

by Honorable Eva Martinez
County Clerk
On: Nov 08, 2018 at 10:03A
As a Recording
Total Fees : 2.00
Receipt Number - 224980
By:
Krystle Hidalgo

COPY

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: BEING 6.38 ACRES OF LAND, MORE OR LESS, BEING LOT 20, UNIT 11 OF THE BENTWOOD SUBDIVISION, WILSON COUNTY, TEXAS, A PART OF THE S. & J. AROCHA GRANT, ABSTRACT NO. 1, AS SHOWN ON A CORRECTED PLAT OF RECORD IN VOLUME 3, PAGE 68A, PLAT RECORDS OF WILSON COUNTY, TEXAS.

2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 05/29/2015 and recorded in Document 00045427 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: 01/02/2019

Time: 12:00 PM

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 ROY AUIPPA III AND LISA AUIPPA, provides that it secures the payment of the indebtedness in the original principal amount of \$282,293.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. BRANCH BANKING AND TRUST COMPANY is the current mortgagee of the note and deed of trust and BRANCH BANKING AND TRUST COMPANY is mortgage servicer. A servicing agreement between the mortgagee, whose address is BRANCH BANKING AND TRUST COMPANY c/o BRANCH BANKING AND TRUST COMPANY, P. O. BOX 2467, GREENVILLE, SC 29602 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 TROY MARTIN, DEBORAH MARTIN, CASSIE MARTIN, TERRI MARTIN, DEANNA RAY, BOB FRISCH, JAMIE STEEN, JODI STEEN OR JO WOOLSEY, 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.

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

TROY MARTIN, DEBORAH MARTIN, CASSIE MARTIN,
TERRI MARTIN, DEANNA RAY, BOB FRISCH, JAMIE
STEEN, JODI STEEN OR JO WOOLSEY
c/o AVT Title Services, LLC
1101 Ridge Rd. Suite 222
Rockwall, TX 75087

Certificate of Posting

I am _____ whose address is c/o AVT Title Services, LLC, 1101 Ridge Rd., Suite 222, Rockwall, TX 75087. 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.

Filed for Record in:
Wilson County
by Honorable Eva Martinez
County Clerk
On: Nov 07, 2018 at 01:57P
As a Recording

NOTICE OF FORECLOSURE SALE

Notice is hereby given of a public nonjudicial foreclosure sale.

1. Property To Be Sold. The property to be sold is described as follows:

Total Fees : 2.00

All the real property described in the below described recorded Deed of Trust, including but not necessarily limited to:

Receipt Number - 224953
Elsy Barreto

3.00 acres of land out of the Juan Delgado Grant, Survey No. 8 (A-8) in Wilson County, Texas being 2.63 acres of land out of 10.00 acre tract of land described in a conveyance to Wayne D. Mercer of record in Volume 668, Page 409, Wilson County Deed Records and 0.37 acres of land out of a 9.44 acre tract of land described in deed to Wayne D. Mercer, of record in Volume 841, Page 842, Wilson County Deed Records and being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof.

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

Date: December 4, 2018

Time: The sale shall begin no earlier than 10:00 a.m. or no later than three hours thereafter. The sale shall be completed by no later than 1:00 p.m.

Place: At the most north-easterly door of the Wilson County Courthouse, 1420 Third Street, Floresville, Wilson County, Texas, being the Courthouse door facing the Office of the Wilson County Tax Assessor-Collector, which office bears the address of 2 Library Lane, Floresville, Wilson County, Texas, or in such other location as may be designated by the Wilson County Commissioner's Court.

The deed of trust permits the beneficiary to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the deed of trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. Such reposting or refiled may be after the date originally scheduled for this sale.

3. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold.

The sale will be made expressly subject to any title matters set forth in the deed of trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the deed of trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

4. Type of Sale. The sale is a nonjudicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by KALEB SETH MARTIN. The deed of trust is dated January 28, 2011, and is recorded as Document No. 00000659 of the Official Public Records of Wilson County, Texas.

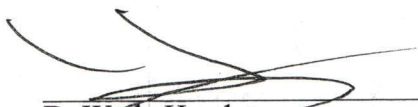
5. Obligations Secured. The deeds of trust provide that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to the promissory note in the original principal amount of \$96,000.00, executed by KALEB SETH MARTIN, and payable to the order of MARGARET ANN MARTIN-SMITH, and all other sums of indebtedness permitted by the deed of trust. MARGARET ANN MARTIN-SMITH is the current owner and holder of the Obligations and the beneficiary under the deed of trust.

6. Default and Request To Act. Default has occurred under the deed of trust, and the beneficiary has requested me, as one of the Substitute Trustees, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the 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.

DATED November 7, 2018.



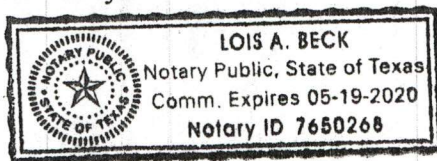
D. Wade Hayden
Substitute Trustee
Hayden & Cunningham, PLLC
7750 Broadway
San Antonio, Texas 78209

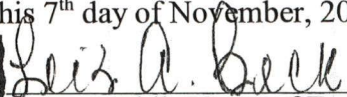
STATE OF TEXAS §

COUNTY OF BEXAR §

Before me, the undersigned Notary Public, on this day personally appeared D. Wade Hayden, 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.

Given under my hand and seal of office this 7th day of November, 2018.





Lois A. Beck
Notary Public, State of Texas

EXHIBIT "A"

BEGINNING at a 1/2" iron pin (fnd) on the northwesterly line of the Mercer land; the southeasterly line of the V. Maldonado land described in Volume 379, Page 467, Wilson County Deed of Records for the northerly corner of this tract; westerly corner of the John Hart land described in Volume 847, Page 228, Wilson County Deed of Records; being S61-30W, distance of 546.84 feet from the southwesterly right-of-way of U.S. Highway 87;

THENCE S28-30E, across the Mercer land with the common line of the Hart land and of this tract, 241.36 feet to a 1/2" iron pin (fnd) on the southeasterly line of Mercer land, same being the northwesterly line of the Chauncey Dephew Brook, et al, land described in Volume 487, Page 95, Wilson County Deed Records for easterly corner of this tract;

THENCE S61-30W, with the common line of the Brook and Mercer lands, 541.43 feet to a 1/2" iron pin set for the southerly corner of this tract and easterly corner of a 3.00 acre tract described in Deed dated April 12, 1995 from Wayne D. Mercer, et ux, to Larry D. Mercer, et ux, of record in Volume 879, Page 835, of the Official Public Records of Wilson County

THENCE N28-30W, across the Mercer land with the common line of said Larry D. mercer, et ux, 3.00 acre tract and of this tract, 241.36 feet to a 1/2" iron pin set on the common line of the Maldonado and Mercer lands for the westerly corner of this tract.

THENCE N61-30E, with the common line of the Maldonado and Mercer lands, 541.43 feet to the POINT OF BEGINNING.

Thirty foot wide strip of land in Wilson County, Texas, a part of the Juan Delgado Grant, Survey No. 8 (A-8), and being part of the certain 10.00 acre tract described in deed dated December 20, 1993, from Veterans Land Board of The State of Texas to Wayne D. Mercer, of record in Vol. 841, Page 842, Official Public Records of Wilson County, Texas (also described in Contract of Sale and Purchase, of record in Vol. 668, Page 409, Official Public Records of Wilson County, Texas), and being described by metes and bounds as follows:

BEGINNING at an iron pin for the most northerly corner of this tract, and being the most northerly corner of said 10.00 acre tract, also being the most northerly corner of that certain 3.00 acre tract decribed in a deed from Wayne D. Mercer, et ux, to John Hart, of record in Vol. 847, Page 228, Official Public Records of Wilson County, Texas.

EXHIBIT "A"