

AT 3:09 FILED O'CLOCK P M

SEP 25 2019

Notice of Substitute Trustee's Foreclosure Sale

ANNA GOODMAN
COUNTY CLERK, CALHOUN COUNTY, TEXAS
BY: _____ DEPUTY

Catherine Poems

Date: September 25, 2019

Substitute Trustee: Carly W. Wall, Anne Marie Odefey, Sandra Witte or John T. Villafranca
2206 Hwy 35 N, P. O. Box 9, Port Lavaca, Texas, 77979

Correction Deed of Trust ("Deed of Trust"):

Dated: December 27, 2008, but effective March 29, 2008

Grantor: Charles Smith

Lender: Stephen C. McBay

Recorded in: Instrument No. 114862 of the real property records of Calhoun County, Texas, being a correction of the Deed of Trust recorded in Instrument No. 113352 of the real property records of Calhoun County, Texas.

Legal Description: An undivided one-half interest in and to Lot Two (2), in block Two Hundred-Eight (208), Port O'Connor Townsite, Calhoun County, Texas according to the Plat of Record in Volume 2, Page 001, Deed Records of Calhoun County, Texas.

Secures: Promissory Note ("Note") dated December 27, 2008, but effective March 29, 2008, in the original principal amount of \$128,000.00, executed by Charles Smith ("Borrower") and payable to the order of Lender.

Notice Also Provided to: Charles C. Smith, as trustee of the Charles C. Smith Revocable Living Trust

Foreclosure Sale:

County: Calhoun

Date of Sale (first Tuesday of month): November 5, 2019

Time of Sale: No earlier than 10:00 a.m. on said date, and no later than 1:00 p.m. on said date.

Place of Sale: Calhoun County Courthouse Foyer, 211 South Ann, Port Lavaca, Calhoun County, Texas.

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 Stephen C. McBay's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Stephen C. McBay, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Stephen C. McBay's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Stephen C. McBay's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Stephen C. McBay passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

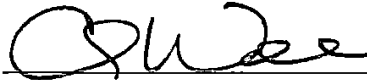
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Stephen C. McBay. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

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, Substitute 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 Substitute Trustee.

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.

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.



Carly W. Wall, Substitute Trustee
2206 Hwy 35 N, P. O. Box 9
Port Lavaca, Texas 77979
Telephone (361) 552-2971
Telecopier (361) 552-5368
Email: carly@portlavacalaw.com

AT 10:38 FILED O'CLOCK A M

SEP 19 2019

NOTICE OF FORECLOSURE SALE

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

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. Property to Be Sold. The property to be sold is described as follows: EXHIBIT A
2. Instrument to be Foreclosed. The instrument to be foreclosed is the Deed of Trust dated 12/01/2004 and recorded in Book 389 Page 611 Document 00089726 real property records of Calhoun County, Texas. Re-filed in Document 132452 real property records of Calhoun County, Texas.
3. Date, Time, and Place of Sale. The sale is scheduled to be held at the following date, time, and place: Date: 11/05/2019 Time: 11:00 AM Place: Calhoun County, Texas, at the following location: THE FOYER OF THE COURTHOUSE FACING ANN STREET, 211 S. ANN STREET, PORT LAVACA, CALHOUN COUNTY, TEXAS. SHOULD THERE BE AN ELECTION BEING HELD IN THE FOYER OF THE COURTHOUSE, THE DESIGNATED PLACE FOR HOLDING FORECLOSURE SALES SHALL BE AT THE END OF THE HALL OUTSIDE THE SHERIFF'S OFFICE FACING THE FOYER OF THE COURTHOUSE. SHOULD THE COURTHOUSE BE CLOSED AT THE TIME DESIGNATED FOR FORECLOSURE SALES, THE DESIGNATED LOCATION SHALL BE THE SIDEWALK IN FRONT OF THE COURTHOUSE FACING ANN STREET, PORT LAVACA, CALHOUN COUNTY, TEXAS, OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.
4. 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.
5. Obligations Secured. The Deed of Trust executed by MARK A. CAMACHO, SR. AND CYNTHIA CAMACHO, provides that it secures the payment of the indebtedness in the original principal amount of \$142,000.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-R1 is the current mortgagee of the note and deed of trust and PHH MORTGAGE CORPORATION is mortgage servicer. A servicing agreement between the mortgagee, whose address is DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-R1 c/o PHH MORTGAGE CORPORATION, 1Mortgage Way, Mail Stop SV-22, Mt. Laurel, NJ 08054 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.
6. Order to Foreclose. DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-R1 obtained a Order from the 267th District Court of Calhoun County on 09/04/2019 under Cause No. 2019-CV-3752-DC. The mortgagee has requested a Substitute Trustee conduct this sale pursuant to the Court's Order.
7. Substitute Trustee(s) Appointed to Conduct Sale. In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint JO WOOLSEY, BOB FRISCH, JANICE STONER, ARNOLD MENDOZA, SANDRA MENDOZA, VICKI HAMMONDS, JODI STEEN, BARBARA SANDOVAL, MARTHA BOETA, RAYMOND PEREZ, GARRETT SANDERS, MEGAN YASSI, JOHN SISK OR AMY ORTIZ, Substitute Trustee to act under and by virtue of said Deed of Trust.

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.

[Signature] Mackie Wolf Ziebitz & Mann, P.C. Brandon Wolf, Attorney at Law L. Keller Mackie, Attorney at Law Lori Liane Long, Attorney at Law Chelsea Schneider, Attorney at Law Ester Gonzales, Attorney at Law Parkway Office Center, Suite 900 14160 North Dallas Parkway Dallas, TX 75254

[Signature] JO WOOLSEY, BOB FRISCH, JANICE STONER, ARNOLD MENDOZA, SANDRA MENDOZA, VICKI HAMMONDS, JODI STEEN, BARBARA SANDOVAL, MARTHA BOETA, RAYMOND PEREZ, GARRETT SANDERS, MEGAN YASSI, JOHN SISK OR AMY ORTIZ c/o AVT Title Services, LLC 5177 Richmond Avenue Suite 1230 Houston, TX 77056

I am [Signature] Certificate of Posting whose address is c/o AVT Title Services, LLC, 1101 Ridge Rd., Suite 222, Rockwall, TX 75087. I declare under penalty of perjury that on [Signature] I filed this Notice of Foreclosure Sale at the office of the Calhoun County Clerk and caused it to be posted at the location directed by the Calhoun County Commissioners Court.



Exhibit "a"

LEGAL DESCRIPTION

BEING 2.46 ACRES SITUATED IN AND A PART OF TRACT 43 OF THE PHILLIPS INVESTMENT COMPANY SUBDIVISION, IN THE VALENTINE GARCIA SURVEY, ABSTRACT NO. 17, CALHOUN COUNTY, TEXAS. SAID 2.46 ACRES IS A PORTION OF A TRACT OF LAND RECORDED IN VOLUME 379, PAGE 45 OF THE DEED RECORDS OF CALHOUN COUNTY, TEXAS. THIS 2.46 ACRES IS MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND AND THE NORTH INTERSECTION OF SCHOOL ROAD AND CLEGG ROAD (SCHOOL LANE) FOR THE SOUTH CORNER OF THIS 2.46 ACRES;

THENCE, N 35° 05' 39" W (DEED CALL = N 35° 04'51" W) WITH THE NORTHEAST LINE OF CLEGG ROAD A DISTANCE OF 323.40 FEET TO A 5/8 INCH IRON ROD FOUND FOR THE WEST CORNER OF THIS 2.46 ACRES;

THENCE, N 55° 00'00" E (BEARING REFERENCE LIEN) WITH THE COMMON LINE OF THIS TRACT AND A 4.58 ACRE TRACT RECORDED IN VOLUME 113, PAGE 28 OF THE OFFICIAL RECORDS OF CALHOUN COUNTY, TEXAS, A DISTANCE OF 331.00 FEET TO A 5/8 INCH IRON ROD SET FOR THE NORTH CORNER OF THIS 2.46 ACRES;

THENCE, S 35° 05'48" E CROSSING AFORESAID TRACT OF LAND A DISTANCE OF 323.40 FEET TO A 5/8 INCH IRON ROD SET FOR THE EAST CORNER OF THIS 2.46 ACRES;

THENCE, S 54° 59'59" W (DEED CALL = S 55° W) WITH THE NORTHWEST LINE OF SCHOOL ROAD A DISTANCE OF 301.01 FEET TO THE PLACE OF BEGINNING; CONTAINING WITHIN THESE METES AND BOUNDS 2.46 ACRES.

Notice of Substitute Trustee's Sale

Date: October 2, 2019

Substitute Trustee: Carly W. Wall, Anne Marie Odefey, Sandra Witte or John T. Villafranca
P.O. Box 9
Port Lavaca, Texas 77979

Borrowers: Paul Michael Orta
117 Serene County Lane
Port Lavaca, Texas 77979

AT 10:05 FILED O'CLOCK A M

OCT 02 2019

Mortgagee: First National Bank in Port Lavaca
P.O. Drawer 7
Port Lavaca, Texas 77979

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

Note: Promissory Note dated April 14, 2016 in the original amount of \$195,500.00

Deed of Trust

Date: April 14, 2016

Grantor: Paul Michael Orta
117 Serene County Lane
Port Lavaca, Texas 77979

Mortgagee: First National Bank in Port Lavaca
P.O. Drawer 7
Port Lavaca, Texas 77979

Recording information: Instrument Number 147343 in the Official Records of Calhoun County, Texas.

Property:

Lots Eighteen (18); Nineteen (19); Twenty (20) and Twenty-One (21) in Block One (1) of the Hollamon Addition, City of Port Lavaca, Calhoun County, Texas, according to the plat recorded in Volume X, Page 541, Deed Records of Calhoun County, Texas.

County: Calhoun

Date of Sale (first Tuesday of month): November 5, 2019

Time of Sale: No earlier than 10:00 a.m. on said date, and no later than 1:00 p.m. on said date.

Place of Sale: Calhoun County Courthouse Foyer, 211 South Ann, Port Lavaca, Calhoun

County, Texas.

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 First National Bank in Port Lavaca's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, First National Bank in Port Lavaca, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If First National Bank in Port Lavaca passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

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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.

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Carly W. Wall, Substitute Trustee
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P. O. Box 9
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Telecopier: (361) 552-5368
Email: carly@portlavacalaw.com