

NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF 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. Sender is: Codilis & Moody, P.C., 20405 State Highway 249, Suite 170, Houston, TX 77070

INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated August 12, 2019 and recorded under Vol. 0269, Page 0625, or Clerk's File No. 0155280, in the real property records of FRIO County Texas, with Kyle B Cummings, a single person, and Stephanie A Luera, a single person, as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Amcap Mortgage, Ltd., its successors and assigns as Original Mortgagee.

Deed of Trust executed by Kyle B Cummings, a single person, and Stephanie A Luera, a single person, securing payment of the indebtedness in the original principal amount of \$145,500.00 and obligation therein described including but not limited to the promissory note and all modifications, renewal and extensions of the promissory note (the "Note") executed by Kyle B. Cummings, Stephanie A. Luera. Plaza Home Mortgage, Inc is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

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. PHH Mortgage Corporation is acting as the Mortgage Servicer for the Mortgagee. PHH Mortgage Corporation, is representing the Mortgagee, whose address is: 1 Mortgage Way, Mount Laurel, NJ 08054.

Legal Description:

BEING 0.609 ACRES OF LAND, MORE OR LESS, OUT OF THE P.K. MORALES SURVEY NO. 1413, ABSTRACT NO. 496, IN THE CITY OF PEARSALL, FRIO COUNTY, TEXAS, SAME BEING THAT SAME PROPERTY CONVEYED IN A SPECIAL WARRANTY DEED RECORDED IN VOLUME 94, PAGE 280, OFFICIAL PUBLIC RECORDS OF FRIO COUNTY, TEXAS AND DESCRIBED IN CORRECTION DEED RECORDED IN VOLUME 273, PAGE 522, DEED RECORDS OF FRIO COUNTY, TEXAS, SAID 0.609 ACRE AND BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES

SALE INFORMATION

Date of Sale: 10/03/2023

Earliest Time Sale Will Begin: 10:00 AM

FILED
At 2:06 o'clock P M
This 31 day of August 2023
Aaron T. Ibarra

Location of Sale:

The place of the sale shall be: FRIO County Courthouse, Texas at the following location: On the steps of the north door of the Frio County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

Clerk County Court FRIO COUNTY, TX
BY [Signature] DEPUTY

TERMS OF SALE

A 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.

The Sale will be conducted as a public auction to the highest bidder for cash, except that Mortgagee's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust. 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.

The sale will begin at the earliest time stated above, or within three (3) hours after that time. 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.

WHEREAS, in my capacity as attorney for the Mortgagee and/or Its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I HEREBY APPOINT AND DESIGNATE Calvin Speer, Wendy Speer, Melody Speer, Nancy Gomez, Leo Gomez, Deborah Martin, Troy Martin, Alexis Martin, Cassie Martin, Terri Martin, Shelby Martin, Vicki Rodriguez, Bob Frisch, Wayne Daughtrey, Daniel McQuade, Vanna Ho, Aleena Litton, Auction.com, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or Auction.com, as Substitute Trustee.

The address for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:
Codilis & Moody, P.C.
20405 State Highway 249, Suite 170
Houston, TX 77070
(281) 925-5200

Executed on August 29, 2023.

/s/ Danya F. Gladney SBOT No. 24059786, Attorney at Law
Codilis & Moody, P.C.
20405 State Highway 249, Suite 170
Houston, TX 77070
(281) 925-5200

Posted and filed by: _____

Printed Name: _____

C&M No. 44-23-2057

Exhibit "A"

METES AND BOUNDS

Being 0.609 acres of land, more or less, out of the P.K. Morales Survey No. 1413, Abstract No. 496, in the City of Pearsall, Frio County, Texas, same being that same property conveyed in a Special Warranty Deed recorded in Volume 94, Page 280, Official Public Records of Frio County, Texas and described in Correction Deed recorded in Volume 273, Page 522, Deed Records of Frio County, Texas, said 0.609 acre being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found (monument of record dignity) for the North corner of this 0.609 acre, same being the East corner of the William J. Cole 0.244 acres (Volume 272, Page 319), and on the southwest Right-of-Way line of East San Marcos, same also being the **POINT OF BEGINNING**;

THENCE along the southwest Right-of-Way line of said East San Marcos, South 75 degrees 00 minutes 00 seconds East (bearing basis), a distance of 212.08 feet (called 212 feet) to a 5/8 inch iron rod found (monument of record dignity) for the East corner of this 0.609 acres, same being the North corner of the Jose S. Garza 0.234 acres (Volume 386, Page 455);

THENCE along the line common to this 0.609 acres and said Garza 0.234 acres, South 15 degrees 03 minutes 25 seconds West (called South 15 degrees West), a distance of 125.14 feet (called 125 feet) to a 1/2 inch iron rod found for the South corner of this 0.609 acres, same being the West corner of said Garza 0.234 acres, and on the northeast Right-of-Way line of an alley;

THENCE along the line common to this 0.609 acres and said alley, North 75 degrees 00 minutes 00 seconds West, a distance of 212.08 feet (called 21 feet) to a point for the West corner of this 0.609 acres, same being the South corner of said Garza 0.234 acres, and on the northeast Right-of-Way line of an alley;

THENCE along the line common to this 0.609 acre and said Cole 0.244 acres, North 15 degrees 03 minutes 25 seconds East (called North 15 degrees East), a distance of 125.14 feet (called 125 feet) to the **POINT OF BEGINNING** and containing 0.609 acre more or less.

I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof.