

**FILED**  
3:30 PM  
FEB 11 2020  
Brenda Fietsam  
BRENDA FIETSAM  
CO. CLERK, FAYETTE CO., TEXAS

## 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: ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATED IN THE CITY OF FLATONIA, IN FAYETTE COUNTY, TEXAS, OUT OF BLOCK NO 27 OF THE FAIRES ADDITION TO THE SAID CITY OF FLATONIA, AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS, BEGINNING AT A STAKE SET 91 FEET NORTH OF THE SOUTHEAST CORNER OF SAID BLOCK NO 27, THENCE NORTH WITH THE EAST LINE OF SAID BLOCK NO 27 A DISTANCE OF 46-1/2 FEET TO A STAKE SET FOR CORNER, THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID BLOCK NO 27 A DISTANCE OF 200 FEET TO A STAKE SET FOR CORNER, THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID BLOCK NO 27 A DISTANCE OF 137-1/2 FEET TO A STAKE SET FOR CORNER IN THE SOUTH LINE OF SAID BLOCK NO. 27, THENCE EAST WITH THE SOUTH LINE OF SAID BLOCK NO 27 A DISTANCE OF 1051/2 FEET TO A STAKE FOR CORNER, THENCE NORTH 91 FEET TO A STAKE SET FOR CORNER, THENCE EAST 94-1/2 FEET TO THE PLACE OF BEGINNING

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN FAYETTE COUNTY, TEXAS, AND BEING THE WEST ONE-HALF OF BLOCK NO TWENTY SEVEN (27) OF THE J E FAIRES ADDITION TO THE TOWN OF FLATONIA, ACCORDING TO THE MAP OR PLOT THEREOF, LESS RIGHT-OF-WAY DESCRIBED IN VOLUME 82, PAGE 177

**2. Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 08/11/2006 and recorded in Document 06-4744 real property records of Fayette County, Texas.

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

Date: 03/03/2020

Time: 01:00 PM

Place: Fayette County, Texas at the following location: ON THE FAYETTE COUNTY COURTHOUSE LAWN ON THE WEST SIDE AT THE POSTING BOARD LOCATED ON THE STONE WALL ENCLOSURE OF THE COURTHOUSE FACING WEST COLORADO STREET NEAR ITS INTERSECTION WITH NORTH MAIN STREET, OR THE PRECEDING AREA IS NO LONGER THE DESIGNATED AREA, AT THE AREA MOST RECENTLY DESIGNATED BY THE COUNTY COMMISSIONER'S COURT 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 SHARON NOVAK AND BILL T. ACKERMANN, provides that it secures the payment of the indebtedness in the original principal amount of \$62,400.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. UMB Bank, National Association, not in its individual capacity but solely as Legal Title Trustee for TOCU Title Trust 2018-3 is the current mortgagee of the note and deed of trust and RUSHMORE LOAN MANAGEMENT SERVICES, LLC is mortgage servicer. A servicing agreement between the mortgagee, whose address is UMB Bank, National Association, not in its individual capacity but solely as Legal Title Trustee for TOCU Title Trust 2018-3 c/o RUSHMORE LOAN MANAGEMENT SERVICES, LLC, 15480 Laguna Cyn Road, Suite 100, IRVINE, CA 92618 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

**6. Order to Foreclose.** UMB Bank, National Association, not in its individual capacity but solely as Legal Title Trustee for TOCU Title Trust 2018-3 obtained a Order from the 155th District Court of Fayette County on 01/08/2020 under Cause No. 2019V-283. 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 PETE FLOREZ, EBBIE MURPHY, ELIZABETH ANDERSON OR MEGAN L. RANDLE, 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  
Ester Gonzales, Attorney at Law  
Parkway Office Center, Suite 900  
14160 North Dallas Parkway  
Dallas, TX 75254



PETE FLOREZ, EBBIE MURPHY, ELIZABETH  
ANDERSON OR MEGAN L. RANDLE  
c/o AVT Title Services, LLC  
5177 Richmond Avenue Suite 1230  
Houston, TX 77056

Certificate of Posting

I am Pete Florez whose address is c/o AVT Title Services, LLC, AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230, Houston, TX 77056. I declare under penalty of perjury that on 2-11-2020 I filed this Notice of Foreclosure Sale at the office of the Fayette County Clerk and caused it to be posted at the location directed by the Fayette County Commissioners Court.