

21-089707

Notice of Substitute Trustee's Sale

Notice Concerning Military Duty: 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. Tex. Prop. Code § 51.002(i)

Deed of Trust Date: September 28, 2011	Original Mortgagor/Grantor: DANA M SURMAN
Original Beneficiary / Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS") AS BENEFICIARY AS NOMINEE FOR PHH MORTGAGE CORPORATION D/B/A COLDWELL BANKER MORTGAGE., ITS SUCCESSORS AND ASSIGNS	Current Beneficiary / Mortgagee: LAKEVIEW LOAN SERVICING, LLC
Recorded in: Volume: N/A Page: N/A Instrument No: 201110093	Property County: VICTORIA
Mortgage Servicer: LoanCare LLC	Mortgage Servicer's Address: 3637 Sentara Way, Virginia Beach, Virginia 23452

\* 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.

Secures: Note in the original principal amount of \$84,794.00, executed by DANA SURMAN and payable to the order of Lender.

Property Address/Mailing Address: 43 SUMMER LN, VICTORIA, TX 77905

Legal Description of Property to be Sold: BEING 1.00 ACRE SITUATED IN AND A PART OF THE JOSE M. ESCALERA SURVEY, ABSTRACT NO. 26, VICTORIA COUNTY, TEXAS, AND IS THE SAME AS THAT CERTAIN 1.00 ACRE TRACT DESCRIBED IN A WARRANTY DEED DATED NOVEMBER 6, 1998, FROM JAMES A. ENGLISH ET UX TO CRAIG A. MCGHEE RECORDED IN VOLUME 367, PAGE 438 OF THE OFFICIAL RECORDS OF VICTORIA COUNTY, TEXAS. THIS 1.00 ACRE IS MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A IRON ROD FOUND IN THE SOUTHWEST LINE OF FARM TO MARKET ROAD NO. 236 AND THE SOUTHEAST LINE OF SUMMER LANE FOR THE NORTH CORNER OF THIS 1.00 ACRE, ALSO BEING THE NORTH CORNER OF SAID 1.00 ACRE TRACT:

THENCE, S 55 DEGREES, 30'00" E ( BEARING REFERENCE LINE ) WITH THE SOUTHWEST LINE OF FARM TO MARKET ROAD NO. 236 A DISTANCE OF 127.08 FEET TO A IRON ROD FOUND FOR THE EAST CORNER OF THIS 1.00 ACRE;

THENCE, S 45 DEGREES, 04'00" W WITH THE COMMON LINE OF THIS TRACT AND A TRACT OF LAND DESCRIBED IN A DEED TO MILTON BARTS RECORDED IN VOLUME 1169, PAGE 445 OF THE DEED RECORDS OF VICTORIA COUNTY, TEXAS, A DISTANCE OF 360.37 FEET TO A CORNER POST FOUND FOR THE SOUTH CORNER OF THIS 1.00 ACRE;

THENCE, N 44 DEGREES, 56'00" W WITH THE COMMON LINE OF THIS TRACT AND A TRACT OF LAND DESCRIBED IN A DEED TO SALVADOR ZARATE RECORDED IN VOLUME 211, PAGE 216 OF



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*M*  
 Victoria Caslar  
 COUNTY CLERK  
 VICTORIA COUNTY, TEXAS

THE DEED RECORDS OF VICTORIA COUNTY, TEXAS, A DISTANCE OF 124.92 FEET TO A EYE HOLE BOLT FOR THE WEST CORNER OF THIS 1.00 ACRE;

THENCE, N 45 DEGREES, 04'00" E WITH THE SOUTHEAST LINE OF SUMMER LANE A DISTANCE OF 337.07 FEET TO THE PLACE OF BEGINNING; CONTAINING WITHIN THESE METES AND BOUNDS 1.00 ACRE.

A SURVEY PLAT ACCOMPANIES THIS DESCRIPTION

THE FOREGOING FIELDNOTE DESCRIPTION WAS PREPARED FROM AN ON THE GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION ON SEPTEMBER 21, 2011, AND BEARINGS ARE BASED ON A DEED RECORDED IN VOLUME 367, PAGE 438 OF VICTORIA COUNTY, TEXAS.

PARCEL ID: R29237

Date of Sale: December 07, 2021

Earliest time Sale will begin: 11:00 AM

**Place of sale of Property:** Victoria County Courthouse, 115 N. Bridge Street, Victoria, TX 77901 OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE

The Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that time.

**Appointment of Substitute Trustee:** Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust, the same is now wholly due. Because of that default, *LAKEVIEW LOAN SERVICING, LLC*, the owner and holder of the Note, has requested Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra Mendoza, Vicki Hammonds, Jodi Steen, Barbara Sandoval, Martha Boeta, Ramon Perez, Garrett Sanders, Megan Ysassi, John Sisk, Amy Ortiz whose address is 1 Mauchly Irvine, CA 92618 OR Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra Mendoza, Janice Stoner or Jodi Steen whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, to sell the property. The Trustee(s) has/have been appointed Substitute Trustee in the place of the original trustee, in the manner authorized by the deed of trust.

**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 *LAKEVIEW LOAN SERVICING, LLC* bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to section 51.0075(a) of the Texas Property Code, Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra Mendoza, Vicki Hammonds, Jodi Steen, Barbara Sandoval, Martha Boeta, Ramon Perez, Garrett Sanders, Megan Ysassi, John Sisk, Amy Ortiz whose address is 1 Mauchly Irvine, CA 92618 OR Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra Mendoza, Janice Stoner or Jodi Steen whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, 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 Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra Mendoza, Vicki Hammonds, Jodi Steen, Barbara Sandoval, Martha Boeta, Ramon Perez, Garrett Sanders, Megan Ysassi, John Sisk, Amy Ortiz whose address is 1 Mauchly Irvine, CA 92618 OR Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra Mendoza, Janice Stoner or Jodi Steen whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, Trustee.

**Limitation of Damages:** If the sale is set aside for any reason, the purchaser at the sale shall be entitled only to a return of the funds paid. The purchaser shall have no further recourse against Mortgagor, the Mortgagee, or the Mortgagee's attorney.



**SUBSTITUTE TRUSTEE**

Jo Woolsey, ~~Bob Frisch~~, Arnold Mendoza, Sandra Mendoza, Vicki Hammonds, Jodi Steen, Barbara Sandoval, Martha Boeta, Ramon Perez, Garrett Sanders, Megan Ysassi, John Sisk, Amy Ortiz OR Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra Mendoza, Janice Stoner or Jodi Steen, Trustee

c/o Robertson, Anschutz, Schneid, Crane & Partners, PLLC,  
10700 Abbott's Bridge Road, Suite 170, Duluth, Georgia  
30097; PH: (470)321-7112

FILE No. 10012  
County Clerk, Victoria County, Texas

FILED

2021 OCT 21 A 10:41

1706 EAST VIRGINIA AVENUE  
VICTORIA, TX 77901

0000009326281

*aw*  
*Debra Castle*  
COUNTY CLERK  
VICTORIA COUNTY, TEXAS

**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 07, 2021

Time: The sale will begin at 11:00 AM or not later than three hours after that time.

Place: AREA IN FRONT OF THE EAST DOOR OF THE VICTORIA COUNTY COURTHOUSE BUILDING LOCATED AT 115 N. BRIDGE STREET 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 May 20, 2010 and recorded in Document CLERK'S FILE NO. 201004674 real property records of VICTORIA County, Texas, with SAMUEL BRITO JR, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), AS NOMINEE, mortgagee.

**4. Obligations Secured.** Deed of Trust or Contract Lien executed by SAMUEL BRITO JR, securing the payment of the indebtednesses in the original principal amount of \$103,604.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. WELLS FARGO BANK, N.A. is the current mortgagee of the note and Deed of Trust or Contract Lien.

**5. Property to Be Sold.** 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. WELLS FARGO BANK, N.A., as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o WELLS FARGO BANK, N.A.  
3476 STATEVIEW BLVD.  
FORT MILL, SC 29715



**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 JO WOOLSEY, BOB FRISCH, JANICE STONER, JODI STEEN, ARNOLD MENDOZA, SANDRA MENDOZA, RAMON PEREZ, JOHN SISK, AMY ORTIZ, OR AUCTION.COM 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 \_\_\_\_\_, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320. I declare under penalty of perjury that on \_\_\_\_\_ I filed at the office of the VICTORIA County Clerk and caused to be posted at the VICTORIA County courthouse this notice of sale.

\_\_\_\_\_

Declarants Name: \_\_\_\_\_

Date: \_\_\_\_\_

1706 EAST VIRGINIA AVENUE  
VICTORIA, TX 77901

0000009326281

0000009326281

VICTORIA

**EXHIBIT "A"**

BEING LOT NUMBER THREE (3), IN BLOCK NUMBER FIVE (5), OF BON-AIRE ADDITION, AN ADDITION TO THE CITY OF VICTORIA, VICTORIA COUNTY, TEXAS, ACCORDING TO THE ESTABLISHED MAP AND PLAT OF SAID ADDITION OF RECORD IN VOLUME 245, PAGE 581 OF THE DEED RECORDS OF VICTORIA COUNTY, TEXAS, TO WHICH REFERENCE IS HERE MADE FOR DESCRIPTIVE PURPOSES.

FILE No. 10013  
County Clerk, Victoria County, Texas

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COUNTY CLERK  
VICTORIA COUNTY, TEXAS

WHEN RECORDED MAIL TO:

The Secretary of Housing and Urban Development  
451 7th Street S.W.  
Washington, DC 20410

APN: 08300-001-02200

## NOTICE OF DEFAULT AND FORECLOSURE SALE

WHEREAS, on May 21, 2010, a certain Mortgage Deed of Trust in the amount of \$178,500.00 was executed by NANCY KOLIBA SPAHN AND JOSEPH SPAHN, WIFE AND HUSBAND as trustor(s) in favor of BANK OF AMERICA N.A. as beneficiary, and was recorded on June 1, 2010, as Instrument No. 201005005, in the Office of the Recorder of Victoria County, Texas; and

WHEREAS the beneficial interest in the Mortgage Deed of Trust is now owned by the Secretary of Housing and Urban Development ("Secretary" or "HUD"), pursuant to the following assignments:

Corporate Assignment of Deed of Trust from BANK OF AMERICA N.A. in favor of CHAMPION MORTGAGE COMPANY dated September 26, 2012, recorded on October 4, 2012, as Instrument No. 201211314, in the Office of the Recorder of Victoria County, Texas; and

Corporate Assignment of Deed of Trust from NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY in favor BANK OF AMERICA, N.A. dated November 1, 2018, recorded on January 2, 2019, as Instrument No. 201900002, in the Office of the Recorder of Victoria County, Texas; and

Corporate Assignment of Deed of Trust from BANK OF AMERICA, N.A. in favor of SECRETARY OF HOUSING AND URBAN DEVELOPMENT dated February 12, 2019, recorded February 22, 2019, as Instrument No. 201902160, in the Office of the Recorder of Victoria County, Texas; and

Corporate Assignment of Deed of Trust from BANK OF AMERICA, N.A. in favor of THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT dated February 12, 2019, recorded on March 25, 2019, as Instrument No. 201903276, in the Office of the Recorder of Victoria County, Texas; and

WHEREAS the entire amount delinquent as of November 30, 2021, is \$144,571.49; and

WHEREAS, by virtue of this default, the Secretary has declared the entire amount of the indebtedness secured by the Mortgage Deed of Trust to be immediately due and payable.

NOW THEREFORE, pursuant to powers vested in me by the Single-Family Mortgage Foreclosure Act of 1994, 12 U.S.C. 3751 et seq., by 24 CFR part 27, subpart B (the "Act"), and by the Secretary's designation of me as Foreclosure Commissioner, which is recorded herewith,

NOTICE IS HEREBY GIVEN that on **December 7, 2021**, between **11:00 AM and 2:00 PM** local time, all real and individual property at or used in connection with the following described premises ("Property") will be sold at public auction to the highest bidder:

LEGAL DESCRIPTION:

BEING LOT NUMBER TWENTY-TWO (22), OF AVANT-GARDE, AN ADDITION TO THE CITY OF VICTORIA, VICTORIA COUNTY, TEXAS, ACCORDING TO THE ESTABLISHED MAP AND PLAT OF SAID ADDITION OF RECORD IN VOLUME 6, PAGE 37 OF THE PLAT RECORDS OF VICTORIA COUNTY, TEXAS, TO WHICH REFERENCE IS HERE MADE FOR DESCRIPTIVE PURPOSES.

Purportedly known as: 126 Avant Garde Dr., Victoria, Texas, 77901

The sale, which will begin at the earliest time stated above or within three hours after that time, will be held at: **Front Of The East Door Of The Courthouse Building Located At 115 North Bridge Street Or As Designated By The County Commissioner's Office, between 11:00 AM and 2:00 PM local time.**

Per the Secretary, the estimated opening bid will be **\$146,978.34**. There will be no proration of taxes, rents or other income or liabilities, except that the purchaser will pay, at or before closing, his pro rata share of any real estate taxes that have been paid by the Secretary to the date of the foreclosure sale.

When making their bids, all bidders, except the Secretary, must submit a deposit totaling ten percent (10%) of the Secretary's estimated bid amount in the form of a certified check or cashier's check made payable to the **Secretary of Housing and Urban Development**. Ten percent of the estimated bid amount for this sale is \$14,697.84. A deposit need not accompany each oral bid. If the successful bid is oral, a deposit of \$14,697.84 must be presented before the bidding is closed. The deposit is nonrefundable. The remainder of the purchase price must be delivered within 30 days of the sale or at such other time as the Secretary may determine for worthy cause shown, time being of the essence. This amount must be delivered in the form of a certified or cashier's check made payable to **Nemovi Law Group, APC**. We will accept certified, or cashier's checks made payable to the bidder and endorsed to Nemovi Law Group, APC if accompanied by a **notarized power of attorney or other notarized authorization** authorizing Nemovi Law Group, APC to deposit the check into the firm's trust account on behalf of the Secretary of Housing and Urban Development. If the Secretary is the highest bidder, he need not pay the bid amount in cash. The successful bidder will pay all conveying fees, all real estate and other taxes that are due on or after the delivery date of the remainder of the payment and all other costs associated with the transfer of title. At the conclusion of the sale, the deposits of the unsuccessful bidders will be returned to them.

The Secretary may grant an extension of time within which to deliver the remainder of the payment. All extensions will be for 15-day increments for a fee of: \$500.00, paid in advance. The extension fee shall be in the form of a certified or cashier's check made payable to the Secretary. If the high bidder closes the sale prior to the expiration of any extension period, the unused portion of the extension fee shall be applied toward the amount due.

If the high bidder is unable to close the sale within the required period, or within any extensions of time granted by the Secretary, the high bidder may be required to forfeit the cash deposit or, at the election of the Foreclosure Commissioner after consultation with the HUD representative, will be liable to HUD for any costs incurred because of such failure. The Commissioner may, at the direction of the HUD representative, offer the property to the second highest bidder for an amount equal to the highest price offered by that bidder.

There is no right of redemption, or right of possession based upon a right of redemption, in the mortgagor or others subsequent to a foreclosure completed pursuant to the Act. Therefore, the Foreclosure



Commissioner will issue a Deed to the purchaser(s) upon receipt of the entire purchase price in accordance with the terms of the sale as provided herein. HUD does not guarantee that the property will be vacant.

The scheduled foreclosure sale shall be cancelled or adjourned if it is established, by documented written application or otherwise, that the default or defaults upon which the foreclosure is based did not exist at the time of service of this Notice of Default and Foreclosure Sale, or all amounts due under the mortgage agreement are tendered to the Foreclosure Commissioner, in the form of a certified or cashier's check payable to the Secretary, before public auction of the property is completed.

The amount that must be paid if the Mortgage Deed of Trust is to be reinstated prior to the scheduled sale is based on the nature of the breach, this loan is not subject to reinstatement. A total payoff is required to cancel the foreclosure sale, or the breach must otherwise be cured, if applicable. A description of the default is as follows: **FAILURE TO PAY THE PRINCIPAL BALANCE WHICH BECAME ALL DUE AND PAYABLE BASED UPON THE DEATH OF ALL MORTGAGORS AND THE PROPERTY IS NOT THE PRINCIPAL RESIDENCE OF AT LEAST ONE SURVIVING BORROWER.**

Tender of payment by certified or cashier's check or application for cancellation of the foreclosure sale shall be submitted to the address of the Foreclosure Commissioner provided below.

The sale date shown on this Notice of Default and Foreclosure Sale may be postponed one or more times by the Secretary, the Foreclosure Commissioner, or a court. **For Sales Information please call (916) 939-0772 or visit the website [www.nationwideposting.com](http://www.nationwideposting.com) using the file number assigned to this case FC# 8294.00144.** Your ability to obtain sales information by Internet Website or phone is provided as a courtesy to those not present at the sale and neither Nemovi Law Group, APC nor the website host makes any representations or warranties as to the accuracy or correctness of the information provided thereby. Nemovi Law Group, APC and its agents do not assume any responsibility for reliance on any information received by telephone or website. **THIS INFORMATION IS SUBJECT TO CHANGE AT ANY TIME.** It will be necessary for you to attend all sales to obtain the most current information. Neither Nemovi Law Group, APC nor its agents will be liable for any loss you may sustain in using or receiving any information obtained online or by phone.

#### NOTICE TO MEMBERS OF THE ARMED FORCES

Assert and protect your rights as a member of the armed forces of the United States. If you 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.

Date: November 4, 2021,

NEMOVI LAW GROUP, APC  
Foreclosure Commissioner  
2173 Salk Ave., Suite 250  
Carlsbad, CA 92008  
Phone: (760) 585-7077  
Sales Info: (916) 939-0772

By: \_\_\_\_\_

Genail M. Nemovi



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Fort Worth Regional Office, Region VI  
Office of Regional Counsel  
307 W 7<sup>th</sup> Street, Ste. 1000  
Fort Worth, TX 76102  
Phone: 817-978-5987 FAX: 817-978-5563

August 2, 2021

## FORECLOSURE COMMISSIONER DESIGNATION

To: Genail M. Nemovi  
Nemovi Law Group, APC  
2173 Salk Avenue, Ste. 250  
Carlsbad, CA 92008

Pursuant to Section 805 of the Single Family Mortgage Foreclosure Act of 1994 (the "Act"), and the Delegation of Authority published in 76 FR 42466 on July 18, 2011, you are hereby designated as a Foreclosure Commissioner to act on behalf of the Secretary of Housing and Urban Development to conduct nonjudicial foreclosures in the State of Texas of the mortgages that may be referred to you by the Department of Housing and Urban Development ("HUD") including cases under Title I, Title II, and Section 312. A copy of the Act, as codified at 12 U.S.C. §§ 3751-3768 and the federal regulations (24 CFR 27, Subpart B, the "Regulations") applicable to your designation are available online through the Government Printing Office website. Foreclosures HUD refers to you are to be conducted pursuant to the Act, the Regulations, and the instructions that HUD will give to you at the time of referral.

HUD will pay you a commission for a completed foreclosure of \$1,350.00 (a "Commission"). HUD will pay you a percentage of the Commission for cases that HUD withdraws, based on the following:

- 20% of Commission for work completed if withdrawn prior to "service" of Notice of Foreclosure and Sale
- 80% of Commission for work completed if withdrawn after "service" of Notice of Foreclosure and Sale but prior to foreclosure sale, including the start of publication, or posting if required.

As a Foreclosure Commissioner, you are a fiduciary of the Secretary and not an employee of the Department of Housing and Urban Development or of the Federal Government. You will be responsible for your actions as any other fiduciary.

This designation is effective immediately and may be revoked by HUD with or without cause pursuant to the Act. An original and two copies of this Designation are enclosed. Please sign and date them, providing your Tax Identification or Social Security Number, and return one copy to Sakeena M. Adams at 307 W. 7<sup>th</sup> Street, Ste 1000, Fort Worth, TX 76102 and send a scanned copy to SF.Designations.RegionVI@hud.gov.

By: **SAKEENA ADAMS**  
Sakeena M. Adams, Regional Counsel

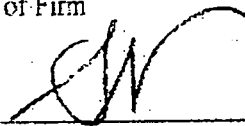
© 2011 HUD. All rights reserved.  
Sakeena M. Adams is a U.S. Government employee.  
Sakeena M. Adams is a U.S. Government employee.  
Date: 08/02/21 10:21:25 AM

ACCEPTANCE OF DESIGNATION

I, NEMOVI LAW GROUP, APC, hereby accept designation as a Foreclosure Commissioner and agree to abide by the provisions of my appointment, the Act referred to above, the regulations, and the Instructions as provided to me by HUD.

8/4/2021  
Date

NEMOVI LAW GROUP, APC  
Name of Firm

By:   
Genail M. Nemovi

[REDACTED]  
Tax I.D. or Social Security No.

ACKNOWLEDGEMENT

~~State of \_\_\_\_\_ )  
[County/Parrish] of \_\_\_\_\_ )  
This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
by \_\_\_\_\_  
\_\_\_\_\_  
Notary Public~~

**SEE ATTACHED ACKNOWLEDGMENT**

**ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of San Diego

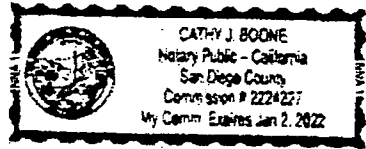
On Aug. 4, 2021 before me, Cathy J. Boone  
(insert name and title of the officer)

personally appeared Genail M. Nemovi  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~ they executed the same in his/~~her~~ their authorized capacity(ies), and that by his/~~her~~ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Cathy J. Boone (Seal)



Foreclosure Commissioner Designation - Texas

**NOTICE OF TRUSTEE'S SALE**

Date: November 11, 2021

Trustee: Clay E. Morgan

Lender: WC Ranches, LLC

Note: Real Estate Lien Note dated 1/9/2020, in the original principal amount of \$55,400.00, executed by Borrower and made payable to the order of Lender.

Deed of Trust: Deed of Trust dated 1/9/2020, executed by Anthony Terrell and Justine Sainz to Clay E. Morgan, Trustee for the benefit of lender, covering the Property and recorded in Document Number 202001063 of the Official Public Records of Victoria County, Texas

Property: Tract 61, A 7.917 acre tract of the Day Land & Cattle Company Survey, A-477, in Victoria County, Texas and further described in Exhibit A, attached.

Date of Sale (first Tuesday of month): December 7, 2021


Time of Sale: 1:00 p.m. to 4:00 p.m., local time

Place of Sale: The location designated by the commissioner's court of Victoria County, Texas for conducting public foreclosure sales is at 115 N. Bridge Street, Victoria, Texas 77901.

Lender has duly appointed Clay E. Morgan as Trustee under the Deed of Trust. Lender has instructed Trustee to offer the Property for sale toward the satisfaction of the Note.

Notice is given that on the Date of Sale, Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash, "AS-IS." The earliest time the sale will occur is the Time of Sale, and the sale will be conducted no later than three hours thereafter.

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.

  
\_\_\_\_\_  
Clay E. Morgan

FILED  
RW  
2021 NOV 12 A 11:15

  
COUNTY CLERK  
VICTORIA COUNTY, TEXAS

EXHIBIT "A"

**DALE L. OLSON**

Registered Professional Land Surveyor  
711 Water Street  
Bastrop, TX 78602  
Phone (512) 321-5476 \* Fax (512) 303-5476

FIELD NOTES FOR TRACT NO. 61, A 7.917 ACRE TRACT IN THE DAY LAND & CATTLE COMPANY SURVEY, IN VICTORIA COUNTY, TEXAS.

BEING a 7.917 acre tract, lot, or parcel of land out of and being a part of the Day Land & Cattle Company Survey, A-477, in Victoria County, Texas, and being a part of that certain 510.086 acre tract in the Indianola Railroad Co. Surveys No. 5, 6, 9, and 11 and the Day Land and Cattle Co. Survey, described in a deed from Tracy Post Cliburns, Independent Executrix and Trustee under the will of John Weldon Cliburn, to Nine Mile Investments, LTD, dated Nov. 18, 2011, recorded in Instrument No. 201111741, Victoria County Official Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the southeast corner of the said 510.086 acre tract, a 5/8 inch iron rod found at the intersection of a 60 foot access easement with the west line of US Hwy. No. 77, from which a 60d nail found at a fence corner at the northeast corner of the 510.086 acre tract bears N 03 deg. 14 min. 20 sec. E, 302.56 feet.

THENCE with the south line of the 510.086 acre tract and center of the said 60 foot access easement, N 79 deg. 43 min. 19 sec. W, at 3315.10 feet pass a 5/8 inch iron rod found where same intersects the center of another 60 foot access easement, at 5141.65 feet pass a 5/8 inch iron rod found where same intersects the center of another 60 foot access easement, at 6531.24 feet pass a 5/8 inch iron rod found, in the center of another 60 foot access easement, 6855.69 feet in all to a 60d nail found; N 64 deg. 51 min. 34 sec. W, 1207.57 feet to a 60d nail found at the beginning of a curve to the left.

THENCE continuing with said line along a curve to the left whose radius is 1500.00 feet; whose long chord bears N 66 deg. 54 min. 33 sec. W, 107.31 feet; 107.33 feet along the arc to a 5/8 inch iron rod set where same intersects the centerline of another 60 foot access easement.

THENCE with the center of the last said 60 foot access easement, N 01 deg. 58 min. 01 sec. W, 1094.76 feet to a 5/8 inch iron rod set; N 44 deg. 39 min. 10 sec. E, 785.69 feet to a 60d nail set for the POINT OF BEGINNING, the southwest corner of this tract.

THENCE continuing with the center of said 60 foot access easement, N 44 deg. 39 min. 10 sec. E, 400.00 feet to a 60d nail set for the northwest corner of this tract.

THENCE S 44 deg. 41 min. 18 sec. E, at 30.00 feet pass a 5/8 inch iron rod Set for Reference, 883.96 feet in all to a 5/8 inch iron rod set for the northeast corner of this tract

THENCE S 01 deg. 58 min. 01 sec. E, 151.91 feet to a 5/8 inch iron rod set; N 88 deg. 47 min. 06 sec. W, 420.54 feet to a 5/8 inch iron rod set for the southeast corner of this tract.

THENCE N 45 deg. 02 min. 38 sec. W, at 658.95 feet pass a 5/8 inch iron rod Set for Reference, 688.95 feet in all to the POINT OF BEGINNING, containing 7.917 acres of land.



Dale L. Olson  
Reg. Pro. Land Surveyor 1753

OR

Michael D. Olson  
Reg. Pro. Land Surveyor 5386

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Order #: 116211-61

Date Created: 01-28-13

NOTICE OF TRUSTEE'S SALE

Date: November 11, 2021

Trustee: Clay E. Morgan

Lender: WC Ranches, LLC

Note: Real Estate Lien Note dated 1/9/2020, in the original principal amount of \$39,400.00, executed by Borrower and made payable to the order of Lender.

Deed of Trust: Deed of Trust dated 1/9/2020, executed by James Terrell and Dominique Dawson to Clay E. Morgan, Trustee for the benefit of lender, covering the Property and recorded in Document Number 202000899 of the Official Public Records of Victoria County, Texas

Property: (Tract 73), A 5.079 acre tract of land in the A. E. Noble Survey, A-380 and the Day Land and Cattle Company Survey, A-477 in Victoria County, Texas and further described in Exhibit A, attached.

Date of Sale (first Tuesday of month): December 7, 2021

Time of Sale: 1:00 p.m. to 4:00 p.m., local time

Place of Sale: The location designated by the commissioner's court of Victoria County, Texas for conducting public foreclosure sales is at 115 N. Bridge Street, Victoria, Texas 77901.

Lender has duly appointed Clay E. Morgan as Trustee under the Deed of Trust. Lender has instructed Trustee to offer the Property for sale toward the satisfaction of the Note.

Notice is given that on the Date of Sale, Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash, "AS-IS." The earliest time the sale will occur is the Time of Sale, and the sale will be conducted no later than three hours thereafter.

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.

  
\_\_\_\_\_  
Clay E. Morgan

FILED  
2021 NOV 12 A 11:16 *PO*

  
COUNTY CLERK  
VICTORIA COUNTY, TEXAS

**EXHIBIT "A"**

**DALE L. OLSON**

Registered Professional Land Surveyor  
711 Water Street  
Bastrop, TX 78602  
Phone (512) 321-5476 \* Fax (512) 303-5476

FIELD NOTES FOR TRACT NO. 73, A 5.079 ACRE TRACT IN THE A.E. NOBLE SURVEY, AND DAY LAND & CATTLE COMPANY SURVEY, IN VICTORIA COUNTY, TEXAS.

BEING a 5.079 acre tract, lot, or parcel of land out of and being a part of the A.E. Noble Survey, A-380, and Day Land & Cattle Company Survey, A-477, in Victoria County, Texas, and being a part of that certain 510.086 acre tract in the Indianola Railroad Co. Surveys No. 5, 6, 9, and 11 and the Day Land and Cattle Co. Survey, described in a deed from Tracy Post Cliburns, Independent Executrix and Trustee under the will of John Weldon Cliburn, to Nine Mile Investments, LTD, dated Nov. 18, 2011, recorded in Instrument No. 201111741, Victoria County Official Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the southeast corner of the said 510.086 acre tract, a 5/8 inch iron rod found at the intersection of a 60 foot access easement with the west line of US Hwy. No. 77, from which a 60d nail found at a fence corner at the northeast corner of the 510.086 acre tract bears N 03 deg. 14 min. 20 sec. E, 302.56 feet.

THENCE with the south line of the 510.086 acre tract and center of the said 60 foot access easement, N 79 deg. 43 min. 19 sec. W, at 3315.10 feet pass a 5/8 inch iron rod found where same intersects the center of another 60 foot access easement, at 5141.65 feet pass a 5/8 inch iron rod found where same intersects the center of another 60 foot access easement, at 6531.24 feet pass a 5/8 inch iron rod found, in the center of another 60 foot access easement, 6855.69 feet in all to a 60d nail found; N 64 deg. 51 min. 34 sec. W, 1207.57 feet to a 60d nail found at the beginning of a curve to the left.

THENCE continuing with said line along a curve to the left whose radius is 1500.00 feet; whose long chord bears N 66 deg. 54 min. 33 sec. W, 107.31 feet; 107.33 feet along the arc to a 5/8 inch iron rod set where same intersects the centerline of another 60 foot access easement.

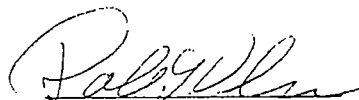
THENCE with the center of the last said 60 foot access easement, N 01 deg. 58 min. 01 sec. W, 1094.76 feet to a 5/8 inch iron rod set; N 44 deg. 39 min. 10 sec. E, 1585.69 feet to a 60d nail set for the POINT OF BEGINNING, the southeast corner of this tract.

THENCE N 45 deg. 20 min. 50 sec. W, at 30.00 feet pass a 5/8 inch iron rod Set for Reference, 800.63 feet in all to a 5/8 inch iron rod set for the west or southwest corner of this tract.

THENCE S 87 deg. 07 min. 30 sec. E, at 702.50 feet pass a 5/8 inch iron rod Set for Reference, 732.50 feet in all to a 60d nail set in the center of another 60 foot access easement, for the northeast corner of this tract.

THENCE with the center of the last said 60 foot access easement, S 02 deg. 52 min. 30 sec. W, 381.80 feet to a 5/8 inch iron rod set where same intersects the center of the before said 60 foot access easement, at an angle of same, for an angle corner of this tract.

THENCE with the center of the first said 60 foot access easement, S 44 deg. 39 min. 10 sec. W, 203.30 feet to the POINT OF BEGINNING, containing 5.079 acres of land.



Dale L. Olson  
Reg. Pro. Land Surveyor 1753

OR

Michael D. Olson  
Reg. Pro. Land Surveyor 5386

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Order #: 116211-73

Date Created: 01-28-13



**ATTENTION SERVICE MEMBERS: ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING IN ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR 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.**

FILED

2021 NOV 15 A 10:41

M. A.  
*Deidi Ashley*  
COUNTY CLERK  
VICTORIA COUNTY, TEXAS

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**WHEREAS, ALAN ROSS MADDOX, A SINGLE PERSON** delivered that one certain Deed of Trust dated APRIL 25, 2018, which is recorded in INSTRUMENT NO.: 201805558 of the real property records of VICTORIA County, Texas, conveying to the Trustee(s) therein named the real property therein described, to secure the payment of a Promissory Note in the principal amount of \$187,965.00 payable to the order of JAMES B. NUTTER & COMPANY, to which reference is hereby made for a description of the Promissory Note, the terms and covenants of the Deed of Trust, and the property therein conveyed; and

**WHEREAS, default, as same is defined in the Promissory Note and/or the Deed of Trust, has occurred** and the outstanding indebtedness on same is now wholly due; and

**WHEREAS, the undersigned has been appointed Substitute Trustee in place of the original Trustee, upon the contingency and the manner authorized by the Deed of Trust; and**

**WHEREAS, JAMES B. NUTTER & COMPANY, the Mortgagee, or the Mortgage Servicer, has instructed a Substitute Trustee(s) to sell real property described in the Deed of Trust in order to satisfy the indebtedness secured thereby.**

**NOTICE IS HEREBY GIVEN** that on Tuesday, DECEMBER 7, 2021, beginning at 11:00 AM, or not later than three (3) hours after that time, a Substitute Trustee(s) will sell, to the highest bidder submitting cashier's check, certified check or money order, the following described real property:

BEING LOT NUMBER ONE (1) AND LOT NUMBER TWO (2), IN BLOCK NUMBER FOURTEEN (14), OF SHADY OAKS SUBDIVISION SECTION V, AN ADDITION IN VICTORIA COUNTY, TEXAS, ACCORDING TO THE ESTABLISHED MAP AND PLAT OF SAID ADDITION IN VOLUME 6, PAGE 193 OF THE PLAT RECORDS OF VICTORIA COUNTY, TEXAS.

The sale will occur at that area designated by the Commissioners Court of VICTORIA County, Texas, for such sales (OR AT THE AREA IN FRONT OF THE EAST DOOR OF THE COURTHOUSE).

**NOTICE IS FURTHER GIVEN** that the address of JAMES B. NUTTER & COMPANY, the Mortgagee or Mortgage Servicer, is P.O. BOX 10346, KANSAS CITY, MISSOURI 64171. Pursuant to the Texas Property Code, the Mortgagee or Mortgage Servicer is authorized to administer a foreclosure sale. The name and address of a substitute trustee is Michael J. Schroeder, 3610 North Josey Lane, Suite 206, Carrollton, Texas 75007. A Substitute Trustee is authorized by the Texas Property Code to set reasonable conditions for the foreclosure sale.

Dated: NOVEMBER 15, 2021.

\_\_\_\_\_  
SUBSTITUTE TRUSTEE(S)  
MICHAEL J. SCHROEDER OR SANDRA MENDOZA  
OR ARNOLD MENDOZA OR ALEXIS MENDOZA OR  
SUSAN SANDOVAL OR W.D. LAREW OR SARAH  
MAYS OR ELIZABETH ANDERSON

FILE NO.: JBN-2881  
PROPERTY: 518 GAIL LANE  
VICTORIA, TEXAS 77905

ESTATE OF ALAN R. MADDOX

NOTICE SENT BY:  
MICHAEL J. SCHROEDER  
3610 NORTH JOSEY LANE, SUITE 206  
CARROLLTON, TEXAS 75007  
Tel: (972) 394-3086  
Fax: (972) 394-1263

FILED

FILE No. 10019  
County Clerk, Victoria County, Texas

2021 NOV 16 P 12:37

Notice of Trustee's Sale

M. A.  
*Quidi Casley*  
COUNTY CLERK  
VICTORIA COUNTY, TEXAS

Date: November 16, 2021

Trustee: Stephen A. Beal

Street Address for Trustee: PO BOX 195607 Dallas, TX 75219, Dallas County

Current Owner and Holder of the Note and Deed of Trust: BP-Residential, L.L.C.

Obligation: Real Estate Lien Note dated April 28, 2014, from Maker, Elssie Guerrero and Raymond Guerrero to Payee, BP-Residential, L.L.C., in the original principal amount of \$98,000.00

Deed of Trust

Date: April 28, 2014

Recording Information: Filed on May 8, 2014, and recorded under document number 201405158 Official Public Records of VICTORIA County, Texas

Grantor: Elssie Guerrero and Raymond Guerrero

Trustee: Stephen A. Beal

Beneficiary: BP-Residential, L.L.C.

Property: Being Lot Number Six (6), in Block Number (6), of Blue Ridge Addition, an addition to the City of Victoria, Victoria County, Texas, according to the established map and plat of record in Volume 327, Page 293, of the Deed Records of Victoria County, Texas.

Date of Sale (first Tuesday of month): December 7, 2021

Time of Sale: The sale will begin no earlier than 10:00 AM, and no later than three hours thereafter.

Place of Sale: Victoria County Courthouse

Default has occurred under the Deed of Trust. The current owner and holder of the Real Estate Lien Note and the Deed of Trust has instructed the Trustee to offer the Property for sale toward the satisfaction of the Real Estate Lien Note, by a nonjudicial foreclosure sale in accordance with the power of sale granted by the Deed of Trust.

**Notice is given that on the Date of Sale, the Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash, "AS IS", without any express or implied warranties, except warranties of title.**

*Terms of Sale.* The sale will be conducted as a public auction to the highest bidder. If the highest bidder is someone other than the Lender, the purchase price will be payable in cash or its equivalent, at the discretion of the Trustee, and will be payable immediately on acceptance of the bid by the Trustee. If the Lender is the highest bidder, payment will be by a credit on the Obligation, as permitted by the Deed of Trust.

Those persons and entities desiring to purchase the Property at the public auction, other than the Lender, will need to demonstrate their ability to pay cash on acceptance of the bid by the Trustee.

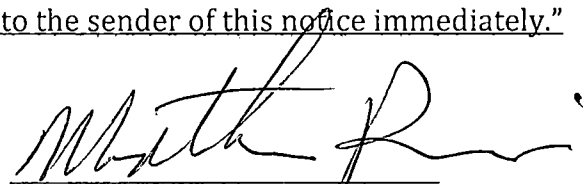
The sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. The sale shall not cover any part of the Property that has been released from the lien of the Deed of Trust, as shown in the public records of the county where the Property is located. Prospective bidders are strongly urged to examine the applicable public records to determine the nature and extent of such matters, if any.

The Trustee may sell the Property in one or more parcels and/or sell all or only part of the Property.

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.

Pursuant to section 51.0075 of the Texas Property Code, the Trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the 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 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."

  
STEPHEN A. BEAL, TRUSTEE