

642 JACOB ROAD, Port Lavaca, TX, 77979
7015FC.0278

AT 1:49 FILED O'CLOCK P M

FEB 20 2020

ANNA GOODMAN
COUNTY CLERK, CALHOUN COUNTY, TEXAS
BY: *[Signature]* DEPUTY

**APPOINTMENT OF SUBSTITUTE TRUSTEE AND
NOTICE OF SUBSTITUTE TRUSTEE SALE**

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 AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

**APPOINTMENT OF
SUBSTITUTE TRUSTEE:**

WHEREAS, in my capacity as the attorney for the Mortgagee and/or its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I hereby name, appoint and designate Jack O'Boyle, Chris Ferguson, Travis Gray, Arnold Mendoza, Susana Sandoval, Alexis Mendoza, Sandra Mendoza Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra Mendoza, Vicki Hammonds or Jodi Steen, Travis Gray, Chris Ferguson, or Jack O'Boyle, each as Substitute Trustee, to act under and by virtue of said Deed of Trust, including posting and filing the public notice required under Section 51.002 Texas Property Code as amended, and to proceed with a foreclosure of the Deed of Trust lien securing the payment of the Note.

**SUBSTITUTE TRUSTEE'S
ADDRESS:**

c/o JACK O'BOYLE & ASSOCIATES, Mailing Address: P.O. Box 815369, Dallas, Texas 75381;
Physical Address: 12300 Ford Road, Suite 212, Dallas, TX 75234.

**NOTICE OF SUBSTITUTE
TRUSTEE SALE:**

WHEREAS, 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.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on April 07, 2020 between the hours of 11am-2pm the Substitute Trustee will sell said real property at the place hereinafter set out and pursuant to the terms herein described. The sale will begin at the earliest time stated above or within three (3) hours after that time.

LOCATION OF SALE:

The place of the sale shall be: COURTHOUSE FOYER FACING ANN STREET, CALHOUN COUNTY, TEXAS in CALHOUN County, Texas or as designated by the County Commissioners.

**INSTRUMENT TO BE
FORECLOSED:**

Deed of Trust or Contract Lien dated 10/17/2006 and recorded under Volume, Page or Clerk's File No. Clerk File Number: 101171 in the real property records of Calhoun County Texas, with Carlos Cardenas, An Unmarried Man as Grantor(s) and Home123 Corporation as Original Mortgagee.

OBLIGATIONS SECURED:

Deed of Trust or Contract Lien executed by Carlos Cardenas, An Unmarried Man securing the payment of the indebtedness in the original principal amount of \$94,750.00 and obligations therein described including but not limited to the promissory note and all the modifications, renewals and extensions of the promissory note (the "Note") executed by CARLOS CARDENAS. BANKUNITED N.A. is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

**MORTGAGE SERVICING
INFORMATION:**

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. CARRINGTON MORTGAGE SERVICES, LLC is acting as the Mortgage Servicer for BANKUNITED N.A. who is the Mortgagee of the Note and Deed of Trust associated with the above referenced loan. CARRINGTON MORTGAGE SERVICES, LLC, as Mortgage Servicer, is representing the Mortgagee, whose address is:

BANKUNITED N.A.
c/o CARRINGTON MORTGAGE SERVICES, LLC
1600 SOUTH DOUGLASS ROAD, SUITE 200-A, ANAHEIM, CA 92806



4719020

**LEGAL DESCRIPTION OF
PROPERTY TO BE SOLD:**

BEING A 1.03 ACRE TRACT OF LAND SITUATED IN THE YSIDRO BENIVIDES SURVEY, ABSTRACT 38, CALHOUN COUNTY, TEXAS, ALSO BEING OUT OF TRACT 15 OF THE WESTERLUND SUBDIVISION, BEING ALL OF THAT CERTAIN 1.06 ACRE TRACT OF LAND CONVEYED TO SAMUEL A. BRADLEY, ET UX FROM A.E. BONORDEN, ET UX ACCORDING TO INSTRUMENT RECORDED IN VOLUME 122, PAGE 332 OF THE DEED RECORDS OF SAID COUNTY. SAID 1.03 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN EXISTING STEEL REBAR FOUND IN THE WEST RIGHT-OF-WAY LINE OF JACOB ROAD (60' R.O.W.), CONVEYED TO CALHOUN COUNTY ACCORDING TO INSTRUMENT RECORDED IN VOLUME 191, PAGE 770 OF THE DEED RECORDS OF SAID COUNTY. SAID REBAR MARKING THE NORTH CORNER OF THAT CERTAIN 1.99 ACRE TRACT OF LAND CONVEYED TO SAMUEL A. BRADLEY, ET UX ACCORDING TO INSTRUMENT RECORDED IN VOLUME 109, PAGE 776 OF THE OFFICIAL RECORDS OF SAID COUNTY. SAID REBAR ALSO MARKING THE EAST CORNER OF SAID 1.06 ACRE TRACT AND THE HEREIN DESCRIBED TRACT:

THENCE, SOUTH 54 DEG. 58'18" WEST, WITH THE COMMON LINE BETWEEN SAID 1.06 ACRE TRACT AND SAID 1.99 ACRE TRACT FOR A DISTANCE OF 303.84 FEET (S. 55 DEG. 00'00" W., 306.00 FEET -DEED CALL) TO AN EXISTING STEEL REBAR FOUND MARKING THE SOUTH CORNER OF SAID 1.06 ACRE TRACT AND THE HEREIN DESCRIBED TRACT, SAID REBAR ALSO BEING IN THE NORTHWEST LINE OF SAID 1.99 ACRE TRACT, AND SAID REBAR MARKING THE EAST CORNER OF THAT CERTAIN 1.0 ACRE TRACT OF LAND CONVEYED TO ROY H. SCHMIDLI ACCORDING TO VOLUME 238, PAGE 584 OF THE DEED RECORDS OF SAID COUNTY, SAID REBAR BEARS NORTH 54 DEG. 54'48" EAST A DISTANCE OF 154.86 FEET FROM AN EXISTING STEEL REBAR FOUND MARKING THE WEST CORNER OF SAID 1.99 ACRE TRACT AND THE SOUTH CORNER OF SAID 1.0 ACRE TRACT:

THENCE, NORTH 35 DEG. 02'53" WEST, WITH THE COMMON LINE BETWEEN SAID 1.0 ACRE TRACT AND SAID 1.06 ACRE TRACT FOR A DISTANCE OF 155.50 FEET (N. 35 DEG. 53'54" W., 155.50 FEET - DEED CALL) TO A 5/8 INCH STEEL REBAR SET TO MARK THE WEST CORNER OF SAID 1.06 ACRE TRACT, A CORNER OF THE HEREIN DESCRIBED TRACT, AND THE SOUTH CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO GARY LYNN MENKE ACCORDING TO VOLUME 71, PAGE 348 OF THE PROBATE RECORDS OF SAID COUNTY. FURTHER DESCRIBED TO MELVIN MENKE, ET UX ACCORDING TO INSTRUMENT RECORDED IN VOLUME 301, PAGE 57 OF THE DEED RECORDS OF SAID COUNTY:

THENCE, NORTH 55 DEG. 12'10" EAST, WITH THE COMMON LINE BETWEEN SAID MENKE TRACT AND SAID 1.06 ACRE TRACT FOR A DISTANCE OF 166.60 FEET (N. 55 DEG. 22'42" E., 169.25 FEET-DEED CALL) TO AN EXISTING PIPE FOUND MARKING A CORNER OF SAID 1.06 ACRE TRACT AND THE HEREIN DESCRIBED TRACT, SAID PIPE ALSO MARKING THE INTERIOR CORNER OF THAT CERTAIN 0.586 ACRE TRACT OF LAND CONVEYED TO CLAUDE SETH SELBY ACCORDING TO VOLUME 49, PAGE 699 OF THE PROBATE RECORDS OF SAID COUNTY, FURTHER DESCRIBED TO CLAUDE SELBY ACCORDING TO INSTRUMENT RECORDED IN VOLUME 122, PAGE 431 OF THE DEED RECORDS OF SAID COUNTY:

THENCE, SOUTH 34 DEG. 59'47" EAST, WITH THE COMMON LINE BETWEEN SAID 0.586 ACRE TRACT AND SAID 1.06 ACRE TRACT FOR A DISTANCE OF 15.5 FEET (S. 34 DEG. 56'52" E., 15.50 FEET - DEED CALL) TO A 5/8 INCH STEEL REBAR SET TO MARK A CORNER OF SAID 0.586 ACRE TRACT, A CORNER OF SAID 1.06 ACRE TRACT, AND A CORNER OF THE HEREIN DESCRIBED TRACT:

THENCE, NORTH 54 DEG. 55'40" EAST, WITH THE COMMON LINE BETWEEN SAID 0.5 86 ACRE TRACT AND SAID 1.06 ACRE TRACT FOR A DISTANCE OF 137.25 FEET (N. 54 DEG. 40'22" E., 137.04 FEET - DEED CALL) TO AN EXISTING POST FOUND IN SAID WEST RIGHT-OF-WAY LINE OF JACOBS ROAD, SAID POST MARKING THE WEST CORNER OF SAID 0.589 ACRE TRACT, THE NORTH CORNER OF SAID 1.06 ACRE TRACT, AND THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 35 DEG. 02'53" EAST, WITH THE COMMON LINE BETWEEN SAID 1.06 ACRE TRACT AND JACOB ROAD FOR A DISTANCE OF 139.43 FEET TO THE POINT OF BEGINNING, CONTAINING WITHIN THESE MEETS AND BOUNDS A 1.03 ACRE TRACT OF LAND, MORE OR LESS.

ALL SET 5/8 INCH DIAMETER STEEL REBAR MARKED WITH YELLOW PLASTIC CAP STAMPED "URBAN SURVEYING, INC."

BEARINGS BASED ON THAT CERTAIN 1.99 ACRE TRACT OF LAND CONVEYED TO SAMUEL A. BRADLEY, ET UX FROM RUBY KYLE ACCORDING TO INSTRUMENT RECORDED IN VOLUME 109, PAGE 776 OF THE OFFICIAL RECORDS OF CALHOUN COUNTY, TEXAS. (the "Property")

REPORTED PROPERTY

ADDRESS: 642 JACOB ROAD. Port Lavaca, TX 77979

TERMS OF SALE: The Substitute Trustee will sell the Property by public auction at the place and date specified herein.

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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property and the priority of the lien being foreclosed.

The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the Mortgagee and/or Mortgage Servicer thereunder to have the bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

The sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. The sale shall not cover any part of the property that has been released of public record from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the priority, nature and extent of such matters, if any.

In the event of a defect or other problem with the foreclosure process is discovered that may invalidate the sale, the consideration paid will be returned to the purchaser as the sole and absolute remedy. In the event of any claim or action brought by any person including the purchaser requiring or resulting in the invalidation of the sale and rescission of the Trustee's Deed or Substitute Trustee's Deed, purchaser's damages resulting therefrom are limited to the consideration paid to the Trustee or Substitute Trustee and the sole and absolute remedy shall be the return to purchaser of the consideration paid. The purchaser shall have no further recourse against the Trustee, Substitute Trustee, Mortgagee and/or Mortgage Servicer, or its attorney(s).

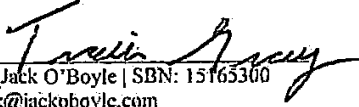
The Deed of Trust permits the Mortgagee and/or Mortgage Servicer to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deed of Trust or Substitute Trustee appointed herein need not appear at the date, time and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this 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.

Signed on the 14 day of February, 2020

Respectfully,

JACK O'BOYLE & ASSOCIATES, PLLC



Jack O'Boyle | SBN: 15165300
jack@jackoboylc.com

Travis H. Gray | SBN: 24044965
travis@jackoboylc.com

Chris S. Ferguson | SBN: 24069714
chris@jackoboylc.com

P.O. Box 815369

Dallas, Texas 75381

P: 972.247.0653 | F: 972.247.0642

ATTORNEYS FOR MORTGAGEE AND/OR ITS MORTGAGE
SERVICER

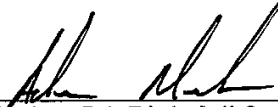
POSTING AND FILING AFFIDAVIT FOR REPRESENTATIVE OF TRUSTEE

STATE OF TEXAS §
COUNTY OF Nueces §

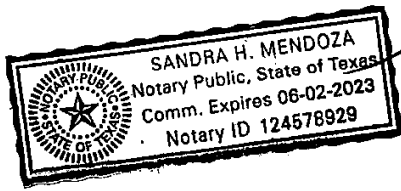
Alexis Mendoza appeared in person before me today and stated under oath:

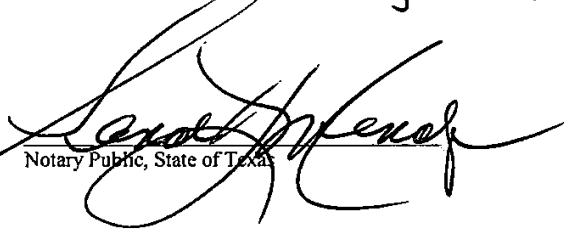
"My name is Alexis Mendoza. I am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

"On behalf of the mortgagee and/or mortgage servicer of the indebtedness secured by a Deed of Trust dated 10/17/2006, executed by Carlos Cardenas, An Unmarried Man and recorded in the recorded under Volume, Page or Clerk's File No. Clerk File Number: 101171 in the real property records of Calhoun County Texas, securing payment of the promissory note of the same date, I did on the 20th day of February, 2020 post the APPOINTMENT OF SUBSTITUTE TRUSTEE AND NOTICE OF SUBSTITUTE TRUSTEE SALE, a true and complete copy of which is attached as Exhibit A, at the officially designated place for the posting of notices of nonjudicial foreclosure sales in Calhoun, Texas, and filed a duplicate of the notice of foreclosure sale with the county clerk's office of Calhoun, Texas that same day."


Jo Woolsey, Bob Frisch, Jodi Steen, Jamie Steen, Leslye Evans, W.D. Lazew, Vicki Hammonds, Arnold Mendoza, Frederick Britton, Pamela Thomas, Barbara Sandoval, Oscar Caballero, Donna Caballero, Jim Rector, Denise Rector, Sandra Mendoza, Vanessa McHenry, Martha Beeta, Garrett Sanders, Megan Yassi, John Sisk, Janice Stoner, Alexis Mendoza, Susan Sandoval, Travis Gray, Chris Ferguson, or Jack O'Boyle
Substitute Trustee

SUBSCRIBED AND SWORN TO before me on the 20th day of February, 2020 by Alexis Mendoza.




Notary Public, State of Texas