

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: August 01, 2017

Time: The sale will begin at 12:00PM or not later than three hours after that time.

Place THE MOST NORTH-EASTERLY DOOR OF THE WILSON 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 December 04, 2015 and recorded in Document VOLUME 1885, PAGE 621 real property records of WILSON County, Texas, with GARLAND S. ROSE, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS"), AS NOMINEE, mortgagee.

4. **Obligations Secured.** Deed of Trust or Contract Lien executed by GARLAND S. ROSE, securing the payment of the indebtednesses in the original principal amount of \$191,958.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. LAKEVIEW LOAN SERVICING, LLC is the current mortgagee of the note and Deed of Trust or Contract Lien.

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

6. **Mortgage Servicer Information.** The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code § 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the Property referenced above. CENLAR FSB, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o CENLAR FSB  
425 PHILLIPS BLVD  
EWING, NJ 08618

*for Karen Work*  
PATRICIA SANDERS, JONATHAN SCHENDEL, DOUG WOODARD, AARTI PATEL, MARYNA DANIELIAN,  
FREDERICK BRITTON, PAMELA THOMAS, STACEY BENNETT, AMY ORTIZ, ROBERT GOMEZ, TROY MARTIN,  
DEBORAH MARTIN, IRENE SALAZAR, DEANNA RAY, VANESSA RAMOS OR RICHARD HOLTON

Substitute Trustee  
c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP  
4004 Belt Line Road, Suite 100  
Addison, Texas 75001

Certificate of Posting

My name is \_\_\_\_\_, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas 75001. I declare under penalty of perjury that on \_\_\_\_\_ I filed at the office of the WILSON County Clerk and caused to be posted at the WILSON County courthouse this notice of sale.

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

Filed for Record in:  
Wilson County  
by Honorable Eva Martinez  
County Clerk

On: May 30, 2017 at 01:57P

As a Recording

Total Fees : 2.00

Receipt Number - 206099  
By:  
Rikki Harris



NOS0000006804876

EXHIBIT "A"

LOT 5, BLOCK 1 RIVER BEND SUBDIVISION, UNIT 1, S&J AROCHA GRANT, A-1, WILSON COUNTY, TEXAS, AS SHOWN ON A MAP OR PLAT THEREOF RECORDED IN VOLUME 9, PAGE 10, MAP AND PLAT RECORDS OF WILSON COUNTY, TEXAS.



NOS0000006804876

**COPY**

by Honorable Eva Martinez  
County Clerk  
On: May 30, 2017 at 09:24A  
As a Recording

Total Fees : 2.00

Receipt Number - 206062  
By: Krystle Hidalgo

**NOTICE OF FORECLOSURE SALE**

**ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OR 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. Property to Be Sold.** The property to be sold is described as follows: LOT 81, TIERRA ROBLES, UNIT 2, A SUBDIVISION IN WILSON COUNTY, TEXAS AS SHOWN ON PLAT OF RECORD AT VOLUME 8, PAGE 57 OF THE MAP AND PLAT RECORDS OF WILSON COUNTY, TEXAS.

**2. Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 01/16/2007 and recorded in Book 1382 Page 835 Document 00021767 real property records of Wilson County, Texas.

**3. Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:

Date: 08/01/2017

Time: 10:00 AM

Place: Wilson County Courthouse, Texas at the following location: THE MOST NORTH-EASTERLY DOOR OF THE WILSON COUNTY COURTHOUSE, BEING THE COURTHOUSE DOOR FACING THE OFFICE OF THE WILSON COUNTY TAX ASSESSOR-COLLECTOR, IN FLORESVILLE, WILSON COUNTY, TEXAS, WHICH BEARS THE ADDRESS OF 2 LIBRARY LANE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.

**4. Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to 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.

**5. Obligations Secured.** The Deed of Trust executed by TODD A. GRIFFIN AND VICKI LEIGH-GRIFFIN, provides that it secures the payment of the indebtedness in the original principal amount of \$137,826.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. MIDFIRST BANK is the current mortgagee of the note and deed of trust and MIDLAND MORTGAGE, A DIVISION OF MIDFIRST BANK is mortgage servicer. A servicing agreement between the mortgagee, whose address is MIDFIRST BANK c/o MIDLAND MORTGAGE, A DIVISION OF MIDFIRST BANK, 999 N.W. Grand Blvd, Oklahoma City, OK 73118 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

**6. Substitute Trustee(s) Appointed to Conduct Sale.** In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint ROBERT AGUILAR, BRETT BAUGH, RICK KIGAR, BRENT GRAVES, CLAY GOLDEN, STEPHEN MAYERS, KENNY SHIREY, TROY ROBINETT, DOUG RODGERS, SCOTT SWENSON, CARL MEYERS, MIKE HANLEY, KRISTIE ALVAREZ, FREDERICK BRITTON, DAVID ACKEL, WAYNE WHEAT, ROB VALDESPINO, BRENDA ROLON, OLIVIA VALDESPINO, MARTIN VALDESPINO, WES WEBB OR MICHAEL W. ZIENTZ, Substitute Trustee to act under and by virtue of said Deed of Trust.

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.**

*[Handwritten signature]*

Mackie Wolf Zientz & Mann, P.C.  
Brandon Wolf, Attorney at Law  
L. Keller Mackie, Attorney at Law  
Lori Liane Long, Attorney at Law  
Tracey Midkiff, Attorney at Law  
Marissa Sibal, Attorney at Law  
Parkway Office Center, Suite 900  
14160 North Dallas Parkway  
Dallas, TX 75254

*[Handwritten signature]*

ROBERT AGUILAR, BRETT BAUGH, RICK KIGAR,  
BRENT GRAVES, CLAY GOLDEN, STEPHEN MAYERS,  
KENNY SHIREY, TROY ROBINETT, DOUG RODGERS,  
SCOTT SWENSON, CARL MEYERS, MIKE HANLEY,  
KRISTIE ALVAREZ, FREDERICK BRITTON, DAVID  
ACKEL, WAYNE WHEAT, ROB VALDESPINO, BRENDA  
ROLON, OLIVIA VALDESPINO, MARTIN VALDESPINO,  
WES WEBB OR MICHAEL W. ZIENTZ  
c/o AVT Title Services, LLC  
1101 Ridge Rd. Suite 222  
Rockwall, TX 75087

Certificate of Posting

I am \_\_\_\_\_ whose address is 14160 N. Dallas Pkwy, Suite 900, Dallas, TX 75254. I declare under penalty of perjury that on \_\_\_\_\_ I filed this Notice of Foreclosure Sale at the office of the Wilson County Clerk and caused it to be posted at the location directed by the Wilson County Commissioners Court.



On: May 17, 2017 at 09:16A

As a Recording

Total Fees : 2.00

Receipt Number - 205623  
By  
Frances Cherry

## AMENDED NOTICE OF FORECLOSURE SALE

**JULY 4, 2017**

### Deed of Trust ("Deed of Trust"):

**Dated:** June 20, 2002  
**Grantor:** Ruben Gutierrez and wife, Heather M. Gutierrez  
**Trustee:** Thomas P. Lyssy  
**Beneficiary/Lender:** Falls City National Bank  
**Recorded in:** Volume 1111, Page 475, Official Public Records of Wilson County, Texas, subject to Partial Release of Lien, recorded in Volume 1697, Page 520, Official Public Records of Wilson County, Texas  
**Secures:** Promissory Note ("Note") in the original principal amount of \$20,808.00, executed by Ruben Gutierrez and wife, Heather M. Gutierrez ("Borrower") and payable to the order of Beneficiary

**Legal Description: Tracts 1 & 2, less and except 11.88 acres described below:**

#### TRACT 1

**145.12 acres**, more or less, being the residue of 157.00 acres out of the S. & J. Arocha Grant, Abstract 1, Wilson County, Texas, and being a part of the same property described in a partition deed dated November 19, 1971 between Gene Vernon Haverlah and Lucille A. Haverlah, recorded in Volume 442, Page 533, Deed Records of Wilson County, Texas; this 157.00 acres being more particularly described as follows:

BEGINNING at a found concrete monument in the northeast line of the Alice Popham land, recorded in Volume 720, Page 700, Deed Records of Wilson County, Texas, for the south corner of the Arturo Caballero land, recorded in Volume 486, Page 701, Deed Records of Wilson County, Texas, and the west corner of the parent tract and this tract;

THENCE N. 48° 45' 00" E., (record bearing, Volume 442, Page 533) with the common line of said Caballero land, the George R. Krueger, et ux land, recorded in Volume 575, Page 388, Deed Records of Wilson County, Texas, and the Curtis Bindsell, et ux land, recorded in Volume 781, Page 249, Deed Records of Wilson County, Texas, a distance of 4467.48 feet to found 5/8" rebar for the north corner of this tract and west corner of the West C. George land, recorded in Volume 952, Page 337, Official Public Records of Wilson County, Texas;

THENCE S. 26° 22' 40" E., with common line of said George land, a distance of 1065.78 feet to a set 1/2" rebar for an angle point;

THENCE S. 36° 40' 48" E., continuing with said common line, a distance of 553.55 feet to a corner post in the northwest line of Leann Hosek land, recorded in Volume 931, Page 357, Official Public Records of Wilson County, Texas, for the east corner of this tract;

THENCE S. 46° 11' 48" W., with common line of the Hosek land, a distance of 1771.60 feet to a found concrete monument for the west corner of said Hosek land, the north corner of the Willie Louise Dennis Coleman land, recorded in Volume 802, Page 460, Official Public Records of Wilson County, Texas, and an angle point of this tract;

THENCE S. 48° 21' 21" W., with common line of said Coleman land, a distance of 2374.12 to a found 1/2" rebar at a bend in County Road 405, for a northwest corner of said Coleman land and the southeast corner of this tract;

THENCE N. 74° 07' 55" W., with said right-of-way, a distance of 14.78 feet to a found concrete monument for the east corner of the MCI land, recorded in Volume 565, Page 283, Deed Records of Wilson County, Texas, and the southwest corner of this tract;

THENCE N. 40° 55' 20" W., with common line of said MCI land, a distance of 819.53 feet to a found pin for the north corner of said MCI land, the east corner to the Thomas J. Herring, et ux land, recorded in Volume 624, Page 537, Deed Records of Wilson County, Texas, and an angle point of this tract;

THENCE N. 41° 15' 57" W., a distance of 574.83 feet to a found pin for the north corner of the said Herring land, the east corner of the aforementioned Popham land and an angle point of this tract;

THENCE N. 41° 27' 24" W., a distance of 208.56 feet to POINT OF BEGINNING.

Being part of the same 157.00 acres described in Deed dated November 1, 2000, executed by Gene V. Haverlah and Antonio Wells Haverlah to Ruben Gutierrez and Heather M. Gutierrez, recorded in Volume 1047, Page 634, Official Public Records of Wilson County, Texas.

**LESS AND EXCEPT** the following property:

**11.88 acres** out of the S. & J. Arocha Grant, Abstract 1, Wilson County, Texas; being part of the land described in Deed to Ruben Gutierrez and Heather M. Gutierrez, recorded in Volume 1047, Page 634, Deed Records of Wilson County, Texas and being more particularly described as follows:

BEGINNING at a found concrete monument at a bend of County Road 405 for the easterly corner of the MCI land, recorded in Volume 565, Page 283, Deed Records of Wilson County, Texas, the southwesterly corner of the Gutierrez land and of this tract;

THENCE with the northeasterly line of the MCI land, the Thomas J. Herring, et ux land recorded in Volume 624, Page 637, Deed Records of Wilson County, Texas, the southwesterly lines of the Haverlah land and of this tract, along the following calls:

N. 41° 35' 32" W., a distance of 819.53 feet to a found ½" iron pin;

N. 41° 56' 06" W., a distance of 377.93 feet to a set ½" rebar with a "Pollok & Sons" cap for the westerly corner of this tract;

THENCE N. 48° 03' 51" E., into the Gutierrez land, a distance of 1060.15 feet to a set ½" rebar with a "Pollok & Sons" cap for the northerly corner of this tract;

THENCE S. 41° 56' 09" E., a distance of 460.00 feet to a ½" rebar with a "Pollok & Sons" cap for the upper easterly corner of this tract;

THENCE S. 48° 03' 51" W., a distance of 1020.64 feet to a set ½" rebar with a "Pollok & Sons" cap for an inner corner;

THENCE S. 41° 35' 32" E., a distance of 749.66 feet to a set ½" rebar with a "Pollok & Sons" cap for an easterly corner of this tract on the northwesterly line of the Willie Louise Dennis Coleman Land recorded in Volume 802, Page 460, Deed Records of Wilson County, Texas,

THENCE S. 47° 41' 09" W., with the common line of the Coleman Land, a distance of 31.91 feet to a set ½" rebar with a "Pollok & Sons" cap for a common corner of this tract on the northerly right-of-way line on County Road 405;

THENCE N. 74° 49' 00" W., with a county road right-of-way line, a distance of 14.77 feet to the POINT OF BEGINNING.

## **TRACT 2**

An **access easement** for ingress and egress across **0.04 acres** out of the S. & J. Arocha Grant, Abstract 1, Wilson County, Texas, being part of the land described in Deed to Ruben Gutierrez and Heather M. Gutierrez, recorded in Volume 1047, Page 634, Deed Records of Wilson County, Texas and being more particularly described as follows:

BEGINNING at a found concrete monument at a bend of County Road 405 for the easterly corner of the MCI land recorded in Volume 565, Page 283, Deed Records of Wilson County, Texas, southwesterly corner of the Gutierrez land and of this easement;

THENCE N. 41° 35' 32" W., with a common line of the MCI and Gutierrez lands, a distance of 27.54 feet to the westerly corner of this easement;

THENCE N. 47° 41' 09" E., across the 11.88 acre tract, a distance of 40.00 feet to the northerly corner of this easement on the lower northeasterly line of the 11.88 acre tract;

THENCE with the common line of the 11.88 acre tract and of this easement, S. 41° 35' 32" E., a distance of 40.00 feet to the northwesterly line of the Willie Louise Dennis Coleman land recorded in Volume 802, Page 460, Deed Records of Wilson County, Texas,

THENCE S. 47° 41' 09" W., with the common line of said Coleman land, a distance of 31.91 feet to the northerly right-of-way line of County Road 405;

THENCE N. 47° 49' 00" W., with said County Road right-of-way line, a distance of 14.77 feet to the POINT OF BEGINNING.

**Property:** The real property, improvements, and personal property described in and mortgaged in the Deed of Trust, subject to above referenced Partial Release of Lien, including the real property described as Tract 1 and Tract 2 above, and all rights and appurtenances thereto.

**Substitute Trustee and Address:** DOMINIC CARVAJAL  
1433 THIRD STREET, FLORESVILLE, WILSON COUNTY, TEXAS 78114

**Foreclosure Sale:**

**Date:** TUESDAY, JULY 4, 2017

**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 10:00A.M. and not later than three hours thereafter.**

**Place:** At the most north-easterly door of the Wilson County Courthouse, being the Courthouse door facing the office of the Wilson County Tax Assessor-Collector in Floresville, Wilson County, Texas, (which office bears the address of 2 Library Lane, Floresville, Wilson County, Texas,) bearing the address of 1420 Third Street, Floresville, Wilson County, Texas, in accordance with Certified Copy of Resolution of the Commissioner's Court of Wilson County, Texas, of record in Volume 1253, Page 671, Official Public Records of Wilson 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 Falls City National Bank's, 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, Falls City National Bank, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Falls City National Bank's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with its rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

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

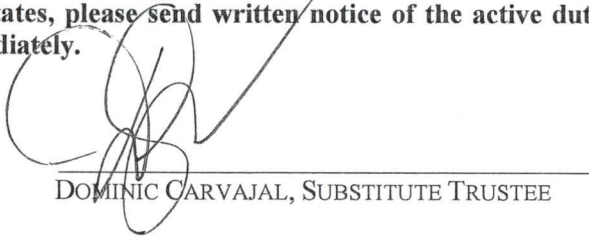
If Falls City National Bank passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

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 Falls City National Bank. 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 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, 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 Substitute Trustee.

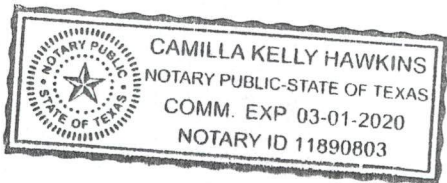
**Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the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

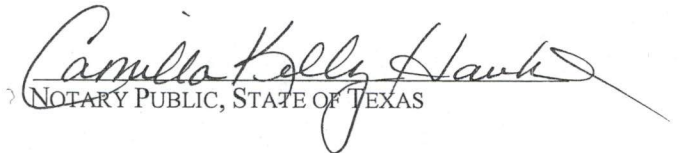
  
DOMINIC CARVAJAL, SUBSTITUTE TRUSTEE

State of Texas §

County of Wilson §

This instrument was acknowledged before me on MAY 17, 2017, by DOMINIC CARVAJAL.



  
NOTARY PUBLIC, STATE OF TEXAS

**NOTICE OF FORECLOSURE SALE**

**JULY 4, 2017**

Total Fees : 2.00

Receipt Number - 205600  
By:  
Krustle Hidalgo

**Deed of Trust ("Deed of Trust"):**

**Dated:** June 20, 2002  
**Grantor:** Ruben Gutierrez and wife, Heather M. Gutierrez  
**Trustee:** Thomas P. Lyssy  
**Beneficiary/Lender:** Falls City National Bank  
**Recorded in:** Volume 1111, Page 475, Official Public Records of Wilson County, Texas  
**Secures:** Promissory Note ("Note") in the original principal amount of \$20,808.00, executed by Ruben Gutierrez and wife, Heather M. Gutierrez ("Borrower") and payable to the order of Beneficiary

**Legal Description:**

**TRACT 1**

**145.12 acres**, more or less, being the residue of 157.00 acres out of the S. & J. Arocha Grant, Abstract 1, Wilson County, Texas, and being a part of the same property described in a partition deed dated November 19, 1971 between Gene Vernon Haverlah and Lucille A. Haverlah, recorded in Volume 442, Page 533, Deed Records of Wilson County, Texas; this 157.00 acres being more particularly described as follows:

BEGINNING at a found concrete monument in the northeast line of the Alice Popham land, recorded in Volume 720, Page 700, Deed Records of Wilson County, Texas, for the south corner of the Arturo Caballero land, recorded in Volume 486, Page 701, Deed Records of Wilson County, Texas, and the west corner of the parent tract and this tract;

THENCE N. 48° 45' 00" E., (record bearing, Volume 442, Page 533) with the common line of said Caballero land, the George R. Krueger, et ux land, recorded in Volume 575, Page 388, Deed Records of Wilson County, Texas, and the Curtis Bindsell, et ux land, recorded in Volume 781, Page 249, Deed Records of Wilson County, Texas, a distance of 4467.48 feet to found 5/8" rebar for the north corner of this tract and west corner of the West C. George land, recorded in Volume 952, Page 337, Official Public Records of Wilson County, Texas;

THENCE S. 26° 22' 40" E., with common line of said George land, a distance of 1065.78 feet to a set 1/2" rebar for an angle point;

THENCE S. 36° 40' 48" E., continuing with said common line, a distance of 553.55 feet to a corner post in the northwest line of Leann Hosek land, recorded in Volume 931, Page 357, Official Public Records of Wilson County, Texas, for the east corner of this tract;

THENCE S. 46° 11' 48" W., with common line of the Hosek land, a distance of 1771.60 feet to a found concrete monument for the west corner of said Hosek land, the north corner of the Willie Louise Dennis Coleman land, recorded in Volume 802, Page 460, Official Public Records of Wilson County, Texas, and an angle point of this tract;

THENCE S. 48° 21' 21" W., with common line of said Coleman land, a distance of 2374.12 to a found 1/2" rebar at a bend in County Road 405, for a northwest corner of said Coleman land and the southeast corner of this tract;

THENCE N. 74° 07' 55" W., with said right-of-way, a distance of 14.78 feet to a found concrete monument for the east corner of the MCI land, recorded in Volume 565, Page 283, Deed Records of Wilson County, Texas, and the southwest corner of this tract;

THENCE N. 40° 55' 20" W., with common line of said MCI land, a distance of 819.53 feet to a found pin for the north corner of said MCI land, the east corner to the Thomas J. Herring, et ux



land, recorded in Volume 624, Page 537, Deed Records of Wilson County, Texas, and an angle point of this tract;

THENCE N. 41° 15' 57" W., a distance of 574.83 feet to a found pin for the north corner of the said Herring land, the east corner of the aforementioned Popham land and an angle point of this tract;

THENCE N. 41° 27' 24" W., a distance of 208.56 feet to POINT OF BEGINNING.

Being part of the same 157.00 acres described in Deed dated November 1, 2000, executed by Gene V. Haverlah and Antonio Wells Haverlah to Ruben Gutierrez and Heather M. Gutierrez, recorded in Volume 1047, Page 634, Official Public Records of Wilson County, Texas.

**LESS AND EXCEPT** the following property:

**11.88 acres** out of the S. & J. Arocha Grant, Abstract 1, Wilson County, Texas; being part of the land described in Deed to Ruben Gutierrez and Heather M. Gutierrez, recorded in Volume 1047, Page 634, Deed Records of Wilson County, Texas and being more particularly described as follows:

BEGINNING at a found concrete monument at a bend of County Road 405 for the easterly corner of the MCI land, recorded in Volume 565, Page 283, Deed Records of Wilson County, Texas, the southwesterly corner of the Gutierrez land and of this tract;

THENCE with the northeasterly line of the MCI land, the Thomas J. Herring, et ux land recorded in Volume 624, Page 637, Deed Records of Wilson County, Texas, the southwesterly lines of the Haverlah land and of this tract, along the following calls:

N. 41° 35' 32" W., a distance of 819.53 feet to a found ½" iron pin;

N. 41° 56' 06" W., a distance of 377.93 feet to a set ½" rebar with a "Pollok & Sons" cap for the westerly corner of this tract;

THENCE N. 48° 03' 51" E., into the Gutierrez land, a distance of 1060.15 feet to a set ½" rebar with a "Pollok & Sons" cap for the northerly corner of this tract;

THENCE S. 41° 56' 09" E., a distance of 460.00 feet to a ½" rebar with a "Pollok & Sons" cap for the upper easterly corner of this tract;

THENCE S. 48° 03' 51" W., a distance of 1020.64 feet to a set ½" rebar with a "Pollok & Sons" cap for an inner corner;

THENCE S. 41° 35' 32" E., a distance of 749.66 feet to a set ½" rebar with a "Pollok & Sons" cap for an easterly corner of this tract on the northwesterly line of the Willie Louise Dennis Coleman Land recorded in Volume 802, Page 460, Deed Records of Wilson County, Texas,

THENCE S. 47° 41' 09" W., with the common line of the Coleman Land, a distance of 31.91 feet to a set ½" rebar with a "Pollok & Sons" cap for a common corner of this tract on the northerly right-of-way line on County Road 405;

THENCE N. 74° 49' 00" W., with a county road right-of-way line, a distance of 14.77 feet to the POINT OF BEGINNING.

**TRACT 2**

An **access easement** for ingress and egress across **0.04 acres** out of the S. & J. Arocha Grant, Abstract 1, Wilson County, Texas, being part of the land described in Deed to Ruben Gutierrez and Heather M. Gutierrez, recorded in Volume 1047, Page 634, Deed Records of Wilson County, Texas and being more particularly described as follows:

BEGINNING at a found concrete monument at a bend of County Road 405 for the easterly corner of the MCI land recorded in Volume 565, Page 283, Deed Records of Wilson County, Texas, southwesterly corner of the Gutierrez land and of this easement;

THENCE N. 41° 35' 32" W., with a common line of the MCI and Gutierrez lands, a distance of 27.54 feet to the westerly corner of this easement;

THENCE N. 47° 41' 09" E., across the 11.88 acre tract, a distance of 40.00 feet to the northerly corner of this easement on the lower northeasterly line of the 11.88 acre tract;

THENCE with the common line of the 11.88 acre tract and of this easement, S. 41° 35' 32" E., a distance of 40.00 feet to the northwesterly line of the Willie Louise Dennis Coleman land recorded in Volume 802, Page 460, Deed Records of Wilson County, Texas,

THENCE S. 47° 41' 09" W., with the common line of said Coleman land, a distance of 31.91 feet to the northerly right-of-way line of County Road 405;

THENCE N. 47° 49' 00" W., with said County Road right-of-way line, a distance of 14.77 feet to the POINT OF BEGINNING.

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

**Substitute Trustee and Address:** DOMINIC CARVAJAL  
1433 THIRD STREET, FLORESVILLE, WILSON COUNTY, TEXAS 78114

**Foreclosure Sale:**

**Date:** TUESDAY, JULY 4, 2017

**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 10:00A.M. and not later than three hours thereafter.**

**Place:** At the most north-easterly door of the Wilson County Courthouse, being the Courthouse door facing the office of the Wilson County Tax Assessor-Collector in Floresville, Wilson County, Texas, (which office bears the address of 2 Library Lane, Floresville, Wilson County, Texas,) bearing the address of 1420 Third Street, Floresville, Wilson County, Texas, in accordance with Certified Copy of Resolution of the Commissioner's Court of Wilson County, Texas, of record in Volume 1253, Page 671, Official Public Records of Wilson 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 Falls City National Bank's, 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, Falls City National Bank, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Falls City National Bank's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with its rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

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

If Falls City National Bank 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 Falls City National Bank. 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 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, 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 Substitute Trustee.

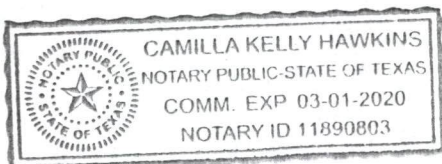
**Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the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

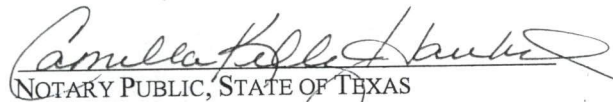
  
DOMINIC CARVAJAL, SUBSTITUTE TRUSTEE

State of Texas §

County of Wilson §

This instrument was acknowledged before me on MAY 16, 2017, by DOMINIC CARVAJAL.



  
NOTARY PUBLIC, STATE OF TEXAS

AFFIDAVIT OF POSTING SUBSTITUTE TRUSTEE'S NOTICE OF SALE

STATE OF TEXAS            )(

COUNTY OF WILSON        )(

KNOW ALL MEN BY THESE PRESENTS, THAT:

BEFORE ME, the undersigned authority, personally appeared

Gayle Richey \_\_\_\_\_, who after being by me duly sworn, said upon her oath:

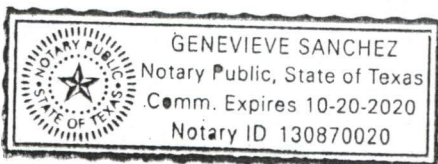
“I, Gayle Richey \_\_\_\_\_, do solemnly swear ( or affirm) that I posted a copy of the attached Substitute Trustee's Notice of Sale on the 15th day of May, 2017 \_\_\_\_\_, such date being at least twenty-one days preceding the date of sale set forth in the attached Substitute Trustee's Notice of Sale, and that I accomplished and performed the just-mentioned date by posting a copy of the attached Substitute Trustee's Notice of Sale at the door of the county courthouse in Wilson County, Texas, which is the county in which the property described in the attached notice is located.

Signature Gayle Richey

Printed Name Gayle Richey, Deputy Clerk

EVA S. MARTINEZ, COUNTY CLERK

SWORN TO AND SUBSCRIBED BEFORE ME, this 15th day of May, 2017, to which witness my hand and seal of office.



[Signature]  
Notary Public \_\_\_\_\_ State of Texas  
Printed Name: Genevieve Sanchez  
My Commission Expires: 10-20-20

**SUBSTITUTE TRUSTEE'S NOTICE OF SALE**

Total Fees : 2.00

Receipt Number - 205566  
Clerk's Office

**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.**

**Note:** Sale Contract  
Date: May 26, 2015  
Original Creditor: Green Tree Servicing LLC  
Debtor: Mario Luna and Savannah Torres  
Current Holder: U. S. Bank, N.A., as trustee for Mid-State Trust X by Ditech Financial LLC, as servicer with delegated authority

**Purchase Money Deed of Trust:**

Date: May 26, 2015  
Grantor: Mario Luna and Savannah Torres  
Trustee: Joseph H. Kelly  
Recording Information: Volume 1854 at pages 213 et seq. recorded in the Official Records of Wilson County, Texas  
Property: All that property (and improvements thereon) covered by and described in the above Purchase Money Deed of Trust (attached hereto for convenience is an **Exhibit "A"** intended to be a copy of the property description contained in or attached to the aforesaid Purchase Money Deed of Trust).  
Current Beneficiary: U. S. Bank, N.A., as trustee for Mid-State Trust X by Ditech Financial LLC, as servicer with delegated authority

**County:** Wilson, Texas

**Date of Sale (first Tuesday of month):** June 6, 2017

**Time of Sale:** 1:00 o'clock P.M. or no later than three (3) hours thereafter

**Place of Sale:** The sale will be held at the county courthouse in Wilson County, Texas (located at 1420 3<sup>rd</sup> Street, Floresville, Texas), the county in which the above described Property is located, and at that area of said county courthouse which has been so designated by the Commissioners' Court as follows: Most westerly courthouse door (faces Third Street).

**Substitute Trustee:** Current Beneficiary has appointed Kenneth M. Culbreth, Jr. and others (identified in **Exhibit "B"** attached hereto) as Substitute Trustee, each to act individually (the "Substitute Trustee") under the Purchase Money Deed of Trust and has instructed Substitute Trustee to offer the above-described Property for sale toward satisfaction of the Sale Contract, as a result of the default thereunder.

NOTICE IS HEREBY GIVEN that Substitute Trustee will offer the above described Property (and improvements thereon) to the highest bidder for cash on the Date of Sale, at the Time of Sale and at the Place of Sale as stated above.

Please be advised that Ditech Financial LLC is representing Mid-State Trust X under a Servicing Agreement with Mid-State Trust X. The address of Ditech Financial LLC is 2100 E. Elliot Road, Bldg. 94, Mailstop T-140, Tempe, Arizona 85284.

**Dated:** May 10, 2017 \_\_\_\_\_



Kenneth M. Culbreth, Jr., Substitute Trustee  
500 N. SHORELINE, SUITE 900  
CORPUS CHRISTI, TX 78401-0341  
(361) 884-5678 (361) 888-9149 telefax

## Exhibit "A"

FIELD NOTES OF 0.253 ACRES OF LAND OUT OF LOT 4, BLOCK 30 OF THE OLD TOWN OF SUTHERLAND SPRINGS AS RECORDED IN VOLUME 1, PAGE 76 OF THE PLAT RECORDS OF WILSON COUNTY, AND BEING A PART OF A TRACT OF LAND CONVEYED TO JOEL MORALES, JR. AND WIFE JANE MORALES AS RECORDED ON OCTOBER 15, 1979 IN VOLUME 525, PAGE 781, OF THE DEED RECORDS OF WILSON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch steel pin set on the south margin of Sixth Street and the southwest corner of Lot 4, Block 30 of the Old Town of Sutherland Springs as recorded in Volume 1, Page 76, of the Plat Records of Wilson County, Texas and the Southwest corner of this tract;

THENCE with the west line of Lot 4, North 40° East for 105.00 feet to a 1/2 inch steel pin set for the Northwest corner of this;

THENCE South 50° East for 105.00 feet to a 1/2 inch steel pin set on the east line of Lot 4 and being the northeast corner of this tract;

THENCE with the east line of Lot 4, South 40° West for 105.00 feet a 1/2 inch steel pin set on the south margin of Sixth Street and being the southwest corner of Lot 4 and the southwest corner of this tract;

THENCE with the south margin of Sixth Street, North 50° West for 105.00 feet to the POINT OF BEGINNING.

As surveyed on the ground October 25, 1999.

Exhibit "B"

Kenneth M. Culbreth, Jr.  
500 North Shoreline, Suite 900  
Corpus Christi, Nueces County, Texas 78401

Jim Mills  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Susan Mills  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Emily Northern  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Alexandra Zografos Holub  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Sid Bemus  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Georgia McInvale  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Chris Lafond  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Kyle Walker  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

Justin Holiday  
9065 Jollyville, Suite 203A  
Austin, Travis County, Texas 78759

**Note:** Individually and separate, each Substitute Trustee listed above is authorized to act alone without the joinder of the other Substitute Trustees.

Wilson

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Filed for Record in:  
Wilson County  
by Honorable Eva Martinez  
County Clerk  
On: May 15, 2017 at 09:08A  
As a Recording

C&S No. 44-15-1567 / Conventional / Yes  
Cenlar FSB

### 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. Sender is: Codilis & Stawiarski, PC, 650 North Sam Houston Parkway East, Suite 450, Houston, Texas 77060**

Total Fees 2.00  
Receipt Number 205506  
Frances Cherry

Date of Security Instrument: September 19, 2014

Grantor(s): David C Maisano and Vivian R Maisano, husband and wife

Original Trustee: John A Hay III

Original Mortgagee: Mortgage Electronic Registration Systems, Inc. ("MERS"), solely as nominee for SecurityNational Mortgage Company, a Utah Corporation, its successors and assigns

Recording Information: Vol. 1813, Page 472, or Clerk's File No. 00038780, in the Official Public Records of WILSON County, Texas.

Current Mortgagee: SecurityNational Mortgage Company

Mortgage Servicer: Cenlar FSB, whose address is C/O Attn: FC or BK Department 425 Phillips Blvd Ewing, NJ 08618 Pursuant to a Servicing Agreement between the Mortgage Servicer and Mortgagee, the Mortgage Servicer is authorized to represent the Mortgagee. Pursuant to the Servicing Agreement and Section 51.0025 of the Texas Property Code, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the referenced property.

Date of Sale: 06/06/2017 Earliest Time Sale Will Begin: 12:00 PM


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.

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 the Mortgagor, the Mortgagee or the Mortgagee's attorney.

Legal Description:  
LOT 18, ESTATES OF QUAIL RUN SUBDIVISION, WILSON COUNTY, TEXAS, AS PER PLAT OF RECORD IN VOLUME 9, PAGES 72-74, PLAT RECORDS OF WILSON COUNTY, TEXAS.

Place of Sale of Property: The foreclosure sale will be conducted in the area designated by the WILSON County Commissioners Court pursuant to Section 51.002 of the Texas Property Code as the place where the foreclosure sales are to take place, or if no place is designated by the Commissioners Court, the sale will be conducted at the place where the Notice of Trustee's Sale was posted.

For Information:  
Codilis & Stawiarski, P.C.  
650 N. Sam Houston Parkway East  
Suite 450  
Houston, TX 77060  
(281) 925-5200

  
Troy Martin as Substitute Trustee, Deborah Martin as Successor Substitute Trustee, Frederick Britton as Successor Substitute Trustee, Patricia Sanders as Successor Substitute Trustee, Pamela Thomas as Successor Substitute Trustee, Mary C. (Chris) LaFond as Successor Substitute Trustee, Jonathan Schendel as Successor Substitute Trustee, Doug Woodard as Successor Substitute Trustee, Dan Hart as Successor Substitute Trustee, Aarti Patel as Successor Substitute Trustee, Maryna Danielian as Successor Substitute Trustee, or Thomas Delaney as Successor Substitute Trustee or Lisa Cockrell as Successor Substitute Trustee



4620169

4620072



County Clerk  
On: May 15, 2017 at 09:08A  
As a Recording  
Total Fees : 2.00

C&S No. 44-15-2833 / VA / No  
LoanCare, LLC

Receipt Number - 205506  
By:  
Frances Cherry

### 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. Sender is: Codilis & Stawiarski, PC, 650 North Sam Houston Parkway East, Suite 450, Houston, Texas 77060**

Date of Security Instrument: February 05, 2013

**Grantor(s):** Andrew B Wicks, and wife and Melissa F Wicks  
**Original Trustee:** Karen Mawyer  
**Original Mortgagee:** Mortgage Electronic Registration Systems, Inc. ("MERS"), solely as nominee for USAA Federal Savings Bank, its successors and assigns  
**Recording Information:** Vol. 1709, Page 369, or Clerk's File No. 0021412, in the Official Public Records of WILSON County, Texas.  
**Current Mortgagee:** Lakeview Loan Servicing, LLC  
**Mortgage Servicer:** LoanCare, LLC, whose address is C/O 3637 Sentara Way, Virginia Beach, VA 23452 Pursuant to a Servicing Agreement between the Mortgage Servicer and Mortgagee, the Mortgage Servicer is authorized to represent the Mortgagee. Pursuant to the Servicing Agreement and Section 51.0025 of the Texas Property Code, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the referenced property.

**Legal Description:**

LOT 15, HOME PLACE SUBDIVISION, WILSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 7, PAGES 25-27, PLAT RECORDS OF WILSON COUNTY, TEXAS.

**Date of Sale:** 06/06/2017 Earliest Time Sale Will Begin: 12:00 PM

*Posted by  
Troy Martin*

### APPOINTMENT OF SUBSTITUTE TRUSTEE

**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.**

**WHEREAS, the undersigned hereby APPOINTS AND DESIGNATES Troy Martin as Substitute Trustee, Deborah Martin as Successor Substitute Trustee, Mary C. (Chris) LaFond as Successor Substitute Trustee, or Thomas Delaney as Successor Substitute Trustee or Lisa Cockrell as Successor Substitute Trustee**

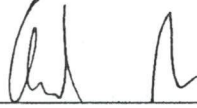
The Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above, or within three (3) hours after that time. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

Place of Sale of Property: The foreclosure sale will be conducted in the area designated by the WILSON County Commissioners Court pursuant to Section 51.002 of the Texas Property Code as the place where the foreclosure sales are to take place, or if no place is designated by the Commissioners Court, the sale will be conducted at the place where the Notice of Trustee's Sale was posted.

Executed on this the 11th day of May, 2017.

**For Information:**

Servicelink Default Abstract Solutions  
1320 Greenway Drive, Suite 300  
Irving, TX 75038


  
\_\_\_\_\_  
Adnan Ahmad, Attorney at Law  
Codilis & Stawiarski, P.C.  
650 N. Sam Houston Pkwy East, Suite 450, Houston, TX 77060  
(281) 925-5200

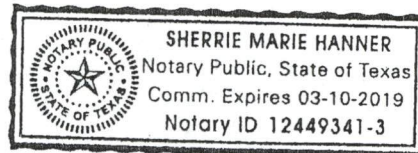
STATE OF TEXAS

COUNTY OF HARRIS

Before me, the undersigned Notary Public, on this day personally appeared Adnan Ahmad as Attorney for the Mortgagee and/or Mortgage Servicer known to me or proved to me through a valid State driver's license or other official identification described as Personal Knowledge, to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand seal of office on this the 11th day of May, 2017.

  
\_\_\_\_\_  
Notary Public  
Signature



C&S No. 44-15-2833 / VA / No  
LoanCare, LLC

Filed for Record in:  
Wilson County  
by Honorable Eva Martinez  
County Clerk  
On: May 11, 2017 at 10:07A  
As a Recording

**Notice of Foreclosure Sale**

**Tuesday, June 6, 2017**

Total Fees : 2.00

Receipt Number - 205419  
By,  
Rikki Harris,

**Deed of Trust ("Deed of Trust"):**

Dated: March 26, 2012

Grantor: Erick Madrigal

Trustee: William L. Knobles

Lender: Rural Development, LTD.

Recorded in: Volume 1653, Page 565, of the Official Public Records of Wilson County, Texas

Legal Description: Lot 7, HOMESTEAD SUBDIVISION, William McNener Survey No. 10, A-237, Wilson County, Texas, according to a map and plat of said subdivision recorded in Volume 8, Pages 33-34, of the Map and Plat Records of Wilson County, Texas.

Secures: Real Estate Lien Note ("Note") in the original principal amount of \$27,500.00, executed by Erick Madrigal ("Borrower") and payable to the order of Lender

Substitute Trustee: Christopher H. Moore, A. Robert Raetzsch, William L. Knobles, David J. Eveld and/or Stephen K. Ganske, each of whom may act alone, without the joinder of the others, in carrying out the duties and responsibilities of Substitute Trustee

Substitute Trustee's Address: 202 N. Camp St., Seguin, Texas, 78155

**Foreclosure Sale:**

Date: Tuesday, June 6, 2017

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. and not later than three hours thereafter.

Place: The most north-westerly door of the Wilson County Courthouse (being the courthouse door facing the office of the Wilson County Tax Assessor) in Floresville Texas; or at such other area at the Courthouse which may be designated by the Wilson County Commissioners Court.

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 Rural Development, LTD.'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, Rural Development, Ltd., the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Rural Development, Ltd.'s election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Rural Development, Ltd.'s rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

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

If Rural Development, Ltd. 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 Rural Development, Ltd.. 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 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, 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 Substitute 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.**

**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.**



---

Christopher H. Moore, A. Robert Raetzsch, William  
L. Knobles, David J. Eveld and/or Stephen K.  
Ganske  
202 N. Camp St.  
Seguin, Texas 78155  
Tel. (830) 379-9445  
Fax (866) 465-6451

Filed for recording  
Wilson County  
by Honorable Eva Martinez  
County Clerk  
On: May 10, 2017 at 12:07P  
As a Recording

Total Fees : 2.00

Receipt Number - 205392  
By: Rikki Harris

**NOTICE OF SALE BY SUBSTITUTE TRUSTEE**

STATE OF TEXAS           §  
  §           KNOW ALL PERSONS BY THESE PRESENTS  
COUNTY OF WILSON       §

THAT SBLIPIN Floresville, LLC, a Delaware limited liability company (“Borrower”), became indebted to Natixis Real Estate Capital LLC (“Lender”), as evidenced by that certain Promissory Note (the “Note”), dated January 14, 2014, in the original principal sum of FOUR MILLION SIX HUNDRED THOUSAND and No/100 DOLLARS (\$4,600,000.00), executed and delivered by Borrower to the order of Lender, as payee, bearing interest and being due and payable as therein provided; and said Note and all liens, security interests and assignments securing same having been assigned to RSS COMM2014LC15-TX LQF, LLC, a Texas limited liability company (the “Beneficiary”); and

WHEREAS, the indebtedness evidenced by the Note (the “Indebtedness”) is secured by, among other items, certain liens, security interest and assignments, evidenced by, among other things that certain Deed of Trust, Assignment of Leases and Rents and Security Agreement (the “Deed of Trust”) dated of even date with the Note, naming Stanley E. Keeton as Trustee for the benefit of Lender, said Deed of Trust being filed for record and recorded under Volume 1770, Page 192 of the Official Public Records of Real Property of Wilson County, Texas, covering the property described in Exhibit A hereto, along with any and all appurtenances, improvements, fixtures and personal property of any kind located thereon or pertaining thereto, including without limitation any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other utility facilities to the extent same pertain to or benefit all or any portion of said real

property, including without limitation all reservations or commitments or letters covering any such use in the future, whether now owned or hereafter acquired, and any leases and rents relating thereto, which are described therein (all of which is hereinafter referred to as the "Premises"); and

WHEREAS, the Note and the Deed of Trust and all other documents securing the Note are now held by the Beneficiary, having an address of c/o RIALTO CAPITAL ADVISORS, LLC, 790 N.W. 107th Avenue, Suite 400, Miami, Florida 33172; and

WHEREAS, RIALTO CAPITAL ADVISORS, LLC, is acting on behalf of Beneficiary solely in its capacity as special servicer ("Special Servicer"); and

WHEREAS, to the extent the Deed of Trust or any other security agreement held by Beneficiary covers both real and personal property, including without limitation any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other utility facilities to the extent same pertain to or benefit all or any portion of the real property described on Exhibit A hereto, including without limitation all reservations of or commitments or letters covering any such use in the future, any of said personal property which is part of the Premises or which is otherwise covered by a lien or security interest in favor of Beneficiary will be hereinafter included in the definition of Premises as used herein and sold at public sale, hereinafter described, pursuant to Section 9.604 of the Texas Uniform Commercial Code; and

WHEREAS, there may be certain leases, rental agreements, easements and/or other matters (collectively, the "Other Matter") covering and/or affecting the Premises currently in existence; and



WHEREAS, the liens securing the payment of the Indebtedness may be senior and superior to one or more of the Other Matters and junior and inferior to other of the Other Matters; and

WHEREAS, with respect to the liens securing the payment of the Indebtedness, which are senior to the Other Matters, if any, Beneficiary may subordinate its liens securing the Indebtedness to any one or more of the Other Matters and may not so subordinate such liens to other of the Other Matters; and

WHEREAS, in the event Beneficiary chooses to subordinate its liens securing the Indebtedness to any Other Matters, such decisions will be announced at the foreclosure sale; and

WHEREAS, default has been made in the payment of the Note and Indebtedness, and the Note is now unpaid, delinquent and in default; and

WHEREAS, Beneficiary has given all required notices to Borrower and any and all other necessary parties with regard to the defaulted Indebtedness; and

WHEREAS, pursuant to the authority granted in the Deed of Trust, Beneficiary has appointed the undersigned as "Substitute Trustee" under the Deed of Trust pursuant to duly authorized and executed appointment document; and


WHEREAS, Beneficiary has requested the undersigned to enforce the liens of the Deed of Trust by sale of the Premises in the manner set forth under the terms of the Deed of Trust and pursuant to the laws of the State of Texas; and

WHEREAS, the undersigned, Substitute Trustee, acting upon the request of said Beneficiary, by these presents is hereby posting, filing and giving notice of the

foreclosure of the Deed of Trust and the lien thereof in accordance with applicable Texas law and the terms and provisions of the Deed of Trust; and

NOW, THEREFORE, I or my authorized agent, the undersigned, Substitute Trustee as aforesaid, do hereby give notice that after due publication of this notice as required by law and the Deed of Trust, I or my authorized agent will sell the Premises at public venue to the highest bidder or bidders, for cash, which sale will begin no earlier than 10:00 a.m. and no later than 1:00 p.m., on the first Tuesday in June next, the same being June 6, 2017 at the county courthouse in Wilson County, Texas, located at 1420 3rd Street, Floresville, Texas 78114, in the area where foreclosure sales are to take place as designated by the commissioner's court of said county, said designation having been recorded in the real property records of said county; further, provided, however, if such a designation by said commissioner's court shall have been made and recorded as aforesaid after the date hereof and prior to the time of the sale, then I will sell the Premises as aforesaid at such area so designated by the commissioner's court of said county.

EXECUTED effective as of this 9<sup>th</sup> day of May, 2017.

  
\_\_\_\_\_  
Steven R. Smith, Substitute Trustee

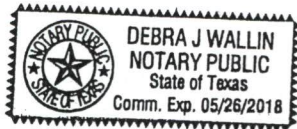
THE STATE OF TEXAS


§  
§  
§

COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared Steven R. Smith, Substitute Trustee, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 9<sup>th</sup> day of May, 2017.



  
\_\_\_\_\_  
Notary Public, State of Texas  
Printed Name: Debra J. Wallin  
My Commission Expires: May 26, 2018

RETURN TO:  
Steven R. Smith  
Perkins Coie, LLP  
500 N. Akard Street, Suite 3300  
Dallas, Texas 75201

Exhibit "A"  
[LEGAL DESCRIPTION]

BEING 2.28 ACRES OF LAND WITHIN THE CORPORATE CITY LIMITS OF FLORESVILLE OUT OF THE S. & J. AROCHA GRANT, ABSTRACT NO. 1, WILSON COUNTY, TEXAS AND BEING THE LAND DESCRIBED IN A CONVEYANCE TO N S LODGING, LLC. IN THE DEED OF RECORD IN VOLUME 1636, PAGE 788 OF THE OFFICIAL PUBLIC RECORDS OF WILSON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a found ½" pin on the northeasterly right-of-way of U.S. Highway No. 181 for the southerly corner of the Jonelle Svoboda, et al land as described in Volume 1055, Page 449 of the Official Public Records of Wilson County, Texas and the westerly corner of this tract;

THENCE North 46° 30' 16" East, with the common line of said Svoboda land, a distance of 154.35 feet to a found ½" pin on the southwesterly line of the Jonelle S. Pipe, et al land as described in Volume 1377, Page 683 of the Official Public Records of Wilson County, Texas for the easterly corner of said Svoboda land a corner of this tract;

THENCE South 41° 39' 16" East, with the common line of said Pipes land, a distance of 15.09 feet to a set ½" rebar with a "Pollok & Sons" cap for the southerly corner of said Pipes land and an interior corner of this tract;

THENCE North 47° 07' 40" East, with the common line of said Pipes land and of the Raymond Garcia land as described in Volume 751, Page 214 of the Official Public Records of Wilson County, Texas, a distance of 178.34 feet to a found ½" pin for the easterly corner of said Garcia land, the southerly corner of Lot 1, Sunrise Addition as shown on the plat of record in Volume 2, Page 28 of the Plat Records of Wilson County, Texas, the westerly corner of the Anthony Palumbo Investments, Inc. land as described in Volume 1720, Page 335 of the Official Public Records of Wilson County, Texas, and the northerly corner of this tract;

THENCE South 41° 23' 05" East, with the common line of said Anthony Palumbo Investments Inc. land, a distance of 297.01 feet to a found 5/8" pin for the northerly corner of the Mike Martinez land as described in Volume 441, Page 16 of the Official Public Records of Wilson County, Texas and the easterly corner of this tract;

THENCE South 48° 04' 42" West, with the common line of said Martinez land, a distance of 328.18 feet to a found 5/8" pin on the aforementioned northeasterly right-of-way of U. S. Highway No. 181 for the westerly corner of said Martinez land and the southerly corner of this tract;

THENCE North 42° 13' 01" West, with said right-of-way, a distance of 304.89 feet to the **POINT OF BEGINNING** and containing 2.28 acres of land.