

C&M No. 44-23-0485/ FILE NOS

AUG 17 2023

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., 20405 State Highway 249, Suite 170, Houston, TX 77070

INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated July 08, 2019 and recorded under Clerk's File No. 00000074017 in the real property records of KINNEY County Texas, with Philip Munoz and Kimberly M. Munoz, a married couple as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Mortgage Financial Services, LLC, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Philip Munoz and Kimberly M. Munoz, a married couple securing payment of the indebtedness in the original principal amount of \$159,225.00 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 Philip Munoz. PennyMac Loan Services, LLC 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. PennyMac Loan Services, LLC is acting as the Mortgage Servicer for the Mortgagee. PennyMac Loan Services, LLC, is representing the Mortgagee, whose address is: 3043 Townsgate Road, Suite 200, Westlake Village, CA 91361.

Legal Description:

BEING 0.269 ACRES OF LAND, MORE OR LESS, SITUATED IN SAMUEL A. MAVERICK SURVEY NO. 234, ABSTRACT NO. 451, KINNEY COUNTY, TEXAS, AND BEING THAT SAME PROPERTY DESCRIBED IN A WARRANTY DEED RECORDED IN VOLUME 198, PAGE 687, OFFICIAL PUBLIC RECORDS, KINNEY COUNTY, TEXAS, SAID 0.269 ACRES AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ATTACHED HERETO AS EXHIBIT A AND MADE A PART HEREOF FOR ALL PURPOSES:

SALE INFORMATION

Date of Sale: 11/07/2023

Earliest Time Sale Will Begin: 1:00 PM

Location of Sale: The place of the sale shall be: KINNEY County Courthouse, Texas at the following location: At the main entrance of the Kinney County Courthouse, facing James Street on the northeast side of the building, 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.

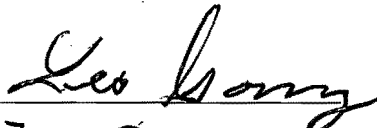
WHEREAS, in my capacity as attorney for the Mortgagee and/or Its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, **I HEREBY APPOINT AND DESIGNATE Nancy Gomez, Leo Gomez, Calvin Speer, Wendy Speer, Melody Speer, Amy Ortiz, Daniel McQuade, Vanna Ho, Auction.com, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or Auction.com, 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.
20405 State Highway 249, Suite 170
Houston, TX 77070
(281) 925-5200

Executed on August 16, 2023.

/s/ Will Morphis SBOT No. 24131905, Attorney at Law
Codilis & Moody, P.C.
20405 State Highway 249, Suite 170
Houston, TX 77070
(281) 925-5200

Posted and filed by:



Printed Name:

LEO GOMEZ

C&M No. 44-23-0485

EXHIBIT A

Being 0.269 acres of land, more or less, situated in Samuel A. Maverick Survey No. 234 Abstract No. 451, Kinney County, Texas, and being that same property described in a Warranty Deed recorded in Volume 198, Page 687, Official Public Records, Kinney County, Texas, said 0.269 acres being more particularly described by metes and bounds as follows:

BEGINNING at an 1/2 inch iron rod found for the South corner of this 0.269 acres tract, same being on the northwest Right-of-Way line of La Motte Street, and the southeast corner of the Edward K. William, et ux, 0.3600 acres (Volume A-129, Page 215), same also being the **POINT OF BEGINNING**;

THENCE along the line common to this 0.269 acres and said William 0.3600 acres, North 42 degrees 41 minutes 14 seconds West (called North 42 degrees 14 minutes 24 seconds), a distance of 170.17 feet (called 170.46 feet) to a 1/2 inch iron rod found for the northwest corner of this 0.269 acres, and the North corner of said William 0.3600 acres, and on the southeast Right-of-Way line of a 25 foot alley;

THENCE along the southeast Right-of-Way of said 25 foot alley, North 47 degrees 35 minutes 51 seconds East, a distance of 68.83 feet (called 68.72 feet) to a point for the North corner of this 0.269 acres, from which the center of a wood post bears, South 08 degrees 49 minutes 17 seconds West, 1.21 feet, said point being the northwest corner of the Judith A. Winchell, 0.6590 acres (Volume 223, Page 141);

THENCE along line common to this 0.269 acres and said Winchell 0.6590 acres, South 42 degrees 46 minutes 58 seconds East (called South 42 degrees 20 minutes 08 seconds East), a distance of 169.60 feet (called 169.89 feet) to an 1/2 inch iron rod found for the southeast corner of this 0.269 acres, same being the South corner of said Winchell 0.6590 acres, and on the northwest Right-of-Way line of said La Motte Street;

THENCE along the northwest Right-of-Way line of said La Motte Street, South 47 degrees 07 minutes 33 seconds West, a distance of 69.11 feet (called 69.01 feet) to the **POINT OF BEGINNING**, and containing 0.269 acres of land, more or less.