

POSTED



C&M No. 44-22-2296/ FILE NOS

FEB 14 2023

NOTICE OF TRUSTEE'S SALEChristine A. Jones
McCulloch, County Clerk

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: Codillis & Moody, P.C., 400 North Sam Houston Parkway East, Suite 900A, Houston, Texas 77060

INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated March 30, 2012 and recorded under Clerk's File No. 39475, in the real property records of MCCULLOCH County Texas, with Neville G Smart III and Shalla L Smart Husband and Wife as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Residential Acceptance Corporation, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Neville G Smart III and Shalla L Smart Husband and Wife securing payment of the indebtedness in the original principal amount of \$62,244.00 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 Neville G Smart III, Shalla L Smart. 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 0.217 ACRES, MORE OR LESS, IN THE CITY OF BRADY, MCCULLOCH COUNTY, TEXAS, AND BEING THE NORTH 75 FEET OF LOTS 41 AND 42 OF BLOCK 11 OF THE STANBURN ADDITION RECORDED IN VOLUME 27, PAGE 350 OF THE MCCULLOCH COUNTY DEED RECORDS, AND BEING THAT CERTAIN TRACT DESCRIBED IN A DEED TO RUBY LEE THORNTON RECORDED IN VOLUME 193, PAGE 90 OF SAID DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES

SALE INFORMATION**Date of Sale: 04/04/2023****Earliest Time Sale Will Begin: 10:00 AM**

Location of Sale: The place of the sale shall be: MCCULLOCH County Courthouse, Texas at the following location: On the steps of the south front door of the McCulloch County Courthouse, 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.

The address for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:

Codilis & Moody, P.C.
400 N. Sam Houston Pkwy E, Suite 900A
Houston, TX 77060
(281) 925-5200



Linda Reppert, Howard Whitney, Patrick Zwiers, Reyn Rossington, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or Auction.com, as Substitute Trustee

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EXHIBIT A

Being 0.217 acres, more or less, in the City of Brady, McCulloch County, Texas, and being the north 75 feet of Lots 41 and 42 of Block 11 of the Stanburn Addition recorded in Volume 27, Page 350 of the McCulloch County Deed Records, and being that certain tract described in a deed to Ruby Lee Thornton recorded in Volume 193, Page 90 of said Deed Records.

Beginning at a ½" steel stake for the S.W. corner of the intersection of Burns Street and South Walnut Street, the N.E. corner of Block 11, the N.E. corner of Lot 41, and the N.E. corner hereof;

Thence along the west line of South Walnut Street, the east line of Block 11, the east line of Lot 41, and the east line hereof S 00° 00' 00" E a distance of 75.00 feet to a ½" steel stake for the N.E. corner of that certain tract described in a deed recorded in Volume 198, Page 567 of said Deed Records, and the S.E. corner hereof;

Thence along the south line hereof N 89° 55' 00" W a distance of 125.55 feet to a ½" steel stake in the east line of an alley for the N.W. corner of that certain tract described in a deed recorded in Volume 198, Page 567 of said Deed Records, and the S.W. corner hereof;

Thence along the east line of said alley, and the west line hereof N 00° 34' 23" W a distance of 75.00 feet to a ½" steel stake in the south line of Burns Street for the N.W. corner hereof;

Thence along the south line of Burns Street, the North line of Block 11, the north lines of Lot 42 and Lot 41, and the north line hereof S 89° 55' 08" E a distance of 126.30 feet to the point of beginning, having an area of 0.217 acres, more or less.

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