

## Notice of [Substitute] Trustee Sale

**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.**

**1. Date, Time, and Place of Sale.**

**Date:** 08/01/2017

**Time:** The sale will begin at **10:00 AM** or not later than three hours after that time

**Place:** Fayette County Courthouse, 151 N. Washington Street, La Grange, TX 78945 - 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 AS DESIGNATED BY THE COUNTY COMMISSIONERS

**Property Address:** 2045 Peters Rd, Weimar, TX 78962

- 2. Terms of Sale:** The sale will be conducted as a public auction to the highest bidder for cash. 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. Any conveyance of the property is subject to all matters of record affecting the property
- 3. Instrument to be Foreclosed:** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated 04/28/2005 and recorded 05/11/2005 in Document 05-2520, Book 1309 Page 434, and Loan Modification Agreement with book/page no. 1315/247, Document 05-3496 recorded on 06/28/2005, and Home Affordable Modification Agreement recorded on 11/12/2013 with book/page no. 1668/225, Document 13-06926, real property records of Fayette County Texas, with **Anthony Hercik and wife, Sylvia Hercik** grantor(s) and BSM Financial, L.P. DBA Banksource Mortgage., as lender, Mortgage Electronic Registration Systems, Inc., as Beneficiary.
- 4. Appointment of Substitute Trustee:** The undersigned has been appointed Substitute Trustee in the place of said original Trustee, upon the contingency and in the manner authorized by the above referenced Deed of Trust.
- 5. Obligation Secured:** Deed of Trust or Contract Lien executed by **Anthony Hercik and wife, Sylvia Hercik** securing the payment of the indebtedness in the original principal amount of **\$ 105,714.00**, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. **Ocwen Loan Servicing, LLC** is the current mortgagee of the note and the deed of trust or contract lien.
- 6. Default:** A default has occurred in the payment of indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness.

**COPY**  
THE ORIGINAL INSTRUMENT WAS  
FILED IN FAYETTE COUNTY TEXAS ON

5/30/17 @ 11:55am PV

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7. **Property to be sold:** The property to be sold is described as follows:

**LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF. INCLUDES MANUFACTURED**

**HOUSING UNIT(S) DESCRIBED AS FOLLOWS:**

**MAKE: PALM HARBOR HOMES**

**MODEL: KXT464F2**

**WIDTH: 32**

**LENGTH: 64**

**SERIAL #: PH179735AB**

**YEAR: 2005**

**SAID UNIT(S) ATTACHED TO THE LAND IN A PERMANENT MANNER SO AS TO BE RENDERED AN IMMOVABLE FIXTURE AND AN INTEGRAL PART OF THE SUBJECT PROPERTY**

**BEING a 2.75 acre tract of land situated in the John O'Bar Survey, Abstract 255, Fayette County, Texas, said 2.75 acre tract of land being that 2.75 acre undivided interest out of the East one-half of that original 37.5 acre tract of land described as No.2 in deed to Jos. R. Hercik Jr, dated December 21, 1933 and recorded in Volume 160 Page 387 of the Deed Records of Fayette County, Texas, said 2.75 acre undivided Interest last being conveyed to Anthony Hercik and wife Sylvia Hercik from Gregory Hercik by deed dated November 5, 2004 and recorded in Volume 1289 Page 802 of the Official Records of Fayette County, Texas, said 2.75 acre tract of land being determined on the ground by said owner and being more fully described by metes and bounds as follows:**

**BEGINNING at an existing corner post in the North right-of-way line of Peters Road (40 feet in width), said post being the Southwest corner of the said East one-half of the original 37.5 acre tract (No.2) of land, said post and PLACE OF BEGINNING also being the Southwest corner of the herein described tract;**

**THENCE, N. 01° 02' E., a distance of 500.00 feet along an existing fence line marking the West line of said east one-half of the original 37.5 acre tract of land to a 5/8 inch iron rod set for the Northwest corner of the herein described tract;**

**THENCE, N. 90° 00' E., a distance of 239.62 feet along a line parallel to the said North right-of-way line of Peters Road to a 5/8 inch iron rod set for the Northeast corner of the herein described tract;**

**THENCE, S. 01° 02' W., a distance of 500.00 feet along a line parallel to the West line of the said East one-half of the original 37.5 acre tract of land to a 5/8 inch iron rod set in the said North right-of-way line of Peters Road, said iron rod being the Southeast corner of the herein described tract;**

**THENCE, S. 90° 00' W., (base bearing of West given in Volume 160 Page 387) a distance of 239.62 feet along said North right-of-way line of Peters Road, same being the South line of the said East one-half of the original 37.5 acre tract of land to the PLACE OF BEGINNING. Containing within these metes and bounds 2.75 acres of land. (The tops of all 5/8 inch iron rods set were capped with orange plastic surveyor's caps stamped, Balusek-Frankson & Assoc., Inc., Victoria, Texas".)**

**I hereby certify that the above fieldnote description is based on a survey made on the ground, under my supervision, in April 2005, and is true and correct to the best of my knowledge and belief.**

**Mobile Home Information as per SOL:**

**Model: PALM HARBOR**

**Year: 2005**

**Serial Number: PH179735A / PH179735B**

**HUD label Number: PFS0901943 / PFS0901944**

**Length and Width: 15.0 X 64.0 / 15.0 X 64.0**

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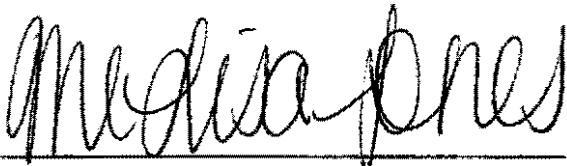
8. **Mortgage Servicer Information:** The Mortgage Service is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code §51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the property referenced above. **Ocwen Loan Servicing, LLC**, as Mortgage Servicer, is representing the current mortgagee, whose address is:

C/O Ocwen Loan Servicing, LLC  
1661 Worthington Rd., Suite 100  
West Palm Beach, FL 33409  
Phone: 1-800-746-2936

9. **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 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**

Date: May 22, 2017



Stephanie Spurlock, Laterrika Thompkins, Camisha Scott, Keisha Lyons, Melisa Jones, Iman Walcott, Tanesha Humphrey, Claire Buxton, – Attorney or Authorized Agent of The Mortgagee or Mortgage Servicer

Ebbie Murphy, Maryna Danielian, Pamela Thomas, Doug Woodard, Kristie Alvarez, Dan Hart, Megan Randie, Louise Graham, Donald Graham, Frederick Britton, Jack Burns II, Patricia Sanders, Zana Jackson, Pamela Thomas, Kristopher Holub, Patrick Zwiars, Kelley Burns, Tanya Graham, Aarti Patel, Sara Edington, Ebbie Murphy, Chance Oliver, Max Murphy or Bret Allen, – Substitute Trustee(s)

C/O Power Default Services, Inc.  
Northpark Town Center  
1000 Abernathy Rd NE; Bldg 400, Suite 200  
Atlanta, GA 30328  
Telephone: 855-427-2204  
Fax: 866-960-8298

**POWER DEFAULT SERVICES, INC. MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE.**