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*Brenda Fietsam*

BRENDA FIETSAM  
CO. CLERK, FAYETTE CO., TEXAS *Sm*

### Notice of Substitute Trustee Sale

T.S. #: 22-7550

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.

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

Date: **12/6/2022**

Time: The sale will begin no earlier than **10:00 AM** or no later than three hours thereafter.  
The sale will be completed by no later than **1:00 PM**

Place: **Fayette County Courthouse in La Grange, Texas, at the following location: AT THE POSTING BOARD LOCATED ON AND IN THE STONE WALL ENCLOSURE LOCATED ON THE NORTHWEST PORTION OF THE FAYETTE COUNTY COURTHOUSE SQUARE, ON AND IN THAT PORTION OF THE WALL ENCLOSURE FACING WEST COLORADO STREET NEAR ITS INTERSECTION WITH NORTH MAIN STREET OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE**

**Property To Be Sold** - The property to be sold is described as follows:

**SEE ATTACHED EXHIBIT "A"**

**Instrument to be Foreclosed** – The instrument to be foreclosed is the Deed of Trust is dated 9/26/2019 and is recorded in the office of the County Clerk of Fayette County, Texas, under County Clerk’s File No 19-06073, recorded on 9/27/2019, in Book 1914, Page 385, of the Real Property Records of Fayette County, Texas.  
Property Address: 104N SCOTT ST FAYETTEVILLE Texas 78940

|                               |  |                       |   |
|-------------------------------|--|-----------------------|---|
| Trustor(s):                   | <b>KELLY ONEIL COX AND<br/>KRISTI ALYSSA COX</b>   | Original Beneficiary: | <b>Mortgage Electronic Registration Systems, Inc., as nominee for Southwest Funding, LP, its successors and assigns</b> |
| Current Beneficiary:          | <b>U.S. Bank National Association, not in its individual capacity but solely as trustee for RMTP Trust, Series 2021 Cottage-TT-V</b>   | Loan Servicer:        | <b>Rushmore Loan Management Services, LLC</b>   |
| Current Substituted Trustees: | <b>Auction.com, Megan Randle aka Megan Randle-Bender aka Megan L. Randle, Ebbie Murphy, Chloe Christensen, Rebecca Bolton, Louise Graham, Donald Graham, Pete Florez, Jennyfer Sakiewicz, Rick Snoke, Prestige Default Services, LLC</b> |                       |   |

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.

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**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. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, 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.

**Type of sale** - The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of the sale granted by the deed of trust executed by KELLY ONEIL COX AND KRISTI ALYSSA COX, HUSBAND AND WIFE. 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 and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

**Obligations Secured** - The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to (1) the promissory note in the original principal amount of \$270,000.00, executed by KELLY ONEIL COX AND KRISTI ALYSSA COX, HUSBAND AND WIFE, and payable to the order of Mortgage Electronic Registration Systems, Inc., as nominee for Southwest Funding, LP, its successors and assigns; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of KELLY ONEIL COX AND KRISTI ALYSSA COX, HUSBAND AND WIFE to KELLY ONEIL COX AND KRISTI ALYSSA COX. U.S. Bank National Association, not in its individual capacity but solely as trustee for RMTP Trust, Series 2021 Cottage-TT-V is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, with interest and late charges thereon, as provided in the note(s), advances, under the terms of the Deed of Trust, interest thereon, fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. The amount may be greater on the day of sale.

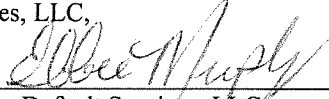
Questions concerning the sale may be directed to the undersigned or to the beneficiary:

**U.S. Bank National Association, not in its individual capacity but solely as trustee for RMTP Trust, Series 2021 Cottage-TT-V**  
**c/o Rushmore Loan Management Services, LLC**  
**15480 Laguna Canyon Road Suite 100**  
**Irvine, CA 92618**  
**(949) 341-0777**

T.S. #: 22-7550

Dated: \_\_\_\_\_

Auction.com, Megan Randle aka Megan Randle-Bender aka Megan L. Randle, Ebbie Murphy, Chloe Christensen, Rebecca Bolton, Louise Graham, Donald Graham, Pete Florez, Jennyfer Sakiewicz, Rick Snoke, Prestige Default Services, LLC,



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Prestige Default Services, LLC  
9720 Coit Road, Suite 220-228  
Plano, Texas 75025  
Phone: (972) 893-3096 ext. 1035  
Fax: (949) 427-2732

AFTER RECORDING, PLEASE RETURN TO:

Prestige Default Services, LLC  
9720 Coit Road, Suite 220-228  
Plano, Texas 75025  
Attn: Trustee Department

# EXHIBIT "A"

## HEARITIGE SURVEYING, CO.

TIM D. HEARITIGE  
727 West Point Loop  
West Point, Texas 78963

Registered Professional Land Surveyor No. 5036  
Licenced State Land Surveyor  
Phone (979)242-3485

September 18, 2019

**FIELD NOTE DESCRIPTION OF 0.155 ACRES OF LAND OUT OF THE ALEXANDER THOMPSON LEAGUE ABSTRACT NO. 98, IN FAYETTE COUNTY, TEXAS, AND BEING A PORTION OF LOTS 102 AND 103, IN BLOCK 26 OF THE CITY OF FAYETTEVILLE, A SUBDIVISION IN FAYETTE COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 130 PAGE 124 AND VOLUME 240 PAGE 12, BOTH OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN (75' X 300') TRACT CONVEYED TO ANDREA E. SCHERER-GROSS IN A DEED AS RECORDED IN VOLUME 1769 PAGE 451 OF THE OFFICIAL RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a ½" iron rod found in the northeasterly right-of-way line of Scott Street, being in the southwesterly line of Lot 103, Block 26 of the City of Fayetteville, a subdivision in Fayette County, Texas, according to the maps or plats thereof, recorded in Volume 130 Page 124 and Volume 240 Page 12, both of the Deed Records of Fayette County, Texas, and being in the southwesterly line of that certain (0.516 acre-75' X 300') tract of land conveyed to Andrea E. Scherer-Gross in a deed as recorded in Volume 1769 Page 451 of the Official Records of Fayette County, Texas, and also being at the most westerly corner of that certain (75' X 120') tract of land out of the Gross tract, conveyed to Pamela Bryant Burke in a deed as recorded in Volume 1838 Page 703 of the Official Records of Fayette County, Texas, and being for the most southerly corner of the tract herein described, and from which a ½" iron rod found bears, S 47 deg. 04' 49" E 44.97 feet and from that iron rod another ½" iron rod found bears, S 47 deg. 27' 26" E 75.00 feet,

**THENCE**, with the northeasterly right-of-way line of Scott Street, and the southwesterly lines of Lots 103 and 102, N 47 deg. 25' 32" W 90.10 feet to a ½" iron rod found for the most westerly corner of this tract, and from which a ½" iron rod found bears, N 47 deg. 01' 42" W 14.94 feet and from that iron rod another ½" iron rod found bears, N 47 deg. 32' 49" W 75.03 feet,

**THENCE**, leaving the northeasterly right-of-way line of Scott Street, and over and across the Gross tract, N 43 deg. 23' 26" E 75.23 feet to a ½" iron rod found at the most northerly corner of this tract, being 2.48 feet southwest of the southwest line of that certain (0.216 acre) tract of land conveyed to Margaret J. Butler in a deed as recorded in Volume 1775 Page 465 of the Official Records of Fayette County, Texas, and being for the most northerly corner of this tract,

**THENCE**, with the northeasterly line of the Gross tract, S 47 deg. 21' 18" E 90.00 feet to a ½" iron rod found at the most northerly corner of the Burke tract, being in the northeasterly line of the Gross tract, and being 1.5' southwest of the southwest line of that certain (63' X 150') tract of land conveyed to Terry Lee Newcomer and Diana Lynn Newcomer in a deed as recorded in Volume 1568 Page 556 of the Official Records of Fayette County, Texas, and being for the most easterly corner of this tract,

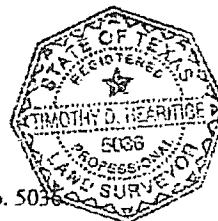
**THENCE**, with the northwesterly line of the Burke tract, and over and across the Gross tract, S 43 deg. 18' 59" W 75.12 feet to the PLACE OF BEGINNING, in all containing 0.155 acres of land.

SURVEYED: September 17, 2019

BY:

Timothy D. Hearitige

Registered Professional Land Surveyor No. 5036



see accompanying map no. C 213090