO WILL NADE & HAZEL DALE PESCHEL RECORDED IN VOLUME 301, PAGE 232 OF THE DEED RECORDS OF AUSTIN COUNTY, TEXAS FOR THE SOUTH CORNER OF THE 1.00 ACRE TRACT MENTIONED ABOVE AND THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE N 46D 30' 58" W, WITH THE COMMON LINE WITH THE PESCHEL TRACT A DISTANCE OF 176.49 FT. TO A 1/2" IRON ROD FOUND IN THE COMMON LINE WITH THE CALLED 0.977 ACRE TRACT DESCRIBED IN DEED TO LONNIE RAY PESCHEL, ET UX RECORDED IN VOLUME 466, PAGE 621 D.R.A.C.T. FOR THE NORTH CORNER OF THE WILL PESCHEL TRACT AND AN ANGLE POINT IN THE WEST LINE OF THE HEREIN DESCRIBED TRACT;

THENCE N 42D 10' 05" E, WITH THE COMMON LINE WITH THE 0.977 ACRE ADJOINING TRACT AND GENERALLY WITH AN EXISTING FENCE, A DISTANCE OF 29.58 FT. TO A POINT AT A CHAINLINK FENCE CORNER POST FOUND SET IN CONCRETE FOR THE EAST CORNER OF THE 0.977 ACRE ADJOINING TRACT AND AN ANGLE POINT IN THE WEST LINE OF THE HEREIN DESCRIBED TRACT;

THENCE N 46D 23' 26" W, CONTINUING WITH THE COMMON LINE WITH THE 0.977 ACRE ADJOINING TRACT AND GENERALLY WITH AN EXISTING FENCE, A DISTANCE OF 142.02 FT. TO A 1/2" IRON ROD FOUND AT A FENCE CORNER POST FOR THE NORTH CORNER OF THE 0.977 ACRE ADJOINING TRACT AND BEING IN THE COMMON LINE WITH THE RESIDUE OF THE CALLED 2.00 ACRE TRACT DESCRIBED IN DEED TO CLARA STASTNY RECORDED IN VOLUME 738, PAGE 136 O.R.A.C.T. FOR THE WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE N 42D 20' 37" E, WITH THE COMMON LINE WITH THE RESIDUE OF THE 2.00 ACRE ADJOINING TRACT AND PASSING AT 115.78 FT. A 3/4" IRON PIPE FOUND AT A FENCE CORNER POST FOR THE EAST CORNER OF THE RESIDUE OF THE CALLED 2.00 ACRE ADJOINING TRACT, THE SAME BEING THE SOUTH CORNER OF THE CALLED 32.80 ACRE TRACT DESCRIBED IN DEED TO THE BEAMON CHILDREN'S PARTNERSHIP RECORDED IN FILE# 126263 O.R.A.C.T. FOR THE NORTH CORNER OF THE 1.00 ACRE PARENT TRACT AND THE WEST CORNER OF THE 1.285 ACRE PARENT TRACT AND CONTINUING WITH THE COMMON LINE WITH THE 32.80 ACRE ADJOINING TRACT AND GENERALLY WITH AN EXISTING FENCE, A TOTAL DISTANCE OF 290.01 FT. TO A 1/2" IRON ROD FOUND FOR THE WEST CORNER OF THE 1.214 ACRE TRACT DESCRIBED IN DEED TO TONY C. & CLEMENTINE MOORE RECORDED IN FILE # 014716 O.R.A.C.T. FOR THE NORTH CORNER OF THE 1.285 ACRE PARENT TRACT AND THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S 47D 46' 07" E, WITH THE COMMON LINE WITH THE 1.214 ACRE ADJOINING TRACT AND WITH A LINE WHICH IS NOT FENCED, A DISTANCE OF 322.94 FT. TO A 1/2" IRON ROD FOUND IN THE NORTHWEST RIGHT-OF-WAY OF PESCHEL LANE, FOR THE SOUTH CORNER OF THE 1.214 ACRE ADJOINING TRACT, THE EAST CORNER OF THE 1.285 ACRE PARENT TRACT AND THE EAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S 43D 06' 59" W, WITH THE NORTHWEST RIGHT-OF-WAY OF PESCHEL LANE AND PASSING AT 173.32 FT. A 3/4" IRON PIPE FOUND FOR THE SOUTH CORNER OF THE 1.285 ACRE PARENT TRACT, THE SAME BEING THE EAST CORNER OF THE 1.00 ACRE PARENT TRACT AND CONTINUING; A TOTAL DISTANCE OF 326.90 FT. TO THE PLACE OF BEGINNING AND CONTAINING 2.285 ACRES.

17-01-MS 11 170 PWS
11-14-19
2019-35

APPOINTMENT OF SUBSTITUTE TRUSTEE AND
NOTICE OF SUBSTITUTE TRUSTEE SALE

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 AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

**APPOINTMENT OF
SUBSTITUTE TRUSTEE:**

WHEREAS, in my capacity as the attorney for the Mortgagee and/or its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I hereby name, appoint and designate Megan Randle, Debby Jurasek, Ebbie Murphy, Megan L. Randle, Doug Woodard, Kristic Alvarez, Julian Perrine, Kathleen Adkins, Amy Bowman, Evan Press, Renee Thomas, Reva Rouchon-Harris, Monica Hrvela, Rebecca Bolton, Amy Jurasek, Benjamin Griesinger, Reid Ruple, Catrena Ward, Kim Hinshaw, Stephanie Kohler, Ian Moser, Vanessa McHaney, Cary Corenblum, Luci Fuller, Mariel Marroquin, Kristopher Holub, Joshua Sanders, Travis Gray, Chris Ferguson, or Jack O'Boyle, each as Substitute Trustee, to act under and by virtue of said Deed of Trust, including posting and filing the public notice required under Section 51.002 Texas Property Code as amended, and to proceed with a foreclosure of the Deed of Trust lien securing the payment of the Note.

**SUBSTITUTE TRUSTEE'S
ADDRESS:**

c/o JACK O'BOYLE & ASSOCIATES, Mailing Address: P.O. Box 815369, Dallas, Texas 75381;
Physical Address: 12300 Ford Road, Suite 212, Dallas, TX 75234.

**NOTICE OF SUBSTITUTE
TRUSTEE SALE:**

WHEREAS, default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on December 03, 2019 between the hours of 1pm-4pm the Substitute Trustee will sell said real property at the place hereinafter set out and pursuant to the terms herein described. The sale will begin at the earliest time stated above or within three (3) hours after that time.

LOCATION OF SALE:

The place of the sale shall be: In the foyer of the Austin County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court in AUSTIN County, Texas or as designated by the County Commissioners.

**INSTRUMENT TO BE
FORECLOSED:**

Deed of Trust or Contract Lien dated 07/31/2008 and recorded under Volume, Page or Clerk's File No. Clerk File Number: 084175 in the real property records of Austin County Texas, with MARIANA OLVERA, A SINGLE PERSON as Grantor(s) and HOME FINANCING UNLIMITED, INC. D/B/A MISSION MORTGAGE OF TEXAS as Original Mortgagee.

OBLIGATIONS SECURED:

Deed of Trust or Contract Lien executed by MARIANA OLVERA, A SINGLE PERSON securing the payment of the indebtedness in the original principal amount of \$116,437.00 and obligations therein described including but not limited to the promissory note and all the modifications, renewals and extensions of the promissory note (the "Note") executed by MARIANA OLVERA. CARRINGTON MORTGAGE SERVICES, LLC is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

**MORTGAGE SERVICING
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 property securing the above referenced loan. CARRINGTON MORTGAGE SERVICES, LLC is acting as the Mortgage Servicer for CARRINGTON MORTGAGE SERVICES, LLC who is the Mortgagee of the Note



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2019-36

and Deed of Trust associated with the above referenced loan. CARRINGTON MORTGAGE SERVICES, LLC, as Mortgage Servicer, is representing the Mortgagee, whose address is:

CARRINGTON MORTGAGE SERVICES, LLC
c/o CARRINGTON MORTGAGE SERVICES, LLC
1600 SOUTH DOUGLASS ROAD, SUITE 200-A, ANAHEIM, CA 92806

**LEGAL DESCRIPTION OF
PROPERTY TO BE SOLD:**

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF SEALY, AUSTIN COUNTY, TEXAS, IN THE SAN FELIPE DE AUSTIN TOWN TRACT, ABSTRACT NO. 5, AND BEING PART OF A CERTAIN TRACT OF LAND DESCRIBED IN A DEED FROM EUGENE GAJEWSKI AND WIFE, MARY LOU GAJEWSKI TO JOE C. ZAPALAC AND WIFE, DORIS MARIE ZAPALAC AND RECORDED IN VOLUME 384, PAGE 495-498 OF THE DEED RECORDS OF AUSTIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIN FOUND AT THE NORTHWEST CORNER OF THE SAID ZAPALAC TRACT OF LAND IN THE EAST LINE OF THE NEWTON HEGEMEYER AND WIFE, ELIZABETH ANN HEGEMEYER, 17,450 SQUARE FEET TRACT OF LAND, RECORDED IN VOLUME 330, PAGE 415 OF THE DEED RECORDS OF AUSTIN COUNTY, TEXAS, THIS POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 68 OF THE CAROLYN MEADOWS ADDITION, RECORDED IN VOLUME 256, PAGE 424-434 OF THE DEED RECORDS OF AUSTIN COUNTY, TEXAS:

THENCE, WITH THE COMMON LINE BETWEEN THE ZAPALAC TRACT OF LAND AND LOT 68, NORTH 79° 22' 00" EAST FOR 118.19 FEET TO A 1/2 INCH IRON PIN FOUND AT THE NORTHEAST CORNER OF ZAPALAC TRACT OF LAND AND THE SOUTHEAST CORNER OF LOT 68 IN THE WEST LINE OF NORTH FOWLKES STREET;

THENCE, WITH THE WEST LINE OF NORTH FOWLKES STREET, SOUTH 10° 29' 41" EAST FOR 60.00 FEET TO A 1/2 INCH IRON PIN SET FOR THE SOUTHWEST CORNER OF THIS 0.163 ACRE TRACT OF LAND:

THENCE, ACROSS THE SAID ZAPALAC TRACT OF LAND, SOUTH 79° 22' 00" WEST FOR 118.19 FEET TO A 1/2 INCH IRON PIN SET FOR THE SOUTHWEST CORNER OF THIS 0.163 ACRE TRACT OF AND IN THE EAST LINE OF THE SAID HEGEMEYER TRACT OF LAND:

THENCE, WITH THE COMMON LINE BETWEEN THE ZAPALAC AND HEGEMEYER TRACTS OF LAND, NORTH 10° 29' 41" WEST FOR 60.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.163 ACRE OF LAND. (the "Property")

**REPORTED PROPERTY
ADDRESS:**

614 FOWLKES ST. SEALY, TX 77474

TERMS OF SALE: The Substitute Trustee will sell the Property by public auction at the place and date specified herein.

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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property and the priority of the lien being foreclosed.

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 Mortgagee and/or Mortgage Servicer 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 their bid immediately in cash if their bid is accepted.

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. The sale shall not cover any part of the property that has been released of public record from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the priority, nature and extent of such matters, if any.

2019-36

In the event of a defect or other problem with the foreclosure process is discovered that may invalidate the sale, the consideration paid will be returned to the purchaser as the sole and absolute remedy. In the event of any claim or action brought by any person including the purchaser requiring or resulting in the invalidation of the sale and rescission of the Trustee's Deed or Substitute Trustee's Deed, purchaser's damages resulting therefrom are limited to the consideration paid to the Trustee or Substitute Trustee and the sole and absolute remedy shall be the return to purchaser of the consideration paid. The purchaser shall have no further recourse against the Trustee, Substitute Trustee, Mortgagee and/or Mortgage Servicer, or its attorney(s).

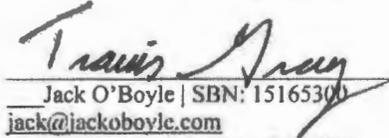
The Deed of Trust permits the Mortgagee and/or Mortgage Servicer to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deed of Trust or Substitute Trustee appointed herein need not appear at the date, time and place of a scheduled sale to announce the postponement, 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. The reposting or refileing may be after the date originally scheduled for this 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.

Signed on the 22 day of October, 2019.

Respectfully,

JACK O'BOYLE & ASSOCIATES



Jack O'Boyle | SBN: 15165300
jack@jackoboyle.com

Travis H. Gray | SBN: 24044965
travis@jackoboyle.com

Chris S. Ferguson | SBN: 24069714
chris@jackoboyle.com

P.O. Box 815369

Dallas, Texas 75381

P: 972.247.0653 | F: 972.247.0642

ATTORNEYS FOR MORTGAGEE AND/OR ITS MORTGAGE
SERVICER

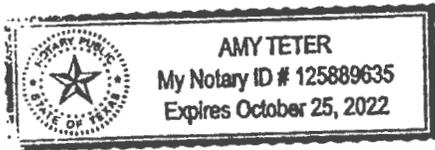
2019-36

STATE OF TEXAS

§
§
§

COUNTY OF DALLAS

BEFORE ME, the undersigned Notary Public, on this 22ND day of OCTOBER, 20 19,
personally appeared THAVIS GRAY, Attorney at Jack O'Boyle & Associates, known to me to be
the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed it for
the purposes and consideration therein expressed.



Amy Teter
Notary Public in and for
The State of Texas

AFTER RECORDING RETURN TO:
Jack O'Boyle & Associates
12300 Ford Road, Suite 212
Dallas, TX 75234

FILED
2019 OCT 24 PM 2: 10
Carrie Gregor
COUNTY CLERK
AUSTIN COUNTY, TEXAS

2019-36

NOTICE OF FORECLOSURE SALE

Date: November 8, 2019

Deed of Trust ("Deed of Trust"):

Dated: June 21, 2012
Grantor: Robert W. McGarva and wife, Barbara G. McGarva
Trustee: Neely Fay Grawunder
Lender: The First National Bank of Bellville
Recorded: Clerk's File No. 122872, Official Public Records of Austin County, Texas
Secures: Promissory Note ("Note") in the original principal amount of \$472,200.00 executed by Robert W. McGarva and wife, Barbara G. McGarva ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

Modifications and Renewals:

Modification of Real Estate Lien Note and Lien dated June 10, 2013, and recorded under Clerk's File No. 133263, Official Public Records of Austin County, Texas (as used herein, the terms "Note" and "Deed of Trust" mean the Note and Deed of Trust as so modified, renewed and/or extended)

Property:

All that certain 12.921 acre tract or parcel of land, more or less, in the George Grimes League, Abstract No. 44, Austin County, Texas, same being all that certain called 12.9355 acre parcel as described by deed recorded in Volume 456, Page 189, of the Deed Records of Austin County, Texas, being more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all pertinent purposes.

Foreclosure Sale:

Date: December 3, 2019
Time: The sale of the Property will be held between the hours of 10:00 a.m. and 4:00 p.m. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 a.m.
Place: Austin County Courthouse
One East Main
Bellville, Austin County, Texas

The foyer of the Austin County Courthouse as designated by the Austin County Commissioners under Order No. 87-351, recorded in Volume 9, Page 242, Commissioners Court Minutes, Austin County, Texas

2019-37

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 Lender'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, Lender, the owner and holder of the Note, has requested Trustee to sell the Property.

Therefore, notice is given that on and at the Date, Time and Place for the Foreclosure Sale described above, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Lender 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 Lender. 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 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, 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 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.


NEELY FAY GRAWUNDER, Trustee

2019-37

METES AND BOUNDS
DESCRIPTION
OF
12.921 ACRES
IN THE
GEORGE GRIMES LEAGUE, ABSTRACT 44
AUSTIN COUNTY, TEXAS

BEING all that certain tract or parcel of land containing 12.921 acres of land, more or less, in the George Grimes League, Abstract 44, Austin County, Texas, same being all that certain called 12.9355 acre parcel as described by deed recorded in Volume 456, Page 189 of the Deed Records of Austin County, Texas, said 12.921 acre tract being more particularly described by metes and bounds as follows, to wit:

BEGINNING at a 5/8 inch iron rod found for corner, same being the POINT OF BEGINNING of the tract herein described, same being in the northwesterly margin of Scranton Grove Road (margin varies), same being the most southerly southeast corner of that certain called 21.3 acre parcel as described by deed as recorded in Volume 301, Page 67 of the Deed Records of Austin County, Texas, and same being the most westerly southwest corner of the tract herein described;

THENCE, departing said northwesterly margin of said Scranton Grove Road and with said common line, North 42 degrees 15 minutes 46 seconds East, a distance of 1,040.54 feet (called North 42 degrees 15 minutes 46 seconds East, a distance of 1,037.89 feet) (Basis of Bearings), to an old fence post angle point found for corner, and same being a northwesterly exterior corner of the tract herein described;

THENCE, continuing with said common line, North 42 degrees 54 minutes 56 seconds East, a distance of 483.26 feet (called North 42 degrees 49 minutes 38 seconds East, a distance of 483.22 feet), to an old fence post angle point found for corner, and same being a northwesterly exterior corner of the tract herein described;

THENCE, continuing with said common line, North 65 degrees 27 minutes 36 seconds East, a distance of 33.56 feet (called North 65 degrees 30 minutes 22 seconds East, a distance of 33.56 feet) to a 1/8 inch iron rod set for corner, and same being the most northerly corner of the tract herein described;

THENCE, continuing with said common line, South 31 degrees 51 minutes 52 seconds East, a distance of 52.70 feet (called South 31 degrees 49 minutes 06 seconds East, a distance of 53.40 feet) to a point in East Mill Creek, same being a southwesterly exterior corner of that certain 10 acre parcel as recorded in Clerk's File No. 12001 of the Official Records of Austin County, Texas, same being more specifically described by deed as recorded in the Clerk's File No. 084990 of the Official Records of Austin County, Texas, same being a southeasterly exterior corner of said called 21.3 acres, and same being a northeasterly exterior corner of the tract herein described;

THENCE, with the centerline of East Mill Creek the following meanders,
S 65 deg 50' 24" W - 116.27 feet (called S 65 deg 54' 03" W a distance of 144.46 feet)
S 03 deg 57' 29" E - 143.77 feet (called S 03 deg 53' 50" E a distance of 143.77 feet)
S 54 deg 02' 14" E - 115.05 feet (called S 53 deg 58' 35" E a distance of 115.05 feet)
S 74 deg 39' 59" E - 70.72 feet (called S 74 deg 36' 20" E a distance of 70.72 feet)
S 87 deg 01' 31" E - 194.49 feet (called S 86 deg 57' 52" E a distance of 194.49 feet)
S 76 deg 08' 03" E - 97.79 feet (called S 76 deg 04' 24" E a distance of 97.79 feet), same being in the northwesterly right of way line of Farm to Market 2754 (right of way varies), same being the most southerly southeast corner of said called 10 acre parcel, and same being the most easterly northeast corner of the tract herein described;

THENCE, departing said centerline of East Mill Creek and with said common line, and said northwesterly right of way line Farm to Market 2754, South 37 degrees 41 minutes 44 seconds West, a distance of 58.93 feet (called South 40 degrees 55 minutes 55 seconds West, a distance of 57.27 feet) to a concrete highway right of way marker found for corner, and same being a southeasterly interior corner of the tract herein described;

19 N. Miller Bellville, Texas 77418



1-979-865-8111 1-800-427-8783

EXHIBIT A

2019-37

THENCE, continuing with said common line, and said northwesterly right of way line, South 35 degrees 42 minutes 22 seconds West, a distance of 185.69 feet (called South 34 degrees 49 minutes 00 seconds West, a distance of 187.57 feet) an old spike found for corner, same being a southeasterly exterior corner of the tract herein described, and same being a point of curvature on the arc of the curve to the right;

THENCE, continuing with said common line, and said northwesterly right of way line, South 35 degrees 42 minutes 22 seconds West, a distance of 185.69 feet (called South 34 degrees 49 minutes 00 seconds West, a distance of 187.57 feet) an old spike found for corner, same being a southeasterly exterior corner of the tract herein described, and same being a point of curvature on the arc of the curve to the right;

THENCE, with said common line, and said northwesterly right of way line of Farm to Marker No. 2754 and along the arc of a curve to the right, an arc length of 546.97 feet (called 546.97 feet) a radius of 1382.69 feet (called 1382.69 feet) a delta angle of 22 degrees 39 minutes 55 seconds (called 22 degrees 39 minutes 55 seconds) a chord bearing of South 52 degrees 12 minutes 13 seconds West (called South 52 degrees 15 minutes 52 seconds West) a chord length of 543.41 feet (called 543.41 feet) to a concrete highway right of way monument found for corner, same being a point of tangency, and same being a southeasterly exterior corner of the tract herein described;

THENCE, continuing with said common line, and said northwesterly right of way of Farm to Market No. 2754, South 64 degrees 03 minutes 48 seconds West, a distance of 401.24 feet (called South 63 minutes 35 minutes 50 seconds West, a distance of 398.79 feet) to a concrete highway right of way monument found for corner, same being the intersection of the northwesterly right of way line of said Farm to Market No. 2754 and the northerly margin of Scranton Grove Road (margin varies), and same being a southerly southeasterly exterior corner of the tract herein described;

THENCE, departing said northwesterly right of way line of Farm to Market No. 2754 with said northerly margin of Scranton Grove Road, and said common line, South 83 degrees 12 minutes 26 seconds West, a distance of 328.96 feet (called South 83 degrees 46 minutes 06 seconds West, a distance of 330.98 feet) to a 1/2 inch iron rod set for corner, same being a northerly exterior corner of said margin of Scranton Grove Road, and same being a southeasterly interior corner of the tract herein described;

THENCE, continuing with said common line, and said northerly margin of Scranton Grove Road, South 78 degrees 14 minutes 32 seconds West, a distance of 184.13 feet (called South 78 degrees 14 minutes 59 seconds West, a distance of 184.13 feet) to the POINT OF BEGINNING of the tract herein described and containing 12.921 acres of land, more or less.

For Reference Please Refer to Boundary Survey Plat, Prepared by A-Survey, Inc., Dated June 6, 2012.

PROJECT NO. 12128A

JUNE 6, 2012



COMPILED BY:



FILED

2019 NOV -8 AM 10:28

19 N. Miller Bellville, Texas 77418

1-979-865-8111 1-800-427-8783

Carrie Gregor
COUNTY CLERK
AUSTIN COUNTY, TEXAS

EXHIBIT A

2019-37

NOTICE OF FORECLOSURE SALE

Date: November 8, 2019

Deed of Trust ("Deed of Trust"):

Dated: June 29, 2017
Grantor: Robert Wayne McGarva and wife, Barbara G. McGarva
Trustee: Neely Fay Grawunder
Lender: The First National Bank of Bellville
Recorded: Clerk's File No. 173284, Official Public Records of Austin County, Texas
Secures: Fixed Rate Note Secured by Real Estate ("Note") in the original principal amount of \$292,500.00 executed by Robert Wayne McGarva and wife, Barbara G. McGarva ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender
Property: All that certain 2.73 acre tract or parcel of land situated in the John Pettus Survey, Abstract No. 75, City of Industry, Austin County, Texas, and being a part or portion of that same land described as 2.79 acres in Deed dated May 17, 1985, from Ira Nathan Slover, et ux, to Clinton Blezinger, et ux, recorded in Volume 517, Page 223, Austin County Official Records, being more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all pertinent purposes.

Foreclosure Sale:

Date: December 3, 2019
Time: The sale of the Property will be held between the hours of 10:00 a.m. and 4:00 p.m. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 a.m.
Place: Austin County Courthouse
One East Main
Bellville, Austin County, Texas

The foyer of the Austin County Courthouse as designated by the Austin County Commissioners under Order No. 87-351, recorded in Volume 9, Page 242, Commissioners Court Minutes, Austin County, Texas

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 Lender'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, Lender, the owner and holder of the Note, has requested Trustee to sell the Property.

Therefore, notice is given that on and at the Date, Time and Place for the Foreclosure Sale described above, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Lender 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 Lender. 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 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, 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 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.


NEELY FAY GRAWUNDER, Trustee

Exhibit A

STATE OF TEXAS
COUNTY OF AUSTIN

Land Description 2.73 Acres

BEING a tract or parcel containing 2.73 acres of land situated in the John Peltus Survey, Abstract No. 78, City of Industry, Austin County, Texas and being a part or portion of that same land described as 2.79 acres in Deed dated May 17, 1985 from Ira Nathan Glover, et ux to Clinton Blezinger, et ux, recorded in Volume 517, Page 233, Austin County Official Records. Said 2.73 acre tract being described more particularly by metes and bounds as follows:

BEGINNING at a 3/8" iron rod found for the original Northwest corner of the Blezinger called 2.79 acre tract and the Northwest corner of the herein described tract, located on the Southerly line of Main Street, said iron rod also being the Northeast corner of the Garth Griffith 2.933 acre tract as described in File No. 170860, Official Records;

THENCE along the Southerly line of Main Street, the following calls:

- N 88°54'12" E a distance of 143.24 feet (Record Deed Call N 87° 11' 30" E - 143.31') to a 1/2" iron rod set for angle point, and
- S 83°43'01" E a distance of 74.48 feet (Record Deed Call S 89° 30' 30" E - 74.37') to a 60D nail set in the edge of a gravel driveway for angle point, and
- S 79°08'18" E a distance of 92.52 feet to a 1/2" iron rod set for the Northeast corner of the herein described tract and being the Northwest corner of the Clinton Blezinger 0.187 acre tract as surveyed and described this same day;

THENCE crossing the original 2.79 acre tract along the West line of the Blezinger 0.187 acre tract, which is 23 feet West of and parallel with an existing chain link fence, S 15°40'30" W a distance of 82.32 feet to a 1/2" iron rod set for the Southwest corner of the Blezinger 0.187 acre tract and being an interior corner of the herein described tract;

THENCE continuing to cross said 2.79 acre tract along the Blezinger 0.187 acre tract, S 73°18'29" E, at 23.10 feet passing a 1" bent pipe found embedded in concrete, in all a total distance of 50.18 feet to a 1/2" iron rod found for an Easterly exterior corner of the Blezinger called 2.79 acre tract and the herein described tract, also being a Westerly exterior corner of the Susan Piazza 0.757 acre tract as described in Volume 518, Page 301, Official Records;

THENCE along the common boundary between the Blezinger original 2.79 acre tract and the Piazza called 0.757 acre tract, the following calls:

- S 02°39'08" W a distance of 187.83 feet (Record Deed Call S 00° 28' 00" W - 187.70') to a 5/8" iron rod (capped Frank Surveying) found for the Southwest corner of the Piazza tract and being an interior corner of the herein described tract, and
- N 87°57'04" E a distance of 157.28 feet (Record Deed Call N 86° 00' 00" E - 157.32') to a 3/8" iron rod found for the Southeast corner of the Piazza tract and being an Easterly exterior corner of the herein described tract, also being on the West line of the Industry Fire Department 1.207 acre tract as described in File No. 041567, Official Records;

THENCE along the Easterly line of the Blezinger 2.79 acre tract, common with the Westerly line of the Industry Fire Dept. 1.207 acre tract, S 01°48'50" E a distance of 97.18 feet to a 3/8" iron rod found for the Southwest corner of the Fire Dept. 1.207 acre tract and being the Southeast corner of the herein described tract, also being on the Northerly line of the Bruce Plick 2.00 acre tract as described in Volume 439, Page 807, Deed Records;

THENCE following an existing fence along the Northerly line of the Plick 2.00 acre tract, N 81°22'04" W a distance of 89.78 feet to a 6" corner post found for the Northwest corner of the Plick 2.00 acre tract and being the Northeast corner of the Clinton Blezinger 2.253 acre tract as described in Volume 762, Page 380, Official Records, also being an angle point of the herein described tract;

THENCE along the Northerly line of the Blezinger 2.253 acre tract, the following calls:

- N 83°07'31" W a distance of 91.49 feet to a 1/2" iron rod found for angle point, and
- N 85°38'39" W a distance of 180.46 feet to a 1/2" pipe found for the Northwest corner of the Blezinger 2.253 acre tract and being the Northeast corner of the Robert Reichle 1.00 acre tract as described in Volume 434, Page 132, Deed Records;

THENCE along the Northerly line of said Reichle 1.00 acre tract, N 85°58'11" W a distance of 118.58 feet to a 1/2" iron rod set on the East line of the Griffith 2.933 acre tract for the Southwest corner of the herein described tract and being the Northwest corner of the Reichle tract;

THENCE along the Easterly line of the Griffith 2.933 acre tract, N 01°30'00" W (Basis of Bearings - Record Adjoining Deed Call), at 168.06 feet passing a found 1/2" iron rod, continuing for a total distance of 328.16 feet to the POINT OF BEGINNING, containing 2.73 acres of land

Notes:

- (1) Survey plat to accompany this description

FILED

2019 NOV -8 AM 10: 29

Darrell D. Rau

Date: June 16, 2017

Carrie Gregor

Darrell D. Rau
Registered Professional Land Surveyor
Registration No. 4173 - Firm No. 10162800



COUNTY CLERK
AUSTIN COUNTY, TEXAS

2019-38

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: December 03, 2019

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 April 30, 1998 and recorded in Document CLERK'S FILE NO. 151384 real property records of AUSTIN County, Texas, with LAURA D STEWARD AND TONY L STEWARD, grantor(s) and ASSOCIATES FINANCIAL SERVICES COMPANY OF TEXAS, INC., mortgagee.

4. Obligations Secured. Deed of Trust or Contract Lien executed by LAURA D STEWARD AND TONY L STEWARD, securing the payment of the indebtednesses in the original principal amount of \$25,296.66, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. HOME INVESTMENT FUND II, LP 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. SN SERVICING CORPORATION, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o SN SERVICING CORPORATION
51 VERONICA AVENUE
SOMERSET, NJ 08873



2019-39

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.

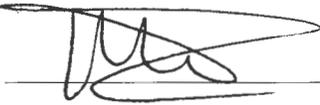
The undersigned as attorney for the mortgagee or mortgage servicer does hereby remove the original trustee and all successor substitute trustees and appoints in their stead MEGAN L. RANDLE, REBECCA BOLTON, OR AMY JURASEK whose address is c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, 4004 Belt Line 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.

 Megan L. Randle

Ryan Bourgeois

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 11/08/19 I filed at the office of the AUSTIN County Clerk and caused to be posted at the AUSTIN County courthouse this notice of sale.



Declarants Name: Megan L. Randle

Date: 11/08/19

6948 HARRY PO #28
WALLIS, TX 77485

00000004946240

00000004946240

AUSTIN

EXHIBIT "A"

ALL THAT CERTAIN TRACT OR PARCEL OF LAND BEING NORTH OR NORTHWEST 1/2 OF LOT NO. 3 IN BLOCK X OF THE A. J. MAY ADDITION TO THE TOWN OF WALLIS IN AUSTIN COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF SAID ADDITION DULY RECORDED IN VOLUME 26, PAGE 265, DEED RECORDS OF AUSTIN COUNTY, TEXAS REFERENCE TO WHICH IS HEREIN MADE FOR ALL INTENTS AND PURPOSES.

LESS AND EXCEPT ANY ROAD RIGHT OF WAYS OF RECORD. GRANTOR DOES NOT ASSUME ANY LIABILITY FOR UNPAID TAXES.

THIS BEING THE SAME PROPERTY CONVEYED TO MID-STATE TRUST II., A DELAWARE BUSINESS TRUST ACTING BY AND THROUGH WILMINGTON TRUST COMPANY, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS OWNER TRUSTEE OF MID-STATE TRUST II., AND RECORDED IN BOOK 582, PAGE 807/811 IN AUSTIN COUNTY, TEXAS.

2019-37

2. All of Tony Steward a/k/a Tony Stewart's ("Decedent") heirs-at-law have been made defendants to this suit and were immediately vested with all of Decedent's right, title and interest in the real property and improvements commonly known as 6948 Harry PO #28, Wallis, Texas 77485 (the "Property"), and legally described as:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND BEING NORTH OR NORTHWEST 1/2 OF LOT NO. 3 IN BLOCK X OF THE A. J. MAY ADDITION TO THE TOWN OF WILLIS IN AUSTIN COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF SAID ADDITION DULY RECORDED IN VOLUME 26, PAGE 265, DEED RECORDS OF AUSTIN COUNTY, TEXAS REFERENCE TO WHICH IS HEREIN MADE FOR ALL INTENTS AND PURPOSES.

LESS AND EXCEPT ANY ROAD RIGHT OF WAYS OF RECORD. GRANTOR DOES NOT ASSUME ANY LIABILITY FOR UNPAID TAXES.

THIS BEING THE SAME PROPERTY CONVEYED TO MID-STATE TRUST II, A DELAWARE BUSINESS TRUST ACTING BY AND THROUGH WILMINGTON TRUST COMPANY, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS OWNER TRUSTEE OF MID-STATE TRUST II, AND RECORDED IN BOOK 582, PAGE 807/811 IN AUSTIN COUNTY, TEXAS.

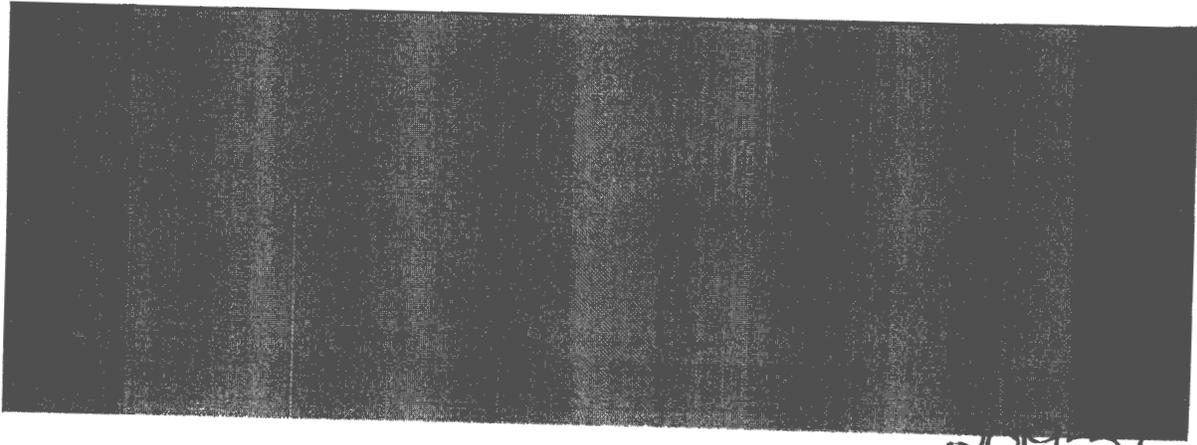
FURTHER ORDERED plaintiff has a valid lien on the Property by way of a Texas Home Equity Security Instrument dated April 30, 1998 and filed under Instrument No. 151384 of the Official Public Records of Austin County, Texas.

IT IS FURTHER ORDERED that this Default Judgment serves as an Order authorizing plaintiff to foreclose its lien created under TEX. CONST. art. XVI, § 50(a)(6) in compliance with the Loan Agreement and TEX. PROP. CODE § 51.002.

IT IS FURTHER ORDERED that a copy of this Default Judgment shall be sent to defendants with the notice of the date, time and place of the foreclosure sale.

IT IS FURTHER ORDERED that plaintiff may communicate with the defendants and all third parties reasonably necessary to conduct the foreclosure sale.

IT IS FURTHER ORDERED that if defendants are represented by counsel, the notice of foreclosure sale shall also be mailed to counsel by certified mail.



201151

IT IS FURTHER ORDERED that one of the effects of the non-judicial foreclosure shall be that defendants are divested and the purchaser of the Property at the non-judicial foreclosure sale is vested with all right, title and interest to the Property.

IT IS FURTHER ORDERED that no personal liability or deficiency for the Loan Agreement debt shall be asserted against the defendants or the putative estate of Decedent.

IT IS FURTHER ORDERED that after the non-judicial foreclosure is held, if the property remains occupied after this judgment becomes final and the plaintiff is the purchaser of the Property at the non-judicial foreclosure sale, a writ of possession shall issue against any occupant of the Property in accordance with TEX. R. CIV. P. 310.

FURTHER ORDERED that as part of the costs of court, and payable by plaintiff, James "Jamie" Elick, the Attorney Ad Litem is granted the sum of \$ 4178 ^{4%} and discharged as Ad Litem in this cause.

All relief not expressly granted is denied.

This judgment finally disposes of all parties and all claims and is appealable.

SIGNED this 15th day of October, 2019.

[Signature]
PRESIDING JUDGE

APPROVED AS TO FORM & SUBSTANCE:

/s/ Brian D. McGrath
Brian D. McGrath
State Bar No.: 24048649
4004 Belt Line Road, Suite 100
Addison, Texas 75001-4320
(972) 341-0602
(972) 341-0734 (Facsimile)
BrianMc@bdfgroup.com

ATTORNEY FOR PLAINTIFF

APPROVED AS TO FORM ONLY:

Jamie D. Elick
James "Jamie" Elick
State Bar No.:
7 N. Harris St.
Bellville, TX 77418
979-865-5973
979-865-8654 (Facsimile)
jamieelick@me.com

ATTORNEY AD LITEM

RECORDED
INDEXED
OCT 15 AM 9:36

2019 NOV -8 PM 4:07
FILED
Carrie Meyer
COUNTY CLERK
AUSTIN COUNTY, TEXAS



2019-39

**APPOINTMENT OF SUBSTITUTE TRUSTEE AND
NOTICE OF SUBSTITUTE TRUSTEE SALE**

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 AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

**APPOINTMENT OF
SUBSTITUTE TRUSTEE:**

WHEREAS, in my capacity as the attorney for the Mortgagee and/or its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I hereby name, appoint and designate Megan Randle, Debby Jurasek, Ebbie Murphy, Megan L Randle, Doug Woodard, Kristic Alvarez, Julian Perrine, Kathleen Adkins, Amy Bowman, Evan Press, Renee Thomas, Reva Rouchon-Harris, Monica Hirvela, Rebecca Bolton, Amy Jurasek, Benjamin Griesinger, Reid Ruple, Catrena Ward, Kim Hinshaw, Stephanie Kohler, Ian Moser, Vanessa McHaney, Cary Corenblum, Luci Fuller, Mariel Marroquin, Kristopher Holub, Joshua Sanders, Travis Gray, Chris Ferguson, or Jack O'Boyle, each as Substitute Trustee, to act under and by virtue of said Deed of Trust, including posting and filing the public notice required under Section 51.002 Texas Property Code as amended, and to proceed with a foreclosure of the Deed of Trust lien securing the payment of the Note.

**SUBSTITUTE TRUSTEE'S
ADDRESS:**

c/o JACK O'BOYLE & ASSOCIATES, Mailing Address: P.O. Box 815369, Dallas, Texas 75381;
Physical Address: 12300 Ford Road, Suite 212, Dallas, TX 75234.

**NOTICE OF SUBSTITUTE
TRUSTEE SALE:**

WHEREAS, default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on December 03, 2019 between the hours of 1pm-4pm the Substitute Trustee will sell said real property at the place hereinafter set out and pursuant to the terms herein described. The sale will begin at the earliest time stated above or within three (3) hours after that time.

LOCATION OF SALE:

The place of the sale shall be: In the foyer of the Austin County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court in AUSTIN County, Texas or as designated by the County Commissioners.

**INSTRUMENT TO BE
FORECLOSED:**

Deed of Trust or Contract Lien dated 07/31/2008 and recorded under Volume, Page or Clerk's File No. Clerk File Number: 084175 in the real property records of Austin County Texas, with MARIANA OLVERA, A SINGLE PERSON as Grantor(s) and HOME FINANCING UNLIMITED, INC. D/B/A MISSION MORTGAGE OF TEXAS as Original Mortgagee.

OBLIGATIONS SECURED:

Deed of Trust or Contract Lien executed by MARIANA OLVERA, A SINGLE PERSON securing the payment of the indebtedness in the original principal amount of \$116,437.00 and obligations therein described including but not limited to the promissory note and all the modifications, renewals and extensions of the promissory note (the "Note") executed by MARIANA OLVERA. CARRINGTON MORTGAGE SERVICES, LLC is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

**MORTGAGE SERVICING
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 property securing the above referenced loan. CARRINGTON MORTGAGE SERVICES, LLC is acting as the Mortgage Servicer for CARRINGTON MORTGAGE SERVICES, LLC who is the Mortgagee of the Note

2019-40

and Deed of Trust associated with the above referenced loan. CARRINGTON MORTGAGE SERVICES, LLC, as Mortgage Servicer, is representing the Mortgagee, whose address is:

CARRINGTON MORTGAGE SERVICES, LLC
c/o CARRINGTON MORTGAGE SERVICES, LLC
1600 SOUTH DOUGLASS ROAD, SUITE 200-A, ANAHEIM, CA 92806

**LEGAL DESCRIPTION OF
PROPERTY TO BE SOLD:**

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF SEALY, AUSTIN COUNTY, TEXAS, IN THE SAN FELIPE DE AUSTIN TOWN TRACT, ABSTRACT NO. 5, AND BEING PART OF A CERTAIN TRACT OF LAND DESCRIBED IN A DEED FROM EUGENE GAJEWSKI AND WIFE, MARY LOU GAJEWSKI TO JOE C. ZAPALAC AND WIFE, DORIS MARIE ZAPALAC AND RECORDED IN VOLUME 384, PAGE 495-498 OF THE DEED RECORDS OF AUSTIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIN FOUND AT THE NORTHWEST CORNER OF THE SAID ZAPALAC TRACT OF LAND IN THE EAST LINE OF THE NEWTON HEGEMEYER AND WIFE, ELIZABETH ANN HEGEMEYER, 17,450 SQUARE FEET TRACT OF LAND, RECORDED IN VOLUME 330, PAGE 415 OF THE DEED RECORDS OF AUSTIN COUNTY, TEXAS, THIS POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 68 OF THE CAROLYN MEADOWS ADDITION, RECORDED IN VOLUME 256, PAGE 424-434 OF THE DEED RECORDS OF AUSTIN COUNTY, TEXAS:

THENCE, WITH THE COMMON LINE BETWEEN THE ZAPALAC TRACT OF LAND AND LOT 68, NORTH 79° 22' 00" EAST FOR 118.19 FEET TO A 1/2 INCH IRON PIN FOUND AT THE NORTHEAST CORNER OF ZAPALAC TRACT OF LAND AND THE SOUTHEAST CORNER OF LOT 68 IN THE WEST LINE OF NORTH FOWLKES STREET;

THENCE, WITH THE WEST LINE OF NORTH FOWLKES STREET, SOUTH 10° 29' 41" EAST FOR 60.00 FEET TO A 1/2 INCH IRON PIN SET FOR THE SOUTHWEST CORNER OF THIS 0.163 ACRE TRACT OF LAND:

THENCE, ACROSS THE SAID ZAPALAC TRACT OF LAND, SOUTH 79° 22' 00" WEST FOR 118.19 FEET TO A 1/2 INCH IRON PIN SET FOR THE SOUTHWEST CORNER OF THIS 0.163 ACRE TRACT OF AND IN THE EAST LINE OF THE SAID HEGEMEYER TRACT OF LAND:

THENCE, WITH THE COMMON LINE BETWEEN THE ZAPALAC AND HEGEMEYER TRACTS OF LAND, NORTH 10° 29' 41" WEST FOR 60.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.163 ACRE OF LAND. (the "Property")

REPORTED PROPERTY

ADDRESS: 614 FOWLKES ST, SEALY, TX 77474

TERMS OF SALE: The Substitute Trustee will sell the Property by public auction at the place and date specified herein.

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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property and the priority of the lien being foreclosed.

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 Mortgagee and/or Mortgage Servicer 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 their bid immediately in cash if their bid is accepted.

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. The sale shall not cover any part of the property that has been released of public record from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the priority, nature and extent of such matters, if any.

2019-40

In the event of a defect or other problem with the foreclosure process is discovered that may invalidate the sale, the consideration paid will be returned to the purchaser as the sole and absolute remedy. In the event of any claim or action brought by any person including the purchaser requiring or resulting in the invalidation of the sale and rescission of the Trustee's Deed or Substitute Trustee's Deed, purchaser's damages resulting therefrom are limited to the consideration paid to the Trustee or Substitute Trustee and the sole and absolute remedy shall be the return to purchaser of the consideration paid. The purchaser shall have no further recourse against the Trustee, Substitute Trustee, Mortgagee and/or Mortgage Servicer, or its attorney(s).

The Deed of Trust permits the Mortgagee and/or Mortgage Servicer to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deed of Trust or Substitute Trustee appointed herein 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. The reposting or refiling may be after the date originally scheduled for this sale.

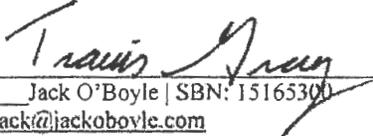
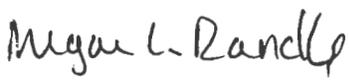
ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.

2019-40

Signed on the 22 day of October, 2019.

Respectfully,

JACK O'BOYLE & ASSOCIATES

 
____ Jack O'Boyle | SBN: 15165300
jack@jackboyle.com

____ Travis H. Gray | SBN: 24044965
travis@jackboyle.com

____ Chris S. Ferguson | SBN: 24069714
chris@jackboyle.com

P.O. Box 815369

Dallas, Texas 75381

P: 972.247.0653 | F: 972.247.0642

ATTORNEYS FOR MORTGAGEE AND/OR ITS MORTGAGE
SERVICER

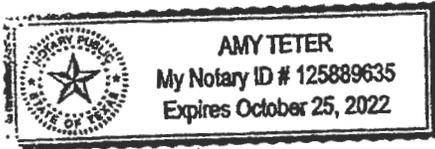
2019-40

STATE OF TEXAS

§
§
§

COUNTY OF DALLAS

BEFORE ME, the undersigned Notary Public, on this 27th day of OCTOBER, 20 19,
personally appeared THAVIS GRAY, Attorney at Jack O'Boyle & Associates, known to me to be
the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed it for
the purposes and consideration therein expressed.



Amy Teter
Notary Public in and for
The State of Texas

AFTER RECORDING RETURN TO:

Jack O'Boyle & Associates
12300 Ford Road, Suite 212
Dallas, TX 75234

FILED

2019 NOV 12 AM 10:26

Carrie Gregor

COUNTY CLERK
AUSTIN COUNTY, TEXAS

2019-40

TRUSTEE'S NOTICE OF SALE

STATE OF TEXAS §
COUNTY OF AUSTIN § KNOW ALL MEN BY THESE PRESENTS:
§

WHEREAS, On July 19, 2019, Omar Lugo executed and delivered a certain Deed of Trust (hereinafter "Deed of Trust") conveying to Michael G. Tapp, Trustee, the real estate hereinafter described to secure II C. C., L.P. in the payment of the Note described in said Deed of Trust and filed for record in the Real Property Records of Austin County, Texas, under Instrument No. 193164; and

WHEREAS, there has been a default in the payment of the Note and II C. C., L.P., the beneficiary and owner of the aforesaid note, has accelerated the Note and requested that I enforce the sale provisions of the Deed of Trust;

NOW, THEREFORE, I, Michael G. Tapp, Trustee, whose address is 12611 Jones Road Suite 101, Houston, Texas, 77070, (281) 890-8277 hereby give notice that I will, after due posting and filing of this notice as required by such Deed of Trust and the law, sell at the public venue to the highest bidder for cash, in in the foyer of the Austin County Courthouse located at 1 E. Main St., Bellville, Texas, between 10:00 a.m. and 4:00 p.m. on December 3, 2019, the real property so described in and covered by the aforesaid Deed of Trust and more particularly described as follows, to-wit:

40.002 acres of land in the Stephen F. Austin 4 League Grant, Abstract 4, Austin County, Texas, same being all that certain called 40.014 acres parcel as described by instrument recorded under Clerk's File No. 1608156, Official Records, Waller County, Texas, same being the residue of that certain called 125.052 parcel as described by instrument recorded under Clerk's File No. 115497 and Clerk's File No. 023087, Official Records, Austin County, Texas, and being the same portion of that certain Tract Three called 200 acre parcel as described by instrument recorded in Volume 392, Page 182, Deed Records, Austin County, Texas, as more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

together with: (i) all rights, titles and interests now owned or hereafter acquired by Grantor in and to all easements, streets, roads, highways, and rights-of-way adjacent or contiguous to the foregoing described real property, (ii) any strips or gores between the Land and abutting or adjacent properties; (iii) all water and water rights, timber, crops and mineral interests; and (iv) all, permits, licenses, allotments franchises, certificates, entitlements and other rights and privileges appertaining to or in connection with the Property all rights, titles, interests, leases, privileges, hereditaments, appurtenances, estates, reversions and remainders owned or to be owned by Grantor in and to all or any portion of the foregoing described properties (all of the aforesaid being hereinafter sometimes called the "Property").

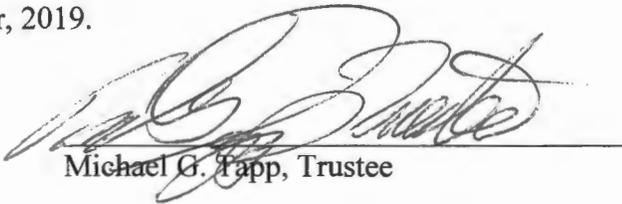
2019-41

The earliest the sale will take place is 1:00

Lender has elected to proceed with foreclosure as to both personal property, fixtures, and real property in accordance with the rights with respect to real property pursuant to Texas Bus. & Com. Code. If the sale is set aside for any reason, the purchaser at the sale shall be entitled only to return of the funds paid. Purchaser shall have no further recourse against the Trustee or Substitute Trustee, Lender or Lender's attorney. The sale will be made and the property accepted "AS IS, WHERE IS, WITH ALL FAULTS" subject to all matters of record.

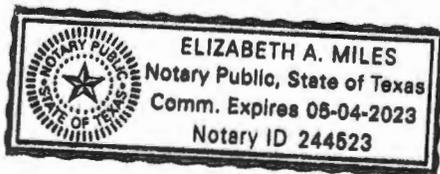
Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces or the United States, please send written notice of the active duty military service to the sender of this notice immediately.

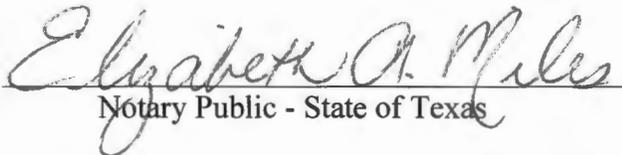
Signed this 7th day of November, 2019.


Michael G. Tapp, Trustee

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 7 day of November, 2019, by Michael G. Tapp, in his capacity as Trustee.




Notary Public - State of Texas

2019-41

Exhibit A

METES AND BOUNDS
DESCRIPTION
OF
40.002 ACRES
IN THE
STEPHEN F. AUSTIN 4 LEAGUE GRANT, ABSTRACT 4
AUSTIN COUNTY, TEXAS

BEING all that certain tract or parcel of land containing 40.002 acres of land, more or less, in the Stephen F. Austin 4 League Grant, Abstract 4, Austin County, Texas, same being all that certain called 40.014 Acre parcel as described by instrument recorded in Clerk's File No. 1608156 of the Official Records of Waller County, Texas, same being the residue of that certain called 125.052 acre parcel as described by instrument recorded in Clerk's File No. 115497 and Clerk's File No. 023087 of the Official Records of Austin County, Texas, and same being a portion of that certain Tract Three called 200 Acre parcel as described by instrument recorded in Volume 392, Page 182, of the Deed Records of Austin County, Texas, said 40.002 acre tract being more particularly described by metes and bounds, as follows, to wit:

BEGINNING at a 1/2 inch iron rod found for corner, same being the POINT OF BEGINNING and most westerly southwest corner of the tract herein described, same being in the northeasterly right-of-way line of State Highway No. 159 (100 Ft. Right-of-Way), and same being the most southerly southeast corner of that certain called 17.50 acre parcel as described by instrument recorded in Clerk's File No. 115505 of the Official Records of Austin County, Texas;

THENCE, departing said northeasterly right-of-way line of State Highway No. 159, and with said common line, North 28 degrees 15 minutes 04 seconds East, a distance of 537.82 feet (called North 28 degrees 15 minutes 04 seconds East, 537.82 feet) (Basis of Bearings) to a 1/2 inch iron rod found for corner, same being a southeasterly interior corner of said called 17.50 acre parcel, and same being a northwesterly exterior corner of the tract herein described;

THENCE, with said common line, North 33 degrees 15 minutes 42 seconds East (called North 33 degrees 14 minutes 49 seconds East) pass at a distance of 713.98 feet (called 714.04 feet) a 1/2 inch iron rod found for corner, same being the most northerly northeast corner of said called 17.50 acre parcel, and same being the most southerly southeast corner of that certain called 48.947 acre parcel as described by instrument recorded in Clerk's File No. 061090 of the Official Records of Austin County, Texas, in all a distance of 1,014.64 feet (called 1,014.49 feet) to a 1/2 inch iron rod found for corner, same being the most easterly northeast corner of said called 48.947 acre parcel, and same being a westerly interior corner of the tract herein described;

THENCE, continuing with said common line, North 61 degrees 01 minute 37 seconds West, a distance of 1,551.02 feet (called North 61 degrees 01 minute 44 seconds West, 1,551.01 feet) to a 1/2 inch iron rod found for corner, same being the most northerly corner of said called 48.947 acre parcel, same being in a southeasterly line of that certain called 18.729 acre parcel as described by instrument recorded in Clerk's File No. 154758 of the Official Records of Austin County, Texas, and same being the most westerly southwest corner of the tract herein described;

THENCE, with said common line, North 43 degrees 22 minutes 03 seconds East (called North 43 degrees 21 minutes 57 seconds East) pass at a distance of 1,115.17 feet a 1/2 inch iron rod set for reference at the southwesterly high bank of the East Fork of Mill Creek, in all a distance of 1,551.02 feet (called 1,551.01

→ Continued
→ Page 1 of 3



❖ Page 2 of 3

❖ Metes and Bounds Description of 40.002 Acres in the
❖ Stephen F. Austin 4 League Grmt, Abstract 4, Austin County, Texas

feet) to a point for corner in the center line meanders of the East Fork of Mill Creek, same being the most northerly northeast corner of said called 18.729 acre parcel, same being in a southwesterly line of that certain called 545.97 acre parcel as described by instrument recorded in Clerk's File No. 009235 of the Official Records of Austin County, Texas, and same being the most westerly northwest corner of the tract herein described;

THENCE, with said common line and the center line meanders of the East Fork of Mill Creek, the following:

South 25 degrees 45 minutes 59 seconds East, a distance of 42.91 feet;
South 59 degrees 32 minutes 30 seconds East, a distance of 44.85 feet;
South 38 degrees 03 minutes 28 seconds East, a distance of 43.90 feet;
South 01 degree 32 minutes 15 seconds East, a distance of 41.52 feet;
South 26 degrees 01 minute 00 seconds East, a distance of 117.95 feet;
South 23 degrees 42 minutes 03 seconds East, a distance of 73.97 feet;
South 29 degrees 49 minutes 57 seconds East, a distance of 58.07 feet;
South 48 degrees 03 minutes 06 seconds East, a distance of 73.80 feet;
South 72 degrees 33 minutes 54 seconds East, a distance of 66.28 feet;
North 74 degrees 18 minutes 38 seconds East, a distance of 104.60 feet;
North 69 degrees 57 minutes 40 seconds East, a distance of 117.83 feet;
North 23 degrees 35 minutes 34 seconds East, a distance of 37.33 feet;
North 01 degree 15 minutes 30 seconds East, a distance of 85.19 feet;
North 22 degrees 13 minutes 26 seconds West, a distance of 58.87 feet;
North 06 degrees 12 minutes 45 seconds East, a distance of 74.49 feet;
North 22 degrees 29 minutes 39 seconds East, a distance of 79.60 feet;
North 25 degrees 58 minutes 15 seconds East, a distance of 77.01 feet;
North 44 degrees 52 minutes 03 seconds East, a distance of 60.99 feet;
North 70 degrees 09 minutes 15 seconds East, a distance of 61.52 feet;
North 87 degrees 04 minutes 10 seconds East, a distance of 48.39 feet;
North 81 degrees 45 minutes 55 seconds East, a distance of 68.88 feet;
South 79 degrees 59 minutes 53 seconds East, a distance of 67.77 feet;
South 52 degrees 48 minutes 17 seconds East, a distance of 45.46 feet;
South 47 degrees 06 minutes 34 seconds East, a distance of 49.49 feet;
South 37 degrees 08 minutes 43 seconds East, a distance of 33.66 feet;
South 65 degrees 23 minutes 19 seconds East, a distance of 53.57 feet;
North 77 degrees 03 minutes 53 seconds East, a distance of 37.50 feet;
North 40 degrees 36 minutes 23 seconds East, a distance of 62.45 feet to a point for corner, same being in a southeasterly line of said called 545.97 acre parcel, same being the most northerly northwest corner of the residue of that certain called 43.685 acre parcel as described by instrument recorded in Clerk's File No. 046493 of the Official Records of Austin County, Texas, and same being the most northerly northeast corner of the tract herein described;

THENCE, departing said center line meanders of the East Fork of Mill Creek and with said common line South 16 degrees 17 minutes 07 seconds West (called South 16 degrees 16 minutes 51 seconds West) pass at a distance of 561.43 feet (called 559.88 feet) a 1/2 inch iron rod found for corner, same being the most westerly southwest corner of the residue of said called 43.685 acre parcel, and same being the most northerly northwest corner of that certain called 12.000 acre parcel as described by instrument recorded in Clerk's File No. 048018 of the Official Records of Austin County, Texas, in all a distance of 1,740.30 feet (called 1,739.43 feet) to a 1/2 inch iron rod found for corner, same being a northwesterly interior corner of said called 12.000 acre parcel, and same being a southeasterly exterior corner of the tract herein described;

❖ Continued



19 N. Miller Bellville, Texas 77416

1-979-865-8111 1-800-427-8783

2019-41

Page 3 of 3
Metes and Bounds Description of 40.002 Acres in the
Stephen F. Austin 4 League Grant, Abstract 4, Austin County, Texas

THENCE, with said common line, South 33 degrees 14 minutes 49 seconds West, a distance of 1,011.87 feet (called South 33 degrees 14 minutes 49 seconds West, 1,011.87 feet) to a 1/2 inch iron rod found for corner, same being a northwesterly exterior corner of said called 12.000 acre parcel, and same being a southeasterly interior corner of the tract herein described;

THENCE, continuing with said common line, South 28 degrees 15 minutes 04 seconds West, a distance of 514.80 feet (called South 28 degrees 15 minutes 04 seconds West, 514.80 feet) to a 1/2 inch iron rod found for corner, same being the most westerly southwest corner of said called 12.000 acre parcel, same being in the northeasterly right-of-way line of the aforementioned State Highway No. 159, same being on the arc of a curve, and same being the most southerly southeast corner of the tract herein described;

THENCE, with said northeasterly right-of-way line of State Highway No. 159, said common line, and along the arc of a curve to the right, an arc length of 63.39 feet (called 63.39 feet), a radius of 2,814.79 feet (called 2,814.79 feet), a delta angle of 01 degree 17 minutes 25 seconds (called 01 degree 17 minutes 24 seconds), a chord bearing of North 80 degrees 32 minutes 38 seconds West (called North 80 degrees 31 minutes 44 seconds West), a chord length of 63.38 feet (called 63.38 feet) to the POINT OF BEGINNING of the tract herein described and containing 40.002 acres of land, more or less. For Reference Refer to Boundary Survey Plat, Prepared by A-Survey, Inc., dated October 4, 2017.

PROJECT NO. 17119A

OCTOBER 4, 2017

COMPILED BY:



19 N. Miller Bellville, Texas 77418

1-979-865-8111 1-800-427-8783

2019-41

FILED

2019 NOV 12 PM 3: 15

Carrie Gregor

COUNTY CLERK
AUSTIN COUNTY, TEXAS

2019-41