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C&S No. 44-15-3923 / Home Equity / No
Capital One, N.A.

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 & Stawiariski, PC, 650 North Sam Houston Parkway East, Suite 450, Houston, Texas 77060

Date of Security Instrument: January 04, 2008

Grantor(s): Claude C. Hayes, Rebecca L. Standlee

Original Trustee: Sally Brink

Original Mortgagee: Capital One, National Association

Recording Information: Clerk's File No. 080383, in the Official Public Records of AUSTIN County, Texas.

Current Mortgagee: Capital One, N.A.

Mortgage Servicer: Capital One, N.A., whose address is C/O P.O. Box 21887, Eagan, MN 55121 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:
ALL THAT CERTAIN TRACT OR PARCEL OF LAND, LYING AND BEING SITUATED IN AUSTIN COUNTY, TEXAS, PART OF THE AMASA IVES SURVEY, A-51, BEING A RESURVEY OF THE SAME LAND DESCRIBED AS 9.608 ACRES (TRACT II) IN THE PARTITION DEED BETWEEN GLADYS LASKOSKIE, LOUIS J. LASKOSKIE AND EDWARD PETERS, DATED AUGUST 4, 1988, AS RECORDED IN VOLUME 588, PAGE 638 IN THE OFFICIAL RECORDS OF AUSTIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

Date of Sale: 06/07/2016 Earliest Time Sale Will Begin: 1:00 PM

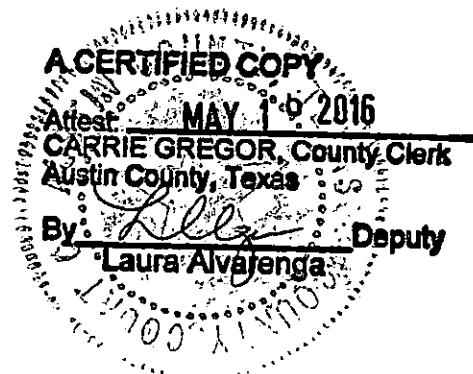
APPOINTMENT OF SUBSTITUTE TRUSTEE

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 Megan Randle-Bender as Substitute Trustee, or Cathy Cagle 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.

After Recording, Return To:
1320 Greenway Drive, Suite 300
Irving, TX 75038
Attn: SL Trustee Dept.
4575708




2016-029

Place of Sale of Property: The foreclosure sale will be conducted in the area designated by the AUSTIN 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 12th day of May, 2016.

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



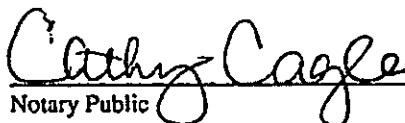
Brad Kitchens, Attorney at Law
Codilis & Stawiarski, P.C.
650 N. Sam Houston Pkwy East, Suite 450, Houston, TX 77060
(281) 925-5200

STATE OF TEXAS

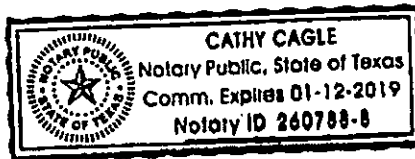
COUNTY OF HARRIS

Before me, the undersigned Notary Public, on this day personally appeared Brad Kitchens 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 12th day of May, 2016.



Notary Public
Signature



C&S No. 44-15-3923 / Home Equity / No
Capital One, N.A.

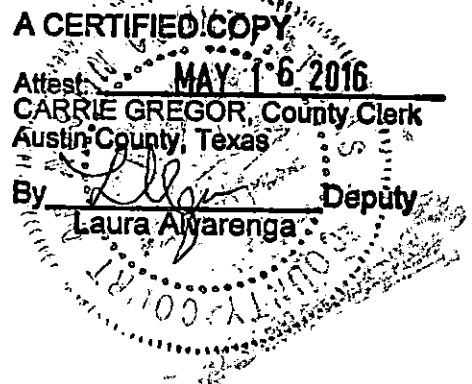


EXHIBIT A

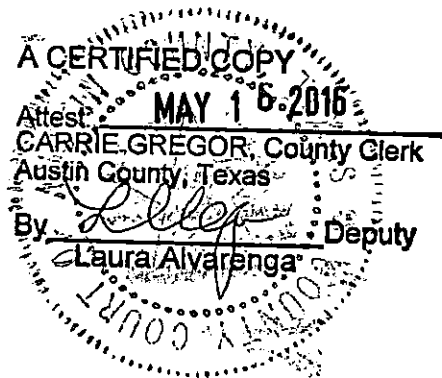
ALL THAT CERTAIN TRACT OR PARCEL OF LAND, LYING AND BEING SITUATED IN AUSTIN COUNTY, TEXAS, PART OF THE ANABA IVES SURVEY, A-51, BEING A RESURVEY OF THE SAME LAND DESCRIBED AS 9.608 ACRES (TRACT II) IN THE PARTITION DEED BETWEEN GLADYS LASKOSKIE, LOUIS J. LASKOSKIE AND EDWARD PETERS, DATED AUGUST 4, 1988, AS RECORDED IN VOLUME 589, PAGE 628, IN THE OFFICIAL RECORDS OF AUSTIN COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT; BEGINNING AT A 1/2 INCH IRON ROD FOUND NEAR BASE OF A RAILROAD TIE FENCE CORNER POST ON THE SOUTHEAST RIGHT OF WAY LINE OF STATE HIGHWAY NO. 159 FOR THE NORTH CORNER OF SAID ORIGINAL TRACT, BEING THE WEST CORNER OF THE E. H. JACKSON, ET UX. TRACT CALLED 10.608 ACRES AS DESCRIBED IN VOLUME 589, PAGE 618; THENCE ALONG THE SOUTHWEST LINE OF SAID JACKSON TRACT FOR THE NORTHEAST LINE HEREOF AND OF SAID ORIGINAL TRACT, BEING ALONG OR NEAR AN EXISTING FENCE, S 64 DEG. 47' 44" E (RECORD BEARING OF SAID JACKSON 10.608 ACRES TRACT, VOL. 589, PAGE 618 EQUALS N 64 DEG. 47' 44" W) 839.09 FEET TO A 1/2 INCH IRON ROD FOUND NEAR BASE OF RAILROAD TIE FENCE CORNER POST FOR THE EAST CORNER HEREOF AND OF SAID ORIGINAL TRACT, BEING THE SOUTH CORNER OF SAID JACKSON TRACT, ALSO BEING ON THE NORTHWEST LINE OF THE MICHELLE BANKIN TRACT CALLED 3.492 ACRES AS DESCRIBED IN VOLUME 680, PAGE 368; THENCE ALONG A PORTION OF THE NORTHWEST LINE OF SAID BANKIN TRACT FOR THE SOUTHEAST LINE HEREOF AND OF SAID ORIGINAL TRACT, BEING ALONG OR NEAR AN EXISTING FENCE, S 58 DEG. 45' 01" W 648.82 FEET TO A 1/2 INCH IRON ROD FOUND AT THE BASE OF A 7 INCH TREATED FENCE CORNER POST ON THE NORTHEAST MARGIN OF LISA MAE ROAD FOR THE SOUTH CORNER HEREOF AND OF SAID ORIGINAL TRACT, BEING THE WEST CORNER OF SAID BANKIN TRACT, THENCE ALONG A PORTION OF THE PERCED NORTHEAST MARGIN OF SAID LISA MAE ROAD FOR THE SOUTHWEST LINE HEREOF AND OF SAID ORIGINAL TRACT, N 64 DEG. 47' 44" W 525.34 FEET TO A CONCRETE MONUMENT HIGHWAY RIGHT OF WAY MARKER FOUND ON THE NORTHEAST MARGIN OF SAID LISA MAE ROAD AT ITS INTERSECTION WITH THE FLARED RIGHT OF WAY LINE OF SAID STATE HIGHWAY NO. 159 FOR AN EXTERIOR CORNER HEREOF AND OF SAID ORIGINAL TRACT; THENCE ALONG THE FLARED PORTION OF SAID HIGHWAY RIGHT OF WAY FOR THE WEST LINE HEREOF, N 07 DEG. 28' 56" W 108.28 FEET TO A CONCRETE MONUMENT HIGHWAY RIGHT OF WAY MARKER FOUND AT THE INTERSECTION OF THE FLARED PORTION WITH THE SOUTHEAST RIGHT OF WAY LINE OF SAID HIGHWAY FOR AN EXTERIOR CORNER HEREOF AND OF SAID ORIGINAL TRACT; THENCE ALONG A PORTION OF THE SOUTHEAST RIGHT OF WAY LINE OF SAID STATE HIGHWAY NO. 159 FOR THE NORTHWEST LINE HEREOF AND OF SAID ORIGINAL TRACT, N 49 DEG. 31' 52" E 493.43 FEET TO THE PLACE OF BEGINNING AND CONTAINING 9.604 ACRES OF LAND.

Instrument # 162065
5/16/2016 10:30 AM

STATE OF TEXAS COUNTY OF AUSTIN
I certify that this instrument was filed on the
date and time stamped by me and was recorded in the
Official Public Records of Austin County, Texas.

Carrie Gregor, County Clerk
Austin County, Texas

By:

FILED

16 MAY 16 AM 10:40

Carrie Gregor
COUNTY CLERK
AUSTIN COUNTY, TEXAS

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

STATE OF TEXAS §
 §
COUNTY OF AUSTIN §

WHEREAS, on the 3rd day of March, 2014, STARBEAR, LTD. and PARVIZ HAKIMZADEH (“Borrowers”) did execute and deliver to Moody National Bank (“Moody National”), a national banking association, that one certain promissory note in the original principal amount of ONE MILLION NINETY-THREE THOUSAND AND NO/100 DOLLARS (\$1,093,000.00), as thereafter renewed, extended and/or modified; said Note being secured by a Deed of Trust, Security Agreement and Financing Statement executed by Borrower STARBEAR, LTD. and recorded under Instrument No. 140925 in the Official Public Records of Austin County, Texas, as thereafter renewed, extended and/or modified by that certain renewal and extension agreement dated effective September 3, 2014, recorded under Instrument No. 144322 in the Official Public Records of Austin County, Texas, and that certain second renewal, extension and modification agreement dated effective March 3, 2015, recorded under Instrument No. 151675 in the Official Public Records of Austin County, Texas, (such instruments being referred to as the “Note”, “Deed of Trust”, and collectively “Renewals”, respectively), and creating a lien on certain real property situated in Austin County, Texas as described herein; and

WHEREAS, defaults have occurred and Moody National, the legal owner and holder of the Note, Renewals and Deed of Trust, has demanded cure of defaults, and, such cure not having been made, Moody National has accelerated said indebtedness and demanded payment in full on the above described Note and Renewals together with all expenses permitted under the terms of the Deed of Trust and the whole of said indebtedness has become due and payable in full; and

WHEREAS, Borrowers as obligors, despite Moody National’s demand, have failed to pay and continue to fail to pay the Note; and

WHEREAS, Moody National, the owner and holder of the Note therein described, has duly appointed Mark K. Wilson as Substitute Trustee, and requested Mark K. Wilson as Substitute Trustee under the Deed of Trust to exercise the power of sale under the Deed of Trust for the purpose of enforcing the collection of the indebtedness secured thereby, but notice is hereby given that Moody National may appoint another person as substitute trustee to conduct the sale herein described as provided in the Deed of Trust:

NOW THEREFORE, NOTICE IS HEREBY GIVEN that after due publication of this Notice as required by the Deed of Trust, that on Tuesday, the 7th day of June, 2016, at 10:00 a.m., or within three (3) hours thereafter, I, Mark K. Wilson, Substitute Trustee, will sell at the area designated by the Commissioners Court of Austin County (“Commissioners”) as the designated area for the conduct of foreclosure sales of this nature in Austin County, Texas (or at such other location as may be designated by the Commissioners after the sending of this Notice and before the sale), to-wit: the foyer/lobby of the Austin County Courthouse located at One East Main, Bellville, Austin County, Texas 77418, to the highest bidder for cash (subject to the provisions of the Deed of Trust permitting the beneficiary under the Deed of Trust to have its bid credited to the indebtedness owed to such beneficiary by Borrowers under the Note and Deed of

2016-028

Trust up to the amount of unpaid indebtedness secured by the Deed of Trust at the time of the sale), the following described real property lying and being situated in the County of Austin, State of Texas, together with all improvements thereon and all fixtures and personal property covered by the Deed of Trust, and which includes, without limitation, the following described real property, together with improvements thereon, situated in Austin County, Texas, to-wit:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART
HEREOF.**

The Deed of Trust permits Moody National as the beneficiary thereunder to postpone, withdraw, or reschedule the sale for another day. 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 refiling may be after the date originally scheduled for this sale.

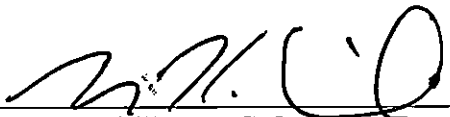
The sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and 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.

Mark K. Wilson, Substitute Trustee, may be contacted at 2302 Postoffice St., Galveston, Texas 77550 or telephone number (409) 765-5561.

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 military service to Mark K. Wilson, Substitute Trustee, at 2302 Postoffice St., Galveston, Texas 77550 immediately.

THE SALE OF THE PROPERTY SHALL BE "AS IS" AND "WHERE IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE OR MOODY NATIONAL, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. NEITHER MOODY NATIONAL NOR THE SUBSTITUTE TRUSTEE MAKES ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO COMPLIANCE WITH LAWS, RULES, AGREEMENTS, OR SPECIFICATIONS, NOR WITH RESPECT TO CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS, OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER AT THIS FORECLOSURE SALE.

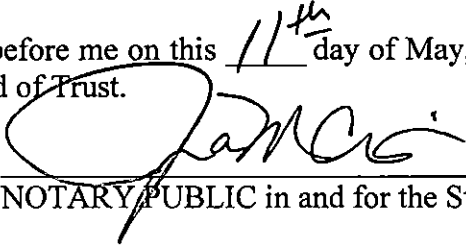
EXECUTED on this the 11th day of May, 2016.



Mark K. Wilson , Substitute Trustee
Address: 2302 Postoffice St.
Galveston, Texas 77550

STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

This instrument was acknowledged before me on this 11th day of May, 2016, by Mark K. Wilson, Substitute Trustee under the Deed of Trust.



NOTARY PUBLIC in and for the State of Texas

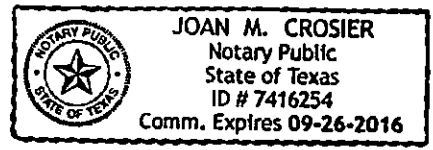


EXHIBIT "A"

A 0.9779 acre (42,595.00 sq. ft.) tract of land out of John Nichols League Abstract #73, in Bellville, Austin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod marking the Southeasterly corner of Melvin McGill and Martha E. McGill property being the same property conveyed by Fred Smith, Jr., et ux, to Humble Oil and Refining Company by two deeds dated April 20, 1929, and recorded in Volume 81, Page 328 of the Deed Records of Austin County, Texas, as corrected by instrument dated August 19, 1959 and recorded in Volume 245, Pages 447-448 of the Deed Records of Austin County, Texas for the Northeasterly corner of the herein described tract, said point being on the Westerly R.O.W. line of G. C. & S. F. Railroad (100' R.O.W.):

THENCE South 08° 00' 57" East, along the Westerly R.O.W. line of said R.R. Row, a distance of 428.39 feet to a 5/8" iron rod for a corner;

THENCE South 08° 04' 35" East, continuing along the Westerly right-of-way line of said R.R. right-of-way, a distance of 896.43 feet to a 5/8 inch iron rod for the most Southerly corner of the herein described tract, on the Easterly right-of-way line of South Front Street Highway 36 (60.0' R.O.W.)

THENCE North 11° 08' 11" West, along the Easterly R.O.W. line of said South Front Street, a distance of 898.76 feet to a 5/8" iron rod for a corner;

THENCE North 08° 21' 11" West, continuing along the Easterly R.O.W. line of said South Front Street (Hwy 36), a distance of 428.45 feet to a fence post on the Southwesterly corner of said McGill property, for the Northwesterly corner of the herein described tract;

THENCE North 83° 10' 23" East, along the South line of said McGill property, a distance of 50.51 feet to the Point of Beginning & containing 0.9779 (42,595.00 sq. ft.) tract of land.

FILED

16 MAY 13 AM 8:06

Carrie Bregor

COUNTY CLERK
AUSTIN COUNTY, TEXAS

Ammended Notice of Foreclosure Sale

1. *Property to Be Sold.* The property to be sold is described as follows: An undivided ½ interest in 0.4457 acre of land being a part of the R. Alexander Tract out of the Five League Grant to the Town of San Felipe de Austin in the City of Sealy, Austin County, Texas being more particularly described by metes and bounds on Exhibit "A" attached hereto and incorporated herein together with all improvements thereon

2. *Instrument to be Foreclosed.* The instrument to be foreclosed is the deed of trust dated August 19, 2010 recorded in Clerk's File No.103265 in the of the Official Public Records of Austin County, Texas.

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

Date: June 7, 2016

Time: The sale will begin no earlier than 11:00 or no later than three hours thereafter. The sale will be completed by no later than 4:00 p.m.

Place: Austin County Courthouse in Bellville, Texas, at the following location: Foyer of the First floor of Courthouse

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. The reposting or refileing may be after the date originally scheduled for this sale.

4. *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 their bid immediately in cash if their bid is accepted.

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

2016 - 027

if any.

Pursuant to the deed of trust, the beneficiary 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. 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 or any substitute trustee.

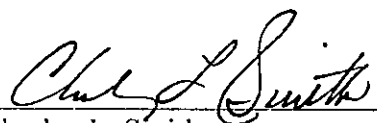
5. *Type of Sale.* The sale is a nonjudicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the deed of trust executed by Juan Pineda and Sonia Alvarado.

The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust.

6. *Obligations Secured.* The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to the original principal amount of \$20,000.00 executed by KaNedra Jackson and payable to the order of Myrtle Jackson. Myrtle Jackson is the current owner and holder of the Obligations and is the beneficiaries under the deed of trust.

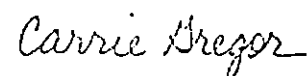
7. *Default and Request to Act.* Default has occurred under the deed of trust, and the beneficiary has requested me, as substitute trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

Dated: May 11, 2016


Charley L. Smith
Substitute Trustee

FILED

16 MAY 11 PM 3:00



COUNTY CLERK
AUSTIN COUNTY, TEXAS



Notice of Foreclosure Sale

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

Lot Seven (7), in Lakeside Estates, Section Two, A SUBDIVISION OF 37.008 acres of land of a 522.0307 acre tract of land located in the H. & T. C. R. R Survey (A-207), AUSTIN COUNTY, TEXAS, according to the Plat filed for record in the office of the County Clerk of Austin County, Texas, in Volume 1, Pages 200, of the Plat Records including but not limited to a 1997 Cavalier Manufactured Home, Spirit Model, Serial Number SCAR43972848340473AB, 24x48 in size located at 6994 Grace Lane, Sealy, Texas 77474

2. *Instrument to be foreclosed.* The instrument to be foreclosed is the deed of trust recorded in File No. 112940 of the real property records of Austin County, Texas.

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

Date: Tuesday, June 7, 2016

Time: The sale will begin no earlier than 11:00 A. M. or no later than three hours thereafter. The sale will be completed by no later than 4:00 P.M.

Place: Austin County Courthouse in Bellville, Texas, at the following location: 1 E. Main St., Bellville, Texas in the place designated by County officials for such purpose.

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. The reposting or refiling may be after the date originally scheduled for this sale.

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

2016-025

Pursuant to the deed of trust, the beneficiary 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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

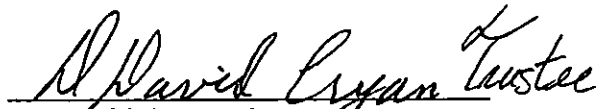
Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

5. *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 and security agreement and/or financing statement executed by Joshua A Everson and Ranch Country of Texas, Inc.

6. *Obligations Secured.* The deed of trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to (a) the promissory note in the original principal amount of \$80,000.00 executed by Joshua A Everson and payable to the order of SMSI Lending Services.; and (b) all renewals and extensions of the note; and (c) any and all present and future indebtednesses of Joshua A Everson to Ranch Country of Texas, Inc. is the current owner and Allegiance Bank is the current holder of the Obligations and is the beneficiary by assignment under the deed of trust.

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

Dated: April 13, 2016


D. David Cryan, Trustee
Attorney for Ranch Country of Texas, Inc. and
Attorney for Allegiance Bank of Texas
State Bar No.: 05197000
P. O. Box 790
Sealy, TX 77474

7015 0640 0003 8570 774 8

FILED

16 APR 27 PM 4: 25

Carrie Gregor

COUNTY CLERK
AUSTIN COUNTY, TEXAS

2016-025

Notice of [Substitute] Trustee Sale

C/O Power Default Services, Inc.
Northpark Town Center
1000 Abernathy Rd NE; Bldg 400, Suite 200
Atlanta, GA 30328
Telephone: 855-427-2204
Fax: 866-960-8298

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

POWER DEFAULT SERVICES, INC. MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE.

FILED

16 APR 11 AM 11:55

Carrie Gregor

COUNTY CLERK
AUSTIN COUNTY, TEXAS

2014 - 022

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 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. Property to Be Sold.** The property to be sold is described as follows: SEE EXHIBIT `A` ATTACHED
- 2. Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 08/07/2009 and recorded in Document 093905 real property records of Austin County, Texas.
- 3. Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:
Date: 06/07/2016
Time: The sale will begin no earlier than 01:00 PM or no later than three hours thereafter.
Place: Austin County Courthouse, Texas, at the following location: INSIDE THE FOYER OF THE AUSTIN COUNTY COURTHOUSE 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 DAVID G. LANINGHAM AND MELONY G. LANINGHAM, provides that it secures the payment of the indebtedness in the original principal amount of \$164,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. Ocwen Loan Servicing, LLC is the current mortgagee of the note and deed of trust and OCWEN LOAN SERVICING, LLC is mortgage servicer. A servicing agreement between the mortgagee, whose address is Ocwen Loan Servicing, LLC c/o OCWEN LOAN SERVICING, LLC, 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.
- 6. Order to Foreclose.** Ocwen Loan Servicing, LLC obtained a Order from the US District Court, Southern District on 12/02/2015 under Cause No. 4:15-cv-00649. The mortgagee has requested a Substitute Trustee conduct this sale pursuant to the Court's Order.
- 7. 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 MEGAN RANDLE-BENDER, 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
Tracey Midkiff, Attorney at Law
Parkway Office Center, Suite 900
14160 North Dallas Parkway
Dallas, TX 75254



MEGAN RANDLE-BENDER
c/o AWP Title Services, LLC
13770 Noel Road #801529
Dallas, TX 75380-1529



EXHIBIT "A"

All that certain tract or parcel of land situated in Austin County, Texas, in the San Felipe De Austin Town Tract, Abstract No. 5 and being part of Lots 41 and 42 of the Addition to the Town of Sealy recorded in Volume 18, Page 2 of the Deed Records of Austin County, Texas, and being the same 0.3286 acre tract of land, described in a deed, dated May 20, 1985 from Margie A. Walters to Jimmie F. Walters and wife, Kathryn Jean Walters, recorded in Volume 516, Page 527 of the Officials Records of Austin County, Texas and being more particularly described as follows:

Beginning at a 1/2 inch iron pipe found at the Northeast corner of the said 0.3286 acre tract of land in the South line of Fifth Street this point also being the Northwest corner of the Thomas A. Knapp, Jr. and wife, Patricia L. Knapp, 0.185 acre tract of land recorded under File No. 020082 of the Official Records of Austin County, Texas;

Thence with the common line between the Walters tract of land and the Knapp Tract of land and the Christopher J. Johnson and wife, Kelly B. Johnson 0.202 acre tract of land recorded under File No. 062785 of the Official Records of Austin County, Texas, South 10 deg. 30' 00" East for 172.03 feet to a 3/4 inch iron pipe found for the Southeast corner of the said 0.3286 acre tract of land and the Northeast corner of the Scott and Laura Bartholomaeus 0.2167 acre tract of land recorded under File No. 026522 of the Official Records of Austin County, Texas;

Thence with the common line between the Walters and Bartholomaeus Tracts of land, South 80 deg. 50' 42" West for 84.47 feet to a 3/4 inch iron pipe found for the Southwest corner of the said 0.3286 acre tract of land and the Northwest corner of the said Bartholomaeus Tract of land in the East line of the David L. Machala and wife, Wendy G. Machala 0.436 acre tract of land recorded under File No. 992375 of the Official Records of Austin County, Texas;

Thence, with the common line between the Walters tract of land and the Machala tract of land and the Mabel Nesmith 0.413 acre tract of land recorded in Volume 771, Page 672 of the Official Records of Austin County, Texas, North 09 deg. 52' 04" West for 170.82 feet to a 5/8 inch iron pin found for the Northwest corner of the said 0.3286 acre tract of land and the Northeast corner of the said Nesmith tract of land in the South line of Fifth Street;

Thence, with the street line, North 80 deg. 01' 43" East for the 8.256 feet to the Place of Beginning and contain 0.3286 acre of land, more or less.

FILED

09 AUG 18 PM 1:49

Carrie Gregor
COUNTY CLERK
AUSTIN COUNTY, TEXAS

STATE OF TEXAS

COUNTY OF AUSTIN

I certify that the foregoing was filed on the date and time stamped by me and was duly recorded in the OFFICIAL PUBLIC RECORDS OF AUSTIN COUNTY, TEXAS.



Carrie Gregor
County Clerk
Austin County, Texas

093905

FILED

16 APR 11 AM 11:55

Carrie Gregor

COUNTY CLERK
AUSTIN COUNTY, TEXAS

2016-021