

Eastland County
Cathy Jentho
County Clerk
Eastland, TX 76448

Instrument Number: 2023-000804

As

Recorded On: 04/04/2023 10:23 AM Recordings

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(Parties listed above are for Clerks reference only)

****Examined and Charged as Follows:****

Total Recording: 50.00

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*******DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT*******

Any provision herein which restricts the Sale, Rental, or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.



I hereby certify that this instrument was filed on the date and time stamped herein and was duly recorded in the Official Public Records of Eastland County, Texas

A handwritten signature in cursive script that reads "Cathy Jentho".

Cathy Jentho
Eastland County Clerk

Record and Return To:

FIRST AMERICAN TITLE3 FIRST
3 FIRST AMERICAN WAY
3 FIRST AMERICAN WAY
SANTA ANA, CA 92707-5913



RECEIVED 2:12 P M.
CATHY JENTHO, COUNTY CLERK

APR 06 2023

EASTLAND COUNTY, TEXAS
By _____ Deputy
Handwritten initials "DK" in black ink.

WHEN RECORDED MAIL TO:

**The Secretary of Housing and Urban
Development
451 7th Street S.W.
Washington, DC 20410**

APN: 13357

NOTICE OF DEFAULT AND FORECLOSURE SALE

WHEREAS, on July 17, 2009, a certain Mortgage Deed of Trust in the amount of \$192,000.00 was executed by ROY BYRD AND PARTICIA BYRD as trustors in favor of JUDITH O. SMITH MORTGAGE GROUP INC. as beneficiary, and was recorded on July 27, 2009, as Instrument No. 2009-002184, in the Office of the Recorder of EASTLAND COUNTY, Texas; and

WHEREAS, the Mortgage Deed of Trust was insured by the United States Secretary of Housing and Urban Development ("Secretary" or "HUD") pursuant to the National Housing Act for the purpose of providing single family housing; and

WHEREAS, the beneficial interest in the Mortgage Deed of Trust is now owned by the Secretary of Housing and Urban Development, pursuant to the following assignment:

Corporate Assignment of Deed of Trust from CHAMPION MORTGAGE COMPANY in favor of THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT dated May 11, 2016, recorded on June 02, 2016, as Instrument No. 2016-001556, in the office of the Recorder of EASTLAND COUNTY, Texas; and

WHEREAS, the entire amount delinquent as of March 13, 2023 is \$205,215.00; and

WHEREAS, by virtue of this default, the Secretary has declared the entire amount of the indebtedness secured by the Mortgage Deed of Trust to be immediately due and payable;

NOW THEREFORE, pursuant to powers vested in me by the Single-Family Mortgage Foreclosure Act of 1994, 12 U.S.C. 3751 et seq., by 24 CFR part 27, subpart B (the "Act"), and by the Secretary's designation of me as Foreclosure Commissioner, which is recorded herewith,

NOTICE IS HEREBY GIVEN that on **May 2, 2023**, between **1:00 PM and 4:00 PM** local time, all real and personal property at or used in connection with the following described premises ("Property") will be sold at public auction to the highest bidder:

LEGAL DESCRIPTION:

SURVEY OF REAL PROPERTY AND IMPROVEMENTS SITUATED ON THE EAST 124.41 FEET OF LOT 11 AND THE SOUTH 5 FEET OF LOT 12, E. A. HILL SUBDIVISION OF BLOCK -G/3, ORIGINAL TOWN OF EASTLAND, EASTLAND COUNTY, TEXAS, AS PER THE OFFICIAL PLAT OF SAID SUBDIVISION FILED OF RECORD IN SLIDE 115 OF THE PLAT CABINET RECORDS OF EASTLAND COUNTY, TEXAS. PROPERTY HAVING A PHYSICAL ADDRESS OF 201 EAST CONNOR STREET, EASTLAND, TEXAS 76448. TITLE BEING VESTED IN THE NAME OF ROY BYRD, ET. UX. BY DEED RECORDED IN VOLUME 1381 PG. 150, OFFICIAL PUBLIC RECORDS OF EASTLAND COUNTY, TEXAS.

Purportedly known as: 201 E CORNER STREET, EASTLAND, TX 76448.

The sale, which will begin at the earliest time stated above or within three hours after that time, will be held at: **The South Entrance Steps Of The Eastland County Courthouse Or As Designated By The County Commissioner's Office.**

Per the Secretary, the estimated opening bid will be **\$205,215.00**. There will be no proration of taxes, rents or other income or liabilities, except that the purchaser will pay, at or before closing, his pro rata share of any real estate taxes that have been paid by the Secretary to the date of the foreclosure sale.

When making their bids, all bidders, except the Secretary, must submit a deposit totaling ten percent (10%) of the Secretary's estimated bid amount in the form of a certified check or cashier's check made payable to the **Secretary of Housing and Urban Development**. Ten percent of the estimated bid amount for this sale is \$20,522.00. A deposit need not accompany each oral bid. If the successful bid is oral, a deposit of \$20,522.00 must be presented before the bidding is closed. The deposit is nonrefundable. The remainder of the purchase price must be delivered within 30 days of the sale or at such other time as the Secretary may determine for good cause shown, time being of the essence. This amount must be delivered in the form of a certified or cashier's check made payable to **Nemovi Law Group, APC**. We will accept certified or cashier's checks made payable to the bidder and endorsed to Nemovi Law Group, APC if accompanied by a **notarized power of attorney or other notarized authorization** authorizing Nemovi Law Group, APC to deposit the check into the firm's trust account on behalf of the Secretary of Housing and Urban Development. If the Secretary is the highest bidder, he need not pay the bid amount in cash. The successful bidder will pay all conveying fees, all real estate and other taxes that are due on or after the delivery date of the remainder of the payment and all other costs associated with the transfer of title. At the conclusion of the sale, the deposits of the unsuccessful bidders will be returned to them.

The Secretary may grant an extension of time within which to deliver the remainder of the payment. All extensions will be for 15-day increments for a fee of: \$500.00, paid in advance. The extension fee shall be in the form of a certified or cashier's check made payable to the Secretary. If the high bidder closes the sale prior to the expiration of any extension period, the unused portion of the extension fee shall be applied toward the amount due.

If the high bidder is unable to close the sale within the required period, or within any extensions of time granted by the Secretary, the high bidder may be required to forfeit the cash deposit or, at the election of the Foreclosure Commissioner after consultation with the HUD representative, will be liable to HUD for any costs incurred as a result of such failure. The Commissioner may, at the direction of the HUD representative, offer the property to the second highest bidder for an amount equal to the highest price offered by that bidder.

There is no right of redemption, or right of possession based upon a right of redemption, in the mortgagor or others subsequent to a foreclosure completed pursuant to the Act. Therefore, the Foreclosure Commissioner will issue a Deed to the purchaser(s) upon receipt of the entire purchase price in accordance with the terms of the sale as provided herein. HUD does not guarantee that the property will be vacant.

The scheduled foreclosure sale shall be cancelled or adjourned if it is established, by documented written application or otherwise, that the default or defaults upon which the foreclosure is based did not exist at the time of service of this Notice of Default and Foreclosure Sale, or all amounts due under the mortgage agreement are tendered to the Foreclosure Commissioner, in the form of a certified or cashier's check payable to the Secretary, before public auction of the property is completed.

The amount that must be paid if the Mortgage Deed of Trust is to be reinstated prior to the scheduled sale is based on the nature of the breach, this loan is not subject to reinstatement. A total payoff is required to cancel the foreclosure sale, or the breach must otherwise be cured, if applicable. A description of the default is as follows: FAILURE TO PAY THE PRINCIPAL BALANCE WHICH BECAME ALL DUE AND PAYABLE BASED UPON THE PERMANENT MOVE OUT BY ALL MORTGAGORS AND THE PROPERTY IS NOT THE PRINCIPAL RESIDENCE OF AT LEAST ONE SURVIVING BORROWER.

Tender of payment by certified or cashier's check or application for cancellation of the foreclosure sale shall be submitted to the address of the Foreclosure Commissioner provided below.

The sale date shown on this Notice of Default and Foreclosure Sale may be postponed one or more times by the Secretary, the Foreclosure Commissioner or a court. **For Sales Information please call (916) 939-0772 or visit the website www.nationwideposting.com using the file number assigned to this case FC# 8300.00006.** Your ability to obtain sales information by Internet Website or phone is provided as a courtesy to those not present at the sale and neither Nemovi Law Group, APC nor the website host makes any representations or warranties as to the accuracy or correctness of the information provided thereby. Nemovi Law Group, APC and its agents do not assume any responsibility for reliance on any information received by telephone or website. THIS INFORMATION IS SUBJECT TO CHANGE AT ANY TIME. It will be necessary for you to attend all sales in order to obtain the most current information. Neither Nemovi Law Group, APC nor its agents will be liable for any loss you may sustain in using or receiving any information obtained online or by phone.

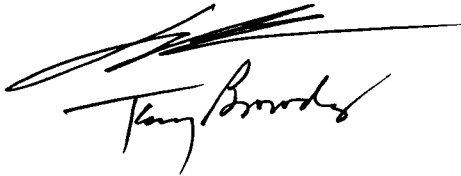
NOTICE TO MEMBERS OF THE ARMED FORCES

Assert and protect your rights as a member of the armed forces of the United States. If you 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.

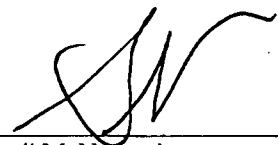
Date:

3/17/23

NEMOVI LAW GROUP, APC
Foreclosure Commissioner
2173 Salk Ave., Suite 250
Carlsbad, CA 92008
Phone: (760) 585-7077
Sales Info: (916) 939-0772



By:


Genail M. Nemovi

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Diego)

On 03/17/2023, before me, NUSA CORTEZ, a Notary Public, personally appeared GENEIL M. NEMOVI, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature NUSA CORTEZ



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Fort Worth Regional Office, Region VI
Office of Regional Counsel
307 W 7th Street, Ste. 1000
Fort Worth, TX 76102
Phone: 817-978-5987 FAX: 817-978-5563

August 2, 2021

FORECLOSURE COMMISSIONER DESIGNATION

To: Genail M. Nemovi
Nemovi Law Group, APC
2173 Salk Avenue, Ste. 250
Carlsbad, CA 92008

Pursuant to Section 805 of the Single Family Mortgage Foreclosure Act of 1994 (the "Act"), and the Delegation of Authority published in 76 FR 42466 on July 18, 2011, you are hereby designated as a Foreclosure Commissioner to act on behalf of the Secretary of Housing and Urban Development to conduct nonjudicial foreclosures in the State of Texas of the mortgages that may be referred to you by the Department of Housing and Urban Development ("HUD") including cases under Title I, Title II, and Section 312. A copy of the Act, as codified at 12 U.S.C. §§ 3751-3768 and the federal regulations (24 CFR 27, Subpart B, the "Regulations") applicable to your designation are available online through the Government Printing Office website. Foreclosures HUD refers to you are to be conducted pursuant to the Act, the Regulations, and the instructions that HUD will give to you at the time of referral.

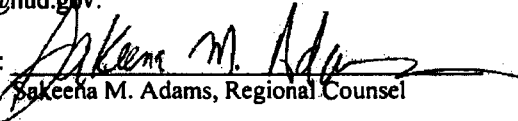
HUD will pay you a commission for a completed foreclosure of \$1,350.00 (a "Commission"). HUD will pay you a percentage of the Commission for cases that HUD withdraws, based on the following:

- 20% of Commission for work completed if withdrawn prior to "service" of Notice of Foreclosure and Sale
- 80% of Commission for work completed if withdrawn after "service" of Notice of Foreclosure and Sale but prior to foreclosure sale, including the start of publication, or posting if required.

As a Foreclosure Commissioner, you are a fiduciary of the Secretary and not an employee of the Department of Housing and Urban Development or of the Federal Government. You will be responsible for your actions as any other fiduciary.

This designation is effective immediately and may be revoked by HUD with or without cause pursuant to the Act. An original and two copies of this Designation are enclosed. Please sign and date them, providing your Tax Identification or Social Security Number, and return one copy to Sakeena M. Adams at 307 W 7th Street, Ste 1000, Fort Worth, TX 76102 and send a scanned copy to SF.Designations.RegionVI@hud.gov.

By:


Sakeena M. Adams, Regional Counsel

ACCEPTANCE OF DESIGNATION

I, NEMOVI LAW GROUP, APC, hereby accept designation as a Foreclosure Commissioner and agree to abide by the provisions of my appointment, the Act referred to above, the regulations, and the Instructions as provided to me by HUD.

8/4/2021
Date

NEMOVI LAW GROUP, APC
Name of Firm

By: 
Genail M. Nemovi

[REDACTED]
Tax I.D. or Social Security No.

ACKNOWLEDGEMENT

~~State of _____)~~

~~[County/Parrish] of _____)~~

~~This instrument was acknowledged before me on the _____ day of _____, 20____
by _____.~~

~~_____
Notary Public~~

SEE ATTACHED ACKNOWLEDGMENT

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Diego

On Aug. 4, 2021 before me, Cathy J. Boone
(insert name and title of the officer)

personally appeared Genail M. Nemovi
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~ they executed the same in his/~~her~~ their authorized capacity(ies), and that by his/~~her~~ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Cathy J. Boone (Seal)



Foreclosure Commissioner Designation - Texas