

NOTICE OF SUBSTITUTE TRUSTEE SALE

Deed of Trust Date:
7/14/2011

Original Beneficiary/Mortgagee:
WALTER MORTGAGE COMPANY, LLC.

Recorded in:
Volume: 1283
Page: 257
Instrument No: 2011 67896

Mortgage Servicer:
NewRez LLC, f/k/a New Penn Financial, LLC d/b/a
Shellpoint Mortgage Servicing is representing the
Current Beneficiary/Mortgagee under a servicing
agreement with the Current Beneficiary/Mortgagee.

Grantor(s)/Mortgagor(s):
CRESENCIANO P GARCIA, MARRIED &
MARGARITA GARCIA, MARRIED
Current Beneficiary/Mortgagee:
U.S. Bank National Association, not in its individual
capacity but solely as Trustee of the New Residential
Mortgage Loan Trust 2020-NPL2
Property County:
CHAMBERS

Mortgage Servicer's Address:
75 Beattie Place, SUITE 300,
GREENVILLE, SC 29601

Legal Description: LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

Date of Sale: 8/3/2021

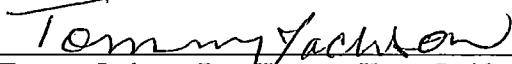
Earliest Time Sale Will Begin: 10am-1pm

Place of Sale of Property: ON THE EASTERN-MOST STEPS OF THE SECOND LEVEL (MIDDLE FLOOR) OF THE CHAMBERS COUNTY COURTHOUSE 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.

Notice Pursuant to Tex. Prop. Code § 51.002(i):

Assert and protect your rights as member of the armed forces of the United States. If you or your spouse are serving on active military duty, including active military duty as a member of the Texas National 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.



Tommy Jackson, Ron Harmon, Keata Smith, Keata Smith or Carolyn Ciccio
or Thuy Frazier
or Cindy Mendoza
or Catherine Allen-Rea
or Cole Patton, Substitute Trustee
MCCARTHY & HOLTHUS, LLP
1255 WEST 15TH STREET, SUITE 1060
PLANO, TX 75075

MH File Number: TX-21-79175-POS
Loan Type: Conventional Residential

U3-165-2021-3014



Exhibit A
(Page 1 of 2)

TRACT 1: Being that certain 3.17 acre tract, more or less, out of 6.358 acre tract in Lot 7, Block 2 of the REPLAT OF LOT 7, BLOCK 2 OF THE WINNIE SUBURBS in the JAS HOGGATT LEAGUE, Abstract No. 14, Chambers County, Texas; said REPLAT OF LOT 7, BLOCK 2 OF THE WINNIE SUBURBS SUBDIVISION, a subdivision in Chambers County, Texas, according to the map or plat thereof recorded in Volume "A", Page 167 of the Plat Records of Chambers County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found for the Northeast corner of said Lot 7, the Northeast corner of the said 6.358 acre tract;

THENCE South $00^{\circ} 01' 30''$ East (called South) along the East line of said Lot 7 and the East line of the said 6.358 acre tract, a distance of 419.51 feet to a 1/2 inch iron rod found for the Southeast corner of a 3.17 acre tract conveyed to Brent and Jody Potier, the Northeast corner of the herein described 3.17 acre tract, and being the **POINT OF BEGINNING**;

THENCE South $00^{\circ} 01' 44''$ West (called South) along the East line of said Lot 7 and the East line of the said 6.358 acre tract, a distance of 419.59 feet to a 1/2 inch iron rod found for the Southeast corner of the 6.358 acre tract and the herein described 3.17 acre tract;

THENCE North $89^{\circ} 58' 16''$ West (called West) along the South line of the said 6.358 acre tract, a distance of 329.43 feet (called 330.00 feet) to a 1/2 inch iron rod found for the Southwest corner of the said 6.358 acre tract and the Southwest corner of the herein described 3.17 acre tract;

THENCE North (reference bearing) along the said West line of the 6.358 acre tract, a distance of 419.71 feet to a 1/2 inch iron rod found for the Southwest corner of the Potier tract and the Northwest corner of the herein described 3.17 acre tract;

THENCE South $89^{\circ} 56' 38''$ East along the South line of the said Potier tract, a distance of 329.64 feet (called 330.00 feet) to the **POINT OF BEGINNING** and containing 3.17 acres, more or less.

EXHIBIT A

(Page 2 of 2)

TRACT 2, ROADWAY EASEMENT: Being that certain 0.616 acre tract, more or less, situated in Lot 7, Block 2 of the WINNIE SUBURBS SUBDIVISION, a SUBDIVISION of the JAS HOGGATT LEAGUE, Abstract No. 14, according to the map or plat thereof recorded in Volume "A", Page 167 of the Plat Records of Chambers County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the Northeast corner of the abovementioned Lot 7, marked by 1/2 inch iron rod situated at the base of 24 inch pine tree;

THENCE South with the East line of said Lot 7 and the West line of Lot 8, and also the East line of that certain 6.358 acre tract surveyed this date, a distance of 839.32 feet for corner marked by 1/2 inch iron rod situated at the Southeast corner of said 6.358 acre tract;

THENCE West with the South line of said 6.35 acre tract, a distance of 290.00 feet to the **POINT OF BEGINNING**, marking by 1/2 inch iron rod situated at the Northeast corner of tract herein described;

THENCE South $02^{\circ} 32' 45''$ East, and being East of an existing limestone roadway, a distance of 450.27 feet for corner marked by 1/2 inch iron rod situated in the North right of way line of Interstate Highway No. 10 (based on 160 feet North of centerline) and the Southeast corner of tract herein described;

THENCE West with the North right of way line of said I. H. No. 10 and parallel to the North line of said Lot 7, a distance of 60.00 feet for corner marked by 1/2 inch iron rod situated at the Southwest corner of tract herein described;

THENCE North parallel to and 330 feet West and perpendicular to the East line of said Lot 7, a distance of 449.83 feet for corner marked by 1/2 inch iron rod situated at the Southwest corner of said 6.358 acre tract;

THENCE East with the South line of said 6.35 acre tract and parallel to the North line of said Lot 7, a distance of 40.00 feet to the **POINT OF BEGINNING** enclosing a tract of land containing 0.516 of an acre, more or less.

NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF 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. Sender is: Codilis & Moody, P.C., 400 North Sam Houston Parkway East, Suite 900A, Houston, Texas 77060

INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated October 31, 2011 and recorded under Vol. 1300, Page 194 bc, or Clerk's File No. 70061, in the real property records of CHAMBERS County Texas, with Jeffrey S. Smith and Rosemary V. Smith, husband and wife as Grantor(s) and Wells Fargo Bank, N.A. as Original Mortgagee.

Deed of Trust executed by Jeffrey S. Smith and Rosemary V. Smith, husband and wife securing payment of the indebtedness in the original principal amount of \$194,989.00 and obligation therein described including but not limited to the promissory note and all modifications, renewal and extensions of the promissory note (the "Note") executed by Jeffrey S. Smith and Rosemary V. Smith. US Bank Trust National Association, Not In Its Individual Capacity But Solely As Owner Trustee For VRMTG Asset Trust is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

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. Fay Servicing, LLC is acting as the Mortgage Servicer for the Mortgagee. Fay Servicing, LLC, is representing the Mortgagee, whose address is: 1601 LBJ Freeway, Suite 150, Farmer's Branch, TX 75234.

Legal Description:

LOT SEVEN (7), OF PLANTATION ON COTTON BAYOU, SECTION EIGHT (8), A SUBDIVISION IN CHAMBERS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME "B", PAGE 120, OF THE PLAT RECORDS OF CHAMBERS COUNTY, TEXAS.

SALE INFORMATION

Date of Sale: 08/03/2021

Earliest Time Sale Will Begin: 10:00 AM

Location of Sale: The place of the sale shall be: CHAMBERS County Courthouse, Texas at the following location: On the eastern-most steps of the second level (middle floor) of the Chambers County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

TERMS OF SALE

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

The Sale will be conducted as a public auction to the highest bidder for cash, except that Mortgagee's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust. 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.



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.

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, in my capacity as attorney for the Mortgagee and/or Its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, **I HEREBY APPOINT AND DESIGNATE Tommy Jackson, Keata Smith, Kyle Barclay, Margie Allen, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or ServiceLink Agency Sales And Posting, as Substitute Trustee.**

The address for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:
Codilis & Moody, P.C.
400 N. Sam Houston Pkwy E, Suite 900A
Houston, TX 77060
(281) 925-5200

Executed on 06/28/2021.

/s/ Lisa Collins SBOT No. 24115338, Attorney at Law
Codilis & Moody, P.C.
400 N. Sam Houston Pkwy E, Suite 900A
Houston, TX 77060
(281) 925-5200

Posted and filed by: Tommy Jackson

Printed Name: Tommy Jackson

C&M No. 44-21-0543

FILED FOR RECORD IN:
Chambers County
On: 7/1/2021 11:05:37 AM
Doc Number: 2021 - 3013
Number of Pages: 2
Amount: 10.00
Order#: 20210701000021
By: PR



Heather H. Hawthorne, County Clerk

Recorded: Jerie Gore