

### Notice of Substitute Trustee's Sale

**Notice Concerning Military Duty: 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. Tex. Prop. Code § 51.002(i)**

<b>Deed of Trust Date:</b> June 28, 2019	<b>Original Mortgagor/Grantor:</b> SEAN MCCARTHY
<b>Original Beneficiary / Mortgagee:</b> MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR AMERICAN FINANCIAL RESOURCES, INC., ITS SUCCESSORS AND ASSIGNS	<b>Current Beneficiary / Mortgagee:</b> LAKEVIEW LOAN SERVICING, LLC
<b>Recorded in:</b> <b>Volume:</b> 1904 <b>Page:</b> 250 <b>Instrument No:</b> 19-04070	<b>Property County:</b> FAYETTE
<b>Mortgage Servicer:</b> LoanCare LLC	<b>Mortgage Servicer's Address:</b> 3637 Sentara Way, Virginia Beach, Virginia 23452

\* The mortgage servicer is authorized to represent the Mortgagor 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.

**Secures:** Note in the original principal amount of \$139,428.00, executed by SEAN MCCARTHY and payable to the order of Lender.

**Property Address/Mailing Address:** 220 KLESEL ROAD, SCHULENBURG, TX 78956

**Legal Description of Property to be Sold:** TRACT 3

ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 1.302 ACRES (TRACT 3) SITUATED, IN THE K. CRIER LEAGUE, A-38, IN FAYETTE COUNTY, TEXAS AND BEING A PART OF THAT TRACT DESCRIBED AS 4 ACRES (FOUND TO BE 3.904 ACRES) DESCRIBED IN A DEED FROM ERVIN J. KLESEL, ET UX TO CAROL ANN KUTAC DATED APRIL 3, 1989, AND RECORDED IN VOLUME 787, PAGE 48 OF THE DEED RECORDS OF FAYETTE COUNTY, SAID 1.302 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 - INCH IRON ROD FOUND IN THE SOUTH MARGIN OF KLESEL ROAD AT THE MOST NORTHERLY NORTHWEST CORNER OF THE JERRY MACHICEK, ET UX TRACT (VOL. 1075, PG. 222 F.C.D.R.) AND THE NORTHEAST CORNER OF SAID 4 ACRE KUTAC TRACT (VOL. 787, PG. 48 F.C.D.R.), FOR THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED AND THE PLACE OF BEGINNING;

THENCE SOUTH 01 DEGREES 02 MINUTES 26 SECONDS EAST, DEPARTING SAID KLESEL ROAD, ALONG THE COMMON LINE BETWEEN SAID MACHICEK AND KUTAC TRACTS, 410.98 FEET TO A 1/2-INCH IRON ROD FOUND FOR AN INSIDE CORNER OF THE SAID MACHICEK TRACT, THE SOUTHEAST CORNER OF THE SAID KUTAC TRACT, AND THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE NORTH 86 DEGREES 02 MINUTES 01 SECONDS WEST, 138.47 FEET ALONG SAID COMMON LINE TO A 1/2-INCH IRON ROD SET FOR THE SOUTHEAST CORNER OF A 1.301 ACRE TRACT (TRACT 2) ALSO SURVEYED THIS DATE AND THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;



THENCE NORTH 01 DEGREES 03 MINUTES 00 SECONDS WEST, DEPARTING SAID COMMON LINE AND SEVERING THE SAID 4 ACRE KUTAC TRACT, AT 205.49 FEET PASSING A 1/2-INCH IRON ROD SET FOR THE NORTHEAST CORNER OF SAID TRACT 2 AND THE SOUTHEAST CORNER OF A 1.301 ACRE TRACT (TRACT 1) ALSO SURVEYED THIS DATE, AND CONTINUING FOR A TOTAL DISTANCE OF 410.98 FEET TO A 1/2-INCH IRON ROD SET IN THE SOUTH MARGIN OF KLESEL ROAD AND THE NORTH LINE OF SAID 4 ACRE KUTAC TRACT, FOR THE NORTHEAST CORNER OF SAID TRACT 1 AND THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE SOUTH 86 DEGREES 02 MINUTES 01 SECONDS EAST, 138.54 FEET ALONG THE SOUTH MARGIN OF KLESEL ROAD AND THE NORTH LINE OF SAID 4 ACRE KUTAC TRACT, TO THE PLACE OF BEGINNING AND CONTAINING 1.302 ACRES OF LAND.

BEARINGS USED HEREIN ARE BASED ON THE RECORD BEARING OF U.S. HIGHWAY 77.

TRACT 2

ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 1.301 ACRES (TRACT 2) SITUATED IN THE K. CRIER LEAGUE, A-38, IN FAYETTE COUNTY, TEXAS AND BEING A PART OF THAT TRACT DESCRIBED AS 4 ACRES (FOUND TO BE 3.904 ACRES) DESCRIBED IN A DEED FROM ERVIN J. KLESEL, ET UX TO CAROL ANN KUTAC DATED APRIL 3, 1989, AND RECORDED IN VOLUME 787, PAGE 48 OF THE DEED RECORDS OF FAYETTE COUNTY, SAID 1.301 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 - INCH IRON ROD SET IN THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 77, BEING SOUTH 86 DEGREES 02 MINUTES 01 SECONDS EAST, 0.64 FEET, FROM A 1-INCH IRON PIPE FOUND, FOR THE SOUTHWEST CORNER OF SAID 4 ACRE KUTAC TRACT (VOL. 787, PG. 48 F.C.D.R.), THE MOST WESTERLY NORTHWEST CORNER OF THE JERRY MACHICEK, ET UX TRACT (VOL. 1075, PG. 222 F.C.D.R.), THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED AND THE PLACE OF BEGINNING;

THENCE NORTH 01 DEGREES 03 MINUTES 00 SECONDS WEST, 205.49 FEET ALONG THE SAID EAST RIGHT-OF-WAY OF U.S. HIGHWAY 77 AND THE WEST LINE OF SAID 4 ACRE KUTAC TRACT, TO A 1/2 -INCH IRON ROD SET FOR THE SOUTHWEST CORNER OF A 1.301 ACRE TRACT (TRACT 1) ALSO SURVEYED THIS DATE AND THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE SOUTH 86 DEGREES 02 MINUTES 01 SECONDS EAST, DEPARTING THE SAID EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 77 AND THE SAID WEST LINE OF 4 ACRE KUTAC TRACT, 276.75 FEET TO A 1/2-INCH IRON ROD SET IN THE WEST LINE OF A 1.302 ACRE TRACT (TRACT 3) ALSO SURVEYED THIS DATE FOR THE SOUTHEAST CORNER OF TRACT 1 AND THE NORTHEAST CORNER OF TRACT HEREIN DESCRIBED;

THENCE SOUTH 01 DEGREES 03 MINUTES 00 SECONDS EAST, 205.49 FEET TO A 1/2-INCH IRON ROD SET IN THE COMMON LINE BETWEEN THE SAID 4 ACRE KUTAC TRACT AND THE JERRY MACHICEK, ET UX TRACT (VOL. 1075, PG. 222 F.C.D.R.), FOR THE SOUTHWEST CORNER OF TRACT 3 AND THE SOUTHEAST CORNER OF TRACT HEREIN DESCRIBED;

THENCE NORTH 86 DEGREES 02 MINUTES 01 SECONDS WEST, ALONG THE SAID COMMON LINE, 276.75 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.301 ACRES OF LAND.

BEARINGS USED HEREIN ARE BASED ON THE RECORD BEARING OF U.S. HIGHWAY 77.

TOGETHER WITH THAT 2003 4663A ANNIVERSARY MODEL MANUFACTURED HOME; LABEL/SEAL NO. PFS0825276 & PFS0825277; SERIAL NO. TXFL312A42708AV12 & TXFL312B42708AV12; CERTIFICATE NO. MH00778233.

<b>Date of Sale:</b> July 05, 2022	<b>Earliest time Sale will begin:</b> 1:00 PM
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**Place of sale of Property:** "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 if 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 COMMISSIONER'S OFFICE OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE

The Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that time.

**Appointment of Substitute Trustee:** Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust, the same is now wholly due. Because of that default, *LAKEVIEW LOAN SERVICING, LLC*, the owner and holder of the Note, has requested Pete Florez, Megan L. Randle, Ebbie Murphy, Elizabeth Anderson whose address is 750 Highway 121 BYP Suite 100 Lewisville, TX 75067 OR Megan Randle or Ebbie Murphy whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, to sell the property. The Trustee(s) has/have been appointed Substitute Trustee in the place of the original trustee, in the manner authorized by the deed of trust.

**Terms of Sale:** The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that *LAKEVIEW LOAN SERVICING, LLC* bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (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(a) of the Texas Property Code, Pete Florez, Megan L. Randle, Ebbie Murphy, Elizabeth Anderson whose address is 750 Highway 121 BYP Suite 100 Lewisville, TX 75067 OR Megan Randle or Ebbie Murphy whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Pete Florez, Megan L. Randle, Ebbie Murphy, Elizabeth Anderson whose address is 750 Highway 121 BYP Suite 100 Lewisville, TX 75067 OR Megan Randle or Ebbie Murphy whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, Trustee.

**Limitation of Damages:** 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 Mortgagor, the Mortgagee, or the Mortgagee's attorney.



**SUBSTITUTE TRUSTEE**

Pete Florez, Megan L. Randle, Ebbie Murphy, Elizabeth Anderson OR Megan Randle or Ebbie Murphy, Trustee

c/o Robertson, Anschutz, Schneid, Crane & Partners, PLLC,  
10700 Abbott's Bridge Road, Suite 170, Duluth, Georgia  
30097; PH: (470)321-7112

**FILED**  
11:27AM 10b  
MAR 31 2022

*Brenda Fietsam*  
BRENDA FIETSAM  
CO. CLERK, FAYETTE CO., TEXAS