

220 KLESEL ROAD
SCHULENBURG, TX 78956

FILED
MAY 15 2023
3:10 PM
Brenda Fietsam
BRENDA FIETSAM
CO. CLERK, FAYETTE CO., TEXAS
0000009782764

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: June 06, 2023

Time: The sale will begin at 10:00 AM or not later than three hours after that time.

Place: LOCATION DESIGNATED BY THE COMMISSIONERS COURT DATED 09/16/87, VOLUME 755, PAGE 402 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 June 28, 2019 and recorded in Document CLERK'S FILE NO. 19-04070; AS AFFECTED BY LOAN MODIFICATION AGREEMENT CLERK'S FILE NO. 22-05067 real property records of FAYETTE County, Texas, with SEAN MCCARTHY A SINGLE MAN, grantor(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS") AS NOMINEE, mortgagee.

4. Obligations Secured. Deed of Trust or Contract Lien executed by SEAN MCCARTHY A SINGLE MAN, securing the payment of the indebtednesses in the original principal amount of \$139,428.00, 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. LOANCARE, LLC, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o LOANCARE, LLC
3637 SENTARA WAY
VIRGINIA BEACH, VA 23452



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

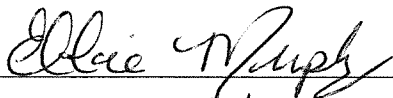
The undersigned as attorney for the mortgagee or mortgage servicer does hereby remove the original trustee and all successor substitute trustees and appoints in their stead PETE FLOREZ, MEGAN L. RANDLE, EBBIE MURPHY, JENNYFER SAKIEWICZ, OR ELIZABETH ANDERSON, ROBERT RANDLE whose address is c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320 as Substitute Trustee, who shall hereafter exercise all powers and duties set aside to the said original trustee under the said Deed of Trust; and, further does hereby request, authorize, and instruct said Substitute Trustee to conduct and direct the execution of remedies set aside to the beneficiary therein.



Israel Saucedo

Certificate of Posting

My name is Ebbie Murphy, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320. I declare under penalty of perjury that on May 15, 2023 I filed at the office of the FAYETTE County Clerk and caused to be posted at the FAYETTE County courthouse this notice of sale.



Declarants Name: Ebbie Murphy

Date: May 15, 2023

EXHIBIT "A"

ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 1.302 ACRES (TRACT 3) SITUATED IN THE K. CRIER LEAGUE, A-38, IN FAYETTE COUNTY, TEXAS AND BEING A PART OF THAT TRACT DESCRIBED AS 4 ACRES (FOUND TO BE 3.904 ACRES) DESCRIBED IN A DEED FROM ERVIN J. KLESEL, ET UX TO CAROL ANN KUTAC DATED APRIL 3, 1989, AND RECORDED IN VOLUME 787, PAGE 48 OF THE DEED RECORDS OF FAYETTE COUNTY, SAID 1.302 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND IN THE SOUTH MARGIN OF KIESEL ROAD AT THE MOST NORTHERLY NORTHWEST CORNER OF THE JERRY MACHICEK, ET UX TRACT (VOL. 1075, PG. 222 F.C.D.R.) AND THE NORTHEAST CORNER OF SAID 4 ACRE KUTAC TRACT (VOL. 787, PG. 48 F.C.D.R.), FOR THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED AND THE PLACE OF BEGINNING;

THENCE SOUTH 01 DEGREES 02 MINUTES 26 SECONDS EAST, DEPARTING SAID KLESEL ROAD, ALONG THE COMMON LINE BETWEEN SAID MACHICEK AND KUTAC TRACTS, 410.98 FEET TO A 1/2-INCH IRON ROD FOUND FOR AN INSIDE CORNER OF THE SAID MACHICEK TRACT, THE SOUTHEAST CORNER OF THE SAID KUTAC TRACT, AND THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE NORTH 86 DEGREES 02 MINUTES 01 SECONDS WEST, 138.47 FEET ALONG SAID COMMON LINE TO A 1/2-INCH IRON ROD SET FOR THE SOUTHEAST CORNER OF A 1.301 ACRE TRACT (TRACT 2) ALSO SURVEYED THIS DATE AND THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE NORTH 01 DEGREES 03 MINUTES 00 SECONDS WEST, DEPARTING SAID COMMON LINE AND SEVERING THE SAID 4 ACRE KUTAC TRACT, AT 205.49 FEET PASSING A 1/2-INCH IRON ROD SET FOR THE NORTHEAST CORNER OF SAID TRACT 2 AND THE SOUTHEAST CORNER OF A 1.301 ACRE TRACT (TRACT 1) ALSO SURVEYED THIS DATE, AND CONTINUING FOR A TOTAL DISTANCE OF 410.98 FEET TO A 1/2-INCH IRON ROD SET IN THE SOUTH MARGIN OF KLESEL ROAD AND THE NORTH LINE OF SAID 4 ACRE KUTAC TRACT, FOR THE NORTHEAST CORNER OF SAID TRACT 1 AND THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE SOUTH 86 DEGREES 02 MINUTES 01 SECONDS EAST, 138.54 FEET ALONG THE SOUTH MARGIN OF KLESEL ROAD AND THE NORTH LINE OF SAID 4 ACRE KUTAC TRACT, TO THE PLACE OF BEGINNING AND CONTAINING 1.302 ACRES OF LAND.

BEARINGS USED HEREIN ARE BASED ON THE RECORD BEARING OF U.S. HIGHWAY 77.

ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 1.301 ACRES (TRACT 2) SITUATED IN THE K. CRIER LEAGUE, A-38, IN FAYETTE COUNTY, TEXAS AND BEING A PART OF THAT TRACT DESCRIBED AS 4 ACRES (FOUND TO BE 3.904 ACRES) DESCRIBED IN A DEED FROM ERVIN J. KLESEL, ET UX TO CAROL ANN KUTAC DATED APRIL 3, 1989, AND RECORDED IN VOLUME 787, PAGE 48 OF THE DEED RECORDS OF FAYETTE COUNTY, SAID 1.301 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD SET IN THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 77, BEING SOUTH 86 DEGREES 02 MINUTES 01 SECONDS EAST, 0.64 FEET, FROM A 1-INCH IRON PIPE FOUND, FOR THE SOUTHWEST CORNER OF SAID 4 ACRE KUTAC TRACT (VOL. 787, PG. 48 F.C.D.R.), THE MOST WESTERLY NORTHWEST CORNER OF THE JERRY MACHICEK, ET UX TRACT (VOL. 1075, PG. 222 F.C.D.R.), THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED AND THE PLACE OF BEGINNING;

THENCE NORTH 01 DEGREES 03 MINUTES 00 SECONDS WEST, 205.49 FEET ALONG THE SAID EAST RIGHT-OF-WAY OF U.S. HIGHWAY 77 AND THE WEST LINE OF SAID 4 ACRE KUTAC TRACT, TO A 1/2-INCH IRON ROD SET FOR THE SOUTHWEST CORNER OF A 1.301 ACRE TRACT (TRACT 1) ALSO SURVEYED THIS DATE AND THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE SOUTH 86 DEGREES 02 MINUTES 01 SECONDS EAST, DEPARTING THE SAID EAST RIGHT-OF-WAY LINE OF U.S.

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HIGHWAY 77 AND THE SAID WEST LINE OF 4 ACRE KUTAC TRACT, 276.75 FEET TO A 1/2-INCH IRON ROD SET IN THE WEST LINE OF A 1.302 ACRE TRACT (TRACT 3) ALSO SURVEYED THIS DATE FOR THE SOUTHEAST CORNER OF TRACT 1 AND THE NORTHEAST CORNER OF TRACT HEREIN DESCRIBED;

THENCE SOUTH 01 DEGREES 03 MINUTES 00 SECONDS EAST, 205.49 FEET TO A 1/2-INCH IRON ROD SET IN THE COMMON LINE BETWEEN THE SAID 4 ACRE KUTAC TRACT AND THE JERRY MACHICEK, ET UX TRACT (VOL. 1075, PG. 222 F.C.D.R.), FOR THE SOUTHWEST CORNER OF TRACT 3 AND THE SOUTHEAST CORNER OF TRACT HEREIN DESCRIBED;

THENCE NORTH 86 DEGREES 02 MINUTES 01 SECONDS WEST, ALONG THE SAID COMMON LINE, 276.75 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.301 ACRES OF LAND.

BEARINGS USED HEREIN ARE BASED ON THE RECORD BEARING OF U.S. HIGHWAY 77.