

1680 COUNTY ROAD 374, MILANO, TX. 76556
10565.0242

Filed 16th day of Dec
in 2019, At 10:45A M.
JODI MORGAN
County Clerk, Milam County, Texas
By Jennifer Norcott
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 Pete Florez, Aarti Patel, Marvna Danielian, Patricia Sanders, Frederick Britton, Jack Burns II, Kristopher Holub, Patrick Zwiers, Pamela Thomas, Evan Press, Florence Rosas, John Latham, Michael Latham, John W. Latham, Brett Adams, Tobey Latham, Richard H Hester, David Garvin, Kelly Goddard, Randy Jennings, Vanessa McHancy, Zachary Florez, Orlando Rosas, Bobby Brown, Stacey Bennett, Amy Ortiz, Garrett Sanders, Maxwell Atherton, Kathleen Adkins, 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 January 07, 2020 between the hours of 10am-1pm 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: The East Door of the Milam County Courthouse at 107 West Main Street in Cameron, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court in MILAM County, Texas or as designated by the County Commissioners.

**INSTRUMENT TO BE
FORECLOSED:**

Deed of Trust or Contract Lien dated 08/12/2016 and recorded under Volume, Page or Clerk's File No. Vol. 1287 Page 625 in the real property records of Milam County Texas, with RAUL GARZA JR, AN UNMARRIED MAN as Grantor(s) and VETERANS LAND BOARD OF THE STATE OF TEXAS as Original Mortgagee.

OBLIGATIONS SECURED:

Deed of Trust or Contract Lien executed by RAUL GARZA JR, AN UNMARRIED MAN securing the payment of the indebtedness in the original principal amount of \$42,500.00 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 RAUL GARZA JR. VETERANS LAND BOARD OF THE STATE OF TEXAS 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. VETERANS LAND BOARD OF THE STATE OF TEXAS is acting

as the Mortgage Servicer for VETERANS LAND BOARD OF THE STATE OF TEXAS who is the Mortgagee of the Note and Deed of Trust associated with the above referenced loan. VETERANS LAND BOARD OF THE STATE OF TEXAS, as Mortgage Servicer, is representing the Mortgagee, whose address is:

VETERANS LAND BOARD OF THE STATE OF TEXAS
c/o VETERANS LAND BOARD OF THE STATE OF TEXAS
1 CORPORATE DRIVE, SUITE 360, LAKE ZURICH, IL 60047

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

BEING A 9.99 ACRE TRACT OF LAND OUT OF THE SAMUEL A. LONG SURVEY, ABSTRACT NO. 239, MILAM COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN 10.003 ACRE TRACT OF LAND CONVEYED AS TRACT 131, LIN LUCE RANCHES, SECTION 3, IN A DEED TO GENE R. ROSS, ET UX, RECORDED IN VOLUME 525, PAGE 825 OF THE OFFICIAL RECORDS OF MILAM COUNTY, TEXAS. ALSO BEING A PART OF THAT CERTAIN TRACT OF LAND RESERVED FOR FUTURE DEVELOPMENT, LIN LUCE RANCHES, SECTION 3, ACCORDING TO A PLAT OF RECORD IN CABINET A, SLIDE 66-C, PLAT RECORDS OF MILAM COUNTY, SAID 9.99 ACRE TRACT BEING SHOWN ON ATTACHED PLAT AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF ABOVE MENTIONED TRACT 131, SAME BEING THE NORTHEAST CORNER OF A 10.00 ACRE TRACT RECOGNIZED AS TRACT 129 TO JOHN JACKSON, ET UX (996/399), SAME BEING THE SOUTHEAST CORNER OF A 10.00 ACRE TRACT RECOGNIZED AS TRACT 128 TO HENRY D. JACKSON, ET UX (697/371), AND SAME BEING THE SOUTHWEST CORNER OF A 10.00 ACRE TRACT RECOGNIZED AS TRACT 130 TO THE STEPHEN J. CALLAWAY AND MARY A. CALLAWAY REVOCABLE LIVING TRUST (702/56), LOCATED IN THE NORTH LINE OF COUNTY ROAD NO. 374, (A COUNTY MAINTAINED ROAD), FOR THE NORTHWEST CORNER OF THIS TRACT, FROM WHICH A 5/8" IRON ROD FOUND IN THE SOUTH LINE OF COUNTY ROAD NO. 374 BEARS SOUTH 18 DEGREES 53 MINUTES 32 SECONDS EAST A DISTANCE OF 60.10 FEET;

THENCE ALONG THE NORTH LINE OF COUNTY ROAD NO. 374 PART WAY AND WITH THE NORTH LINE OF SAID TRACT 131, COMMON WITH THE SOUTH LINE OF SAID TRACT 130, NORTH 71 DEGREES 08 MINUTES 15 SECONDS EAST A DISTANCE OF 547.19 FEET TO A 1/2" IRON ROD FOUND IN A WEST LINE OF A 11.83 ACRE TRACT TO MARCO A. FLORIS, (TRACT 7 - 1049/113), FOR THE NORTHEAST CORNER OF THIS;

THENCE ALONG THE EAST LINE OF SAID TRACT 131, COMMON WITH A WEST LINE OF SAID 11.83 ACRE TRACT, AT SOUTH 18 DEGREES 49 MINUTES 59 SECONDS EAST A DISTANCE OF 60.38 FEET PASSING A 1/2 " IRON ROD FOUND AT A CORNER POST AND CONTINUING ALONG A FENCE LINE A TOTAL DISTANCE OF 795.48 FEET TO A 1/2 " IRON ROD FOUND BY A CORNER POST FOR THE SOUTHEAST CORNER OF THIS;

THENCE ALONG THE SOUTH LINE OF SAID TRACT 131, COMMON WITH A NORTH LINE OF SAID 11.83 ACRE TRACT AND A NORTH LINE OF A 12.12 ACRE TRACT TO MARCO A. HODS (TRACT 8 - 049/113) AND ALONG A FENCE LINE, SOUTH 71 DEGREES 08 MINUTES 11 SECONDS WEST A DISTANCE OF 546.37 FEET TO A 5/8" IRON ROD FOUND BY A CORNER POST AT THE SOUTHEAST CORNER OF THE ABOVE MENTIONED TRACT 129 FOR THE SOUTHWEST CORNER OF THIS:

THENCE ALONG THE WEST LINE OF SAID TRACT 131, COMMON WITH THE EAST LINE OF SAID TRACT 129 AND ALONG A FENCE LINE, NORTH 18 DEGREES 53 MINUTES 32 SECONDS WEST A DISTANCE OF 795.49 FEET TO THE POINT OF BEGINNING, AND CONTAINING 9.99 ACRES OF LAND, MORE OR LESS. (the "Property")

**REPORTED PROPERTY
ADDRESS:**

1680 COUNTY ROAD 374, MILANO, TX 76536

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 November, 2019.

Respectfully,

JACK O'BOYLE & ASSOCIATES



Jack O'Boyle | SBN: 151653100
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travis@jackobovle.com

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ATTORNEYS FOR MORTGAGEE AND/OR ITS MORTGAGE
SERVICER