

20TX324-0001
2509 EAST AIRLINE ROAD, VICTORIA, TX 77901

2021 FEB 25 A 10:39

M.A.
Debra Casler
COUNTY CLERK
VICTORIA COUNTY, TEXAS

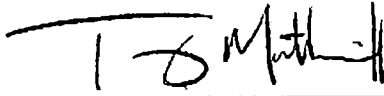
NOTICE OF FORECLOSURE SALE

- Property:** The Property to be sold is described as follows:
- BEING LOT 17, BLOCK 10 OF BROWNSON TERRACE, SECTION II AN ADDITION TO THE CITY OF VICTORIA, VICTORIA COUNTY, TEXAS, ACCORDING TO THE ESTABLISHED MAP AND PLAT OF SAID ADDITION OF RECORD IN VOLUME 3, PAGE 73 OF THE PLAT RECORDS OF VICTORIA COUNTY, TEXAS, TO WHICH REFERENCE IS HERE MADE FOR DESCRIPTIVE PURPOSES.
- Security Instrument:** Deed of Trust dated April 18, 2007 and recorded on April 30, 2007 as Instrument Number 200705549 in the real property records of VICTORIA County, Texas, which contains a power of sale.
- Sale Information:** April 06, 2021, at 11:00 AM, or not later than three hours thereafter, at the area in front of the east door of the Victoria County Courthouse located at 115 North Bridge Street, Victoria, Texas, or as designated by the County Commissioners Court.
- Terms of Sale:** Public auction to highest bidder for cash. In accordance with Texas Property Code section 51.009, the Property will be sold as is, without any expressed or implied warranties, except as to warranties of title, and will be acquired by the purchaser at its own risk. In accordance with Texas Property Code section 51.0075, the substitute trustee reserves the right to set additional, reasonable conditions for conducting the sale and will announce the conditions before bidding is opened for the first sale of the day held by the substitute trustee.
- Obligation Secured:** The Deed of Trust executed by MELINDA GARCIA secures the repayment of a Note dated April 18, 2007 in the amount of \$72,000.00. PACIFIC WEST NOTE EXCHANGE, whose address is c/o FCI Lender Services, Inc., 8180 East Kaiser Blvd., Anaheim Hills, CA 92808, is the current mortgagee of the Deed of Trust and Note and FCI Lender Services, Inc. is the current mortgage servicer for the mortgagee. Pursuant to a servicing agreement and Texas Property Code section 51.0025, the mortgagee authorizes the mortgage servicer to administer the foreclosure on its behalf.
- Substitute Trustee:** In accordance with Texas Property Code section 51.0076 and the Security Instrument referenced above, mortgagee and mortgage servicer's attorney appoint the substitute trustees listed below.
- Court Order:** A Home Equity Foreclosure Order was signed on February 11, 2021 in the 267th District Court of Victoria County under Cause No. 20-12-86715-C. A copy of the Order is attached hereto.

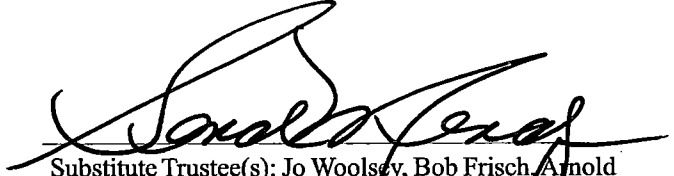
THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.



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.



Miller, Watson & George, P.C.
Dustin C. George, Attorney at Law
Tracey Midkiff, Attorney at Law
Jonathan Andring, Attorney at Law
5550 Granite Parkway, Suite 245
Plano, TX 75024



Substitute Trustee(s): Jo Woolsey, Bob Frisch, Arnold
Mendoza, Sandra Mendoza, Vicki Hammonds, Jodi
Steen, Ramon Perez, Garrett Sanders, Megan Ysassi,
John Sisk, Amy Ortiz, Alexis Mendoza, Susana
Sandoval, Elizabeth Anderson, Janice Stoner
c/o Miller, Watson & George, P.C.
5550 Granite Parkway, Suite 245
Plano, TX 75024

Certificate of Posting

I, **Sandra Mendoza**, declare under penalty of perjury that on the 25 day of February, 2021 filed and posted this Notice of Foreclosure Sale in accordance with the requirements of VICTORIA County, Texas and Texas Property Code sections 51.002(b)(1) and 51.002(b)(2).

CAUSE NO. 20-12-86715-C

IN RE: ORDER FOR FORECLOSURE	§	IN THE DISTRICT COURT OF
CONCERNING 2509 EAST AIRLINE ROAD	§	
VICTORIA, TX 77901	§	
UNDER TEX. R. CIV. PROC. 736	§	
PETITIONER:	§	VICTORIA COUNTY, TEXAS
PACIFIC WEST NOTE EXCHANGE	§	
RESPONDENT(S):	§	
MELINDA GARCIA	§	267TH JUDICIAL DISTRICT

DEFAULT ORDER

1. On this day, the Court considered Petitioner’s motion for default order granting its application for an expedited order under Rule 736. Petitioner’s application complies with the requirements of Texas Rule of Civil Procedure 736.1.
2. The name and last known address of each Respondent subject to this order is:

MELINDA GARCIA 2509 EAST AIRLINE ROAD VICTORIA, TX 77901	MELINDA GARCIA C/O JEROME A. BROWN, ATTORNEY P.O. BOX 1667 VICTORIA, TX 77902
---	--

Each Respondent was properly served with the citation, but none filed a response within the time required by law. The return of service for each Respondent has been on file with the court for at least ten days.

3. The Property that is the subject of this foreclosure proceeding is commonly known as 2509 EAST AIRLINE ROAD, VICTORIA, TX 77901, with the following legal description:

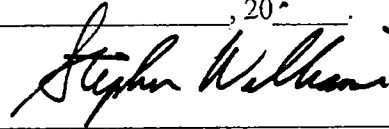
BEING LOT 17, BLOCK 10 OF BROWNSON TERRACE, SECTION II AN ADDITION TO THE CITY OF VICTORIA, VICTORIA COUNTY, TEXAS, ACCORDING TO THE ESTABLISHED MAP AND PLAT OF SAID ADDITION OF RECORD IN VOLUME 3, PAGE 73 OF THE PLAT RECORDS OF VICTORIA COUNTY, TEXAS, TO WHICH REFERENCE IS HERE MADE FOR DESCRIPTIVE PURPOSES.

4. The lien sought to be foreclosed is indexed or recorded at Instrument Number 200705549 and recorded in the real property records of VICTORIA County, Texas.

5. The material facts establishing Respondent's default are alleged in Petitioner's application and the supporting affidavit. Those facts are adopted by the court and incorporated by reference in this order.
6. Based upon the affidavit of Petitioner, no Respondent subject to this order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 *et seq.*
7. Therefore, the Court grants Petitioner's motion for default order and under Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner, or successors in interest, may proceed with foreclosure of the property described above in accordance with applicable law and the loan agreement, contract or lien sought to be foreclosed.
8. This order is not subject to a motion for rehearing, a new trial, a bill of review, or an appeal. Any challenge to this order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

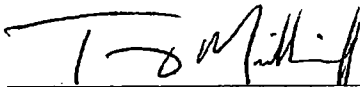
SIGNED this _____ day of _____, 20____

Signed: 2/11/2021 11:43 AM



JUDGE PRESIDING

Approved:



Dustin C. George

Texas Bar No. 24065287

dustin.george@mwglegal.com

Tracey Midkiff

Texas Bar No. 24076558

tracey.midkiff@mwglegal.com

MILLER, WATSON & GEORGE, P.C.

5550 Granite Parkway, Ste. 245

Plano, Texas 75024

Phone: (469) 518-4975

Fax: (469) 518-4972

Attorneys for Petitioner

FILED

FILE No. 9963
County Clerk, Victoria County, Texas

2021 MAR 11 A 8:28

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

aw
Dalai Cooley
COUNTY CLERK
VICTORIA COUNTY, TEXAS

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF VICTORIA §

WHEREAS, on December 10, 1999, **Brian D. Hendrix** ("Grantor") executed and delivered a Deed of Trust,(the "Deed of Trust") conveying to **Bernice K. Brown** , as Trustee, the herein below described property to secure **Prosperity Bank the successor by merger with First Victoria National Bank**, in the payment of all indebtedness (collectively the "Note") therein described, the Deed of Trust being filed and recorded under Official Records Instrument No. 199915985 of the Real Property Records, Victoria County, Texas to which reference is hereby made for all purposes; and

WHEREAS, default has occurred in the payment of the Note and the same is now wholly due, and **Prosperity Bank** (the "Beneficiary"), the owner and holder of the Note, has requested the undersigned to sell the Property to satisfy the Note; and

WHEREAS, the above named Trustee and any previously appointed Substitute Trustee was removed under and in accordance with the Deed of Trust and the Beneficiary designated and appointed **L. David. Smith, Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra Mendoza, Janice Stoner and Jodi Steen any of whom may act independently** as Substitute Trustee to enforce the Trust, and any of whom may conduct the sale of the Property and may be contacted as indicated on the signature block below.

NOW, THEREFORE, pursuant to the authority conferred upon me by the Deed of Trust, I, **L. David Smith**, hereby give notice that I or one of the other Substitute Trustees whose names and

addresses are set out below, will sell the Property at public auction to the highest bidder, for cash, on **Tuesday, April 6, 2021**. The earliest time at which the sale will occur shall be at **11:00 o'clock A.M.** and it may take place not later than three hours after said time, and the sale shall take place in the .the area in front of the East Door of the Courthouse Building located at 115 North Bridge Street, Victoria, Victoria County, Texas 77901, or as designated by the County Commissioner's Office This conveyance will be made subject to any exceptions referenced in the Deed of Trust to the extent the same are still in effect and shall not cover any part of the Property that has been released from the liens of the Deed of Trust. The Property that will be sold at the foreclosure sale includes the following described real property, together with all improvements and fixtures thereon and appurtenances thereto:

Being a 5.00 acre tract of land situated in the Benjamin J White Survey, Abstract 345, Victoria County, Texas, said 5.00 acre tract of land being that same 5.00 acre tract of land conveyed to Karl U. Hass and wife Dora R. Hass by deed recorded in Volume 1070, Page 626 of the Deed Records of Victoria County, Texas, being more particularly described by metes and bounds in Exhibit A attached to the Deed of Trust dated December 10, 1999 executed by Grantor to **Bernice K. Brown**, Trustee recorded at Official Records Instrument No.199915985 in the Office of the Victoria County Clerk to which reference is here made for all pertinent purposes.

THE SALE OF THE PROPERTY IS "AS-IS" AND "WHERE-IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. THE SUBSTITUTE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE COMPLIANCE WITH THE LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

SUBSTITUTE TRUSTEES

**NOTICE IS HEREBY PROVIDED THAT ONE OF THE FOLLOWING NAMED
SUBSTITUTE TRUSTEES WHOSE ADDRESS AND CONTACT INFORMATION FOR
PURPOSES HEREOF IS AS FOLLOWS MAY CONDUCT THE SALE:**

**L. David. Smith, Jo Woolsey, Bob Frisch, Arnold Mendoza, Sandra Mendoza, Janice Stoner
and Jodi Steen**

c/o L. David. Smith
2618 Kittansett Circle
Katy Texas 77450
Telephone: 281-788-3666
Email: ldslaw7@gmail.com

**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.**

Dated this 8th day of February, 2021.

L. David Smith Substitute Trustee
L. David. Smith, Substitute Trustee
2618 Kittansett Circle
Katy Texas 77450
Telephone: 281-788-3666
Email: ldslaw7@gmail.com

FILE No. 9964
County Clerk, Victoria County, Texas

FILED

2021 MAR 15 P 4: 15
aw

Notice of Trustee's Sale

Debra Cantelero
COUNTY CLERK
VICTORIA COUNTY, TEXAS

Date: March 11, 2021

Trustee: Jo Woolsey or Bob Frisch or Jodi Steen or Janice Stoner

Trustee's Address: P. O. Box 1571
Boerne, Texas 78006

Mortgagee: Texas Rural Capital, LLC by transfer from Texas Mortgage Capital Corporation, a Texas corporation

Mortgagee's Address:

Texas Rural Capital, LLC
20079 Stone Oak Parkway, Ste. 1105-477
San Antonio, Texas 78258
Bexar County

Mortgage Servicer: SecureNet Loan Services, LLC

Mortgage Servicer's Address: P. O. Box 15826
San Antonio, Texas 78212-4281

Note: Note dated August 06, 2018 in the amount of \$58,500.00

Deed of Trust

Date: August 06, 2018

Grantor: Michael Brooks Toombs; and Theresa Maria Toombs

Mortgagee: Texas Mortgage Capital Corporation, a Texas corporation

Recording information: Recorded under Document No. 201809287, Official Public Records of Victoria County, Texas.

Property:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

County: Victoria County, Texas

Date of Sale (first Tuesday of month): April 6, 2021

Time of Sale: 11:00 a.m. - 2:00 p.m.

Place of Sale: Area of the Victoria County Courthouse as designated by the Victoria County Commissioners Court

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.

Mortgage Servicer has appointed Jo Woolsey or Bob Frisch or Jodi Steen or Janice Stoner as Trustee under the Deed of Trust. Mortgage Servicer has instructed Trustee to offer the Property for sale toward the satisfaction of the Note. This foreclosure is being administered by Mortgage Servicer. Mortgage Servicer is representing Mortgagee under a servicing agreement.

Notice is given that on the Date of Sale, Trustee will offer the Property for sale at public auction at the Place of Sale, to the highest bidder for cash, "AS IS". The sale will begin at the Time of Sale or not later than three hours thereafter. This sale will be conducted subject to the right of rescission contained in section 51.016 of the Texas Property Code.

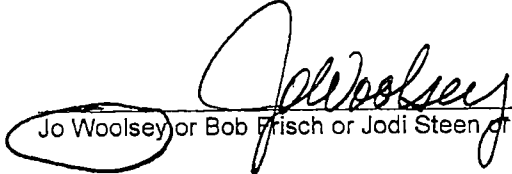

Jo Woolsey or Bob Frisch or Jodi Steen or Janice Stoner

EXHIBIT A

DALE L. OLSON
Registered Professional Land Surveyor
711 Weyer Street
Bastrop, Texas 78603
Phone (512)321-5476 Fax (512)303-6476
olson@www.texasdls.net

FIELD NOTES FOR A 5.022 ACRE TRACT IN THE G.A. LEVI SURVEY IN VICTORIA COUNTY, TEXAS.

BEING Tract No. 29, Willow Creek Ranch 2, an unrecorded subdivision, a 5.022 acre tract or parcel of land out of and being a part of the G.A. Levi Survey, A-373, in Victoria County, Texas; and being a part of that certain 423.001 acre tract described in a deed from Tracy Post Ciburn, Trustee, to Nine Mile Investments, Ltd., recorded in Instrument No. 2011039036, Victoria County Official Public Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a 5/8 inch iron rod found in the center of Willow Creek Ranch Road, a 60 foot roadway easement as recorded in Dec. No. 201102278 and 201313660, Victoria County Official Public Records, in the south line of that certain 518.086 acre tract described in a deed from Tracy Post Ciburn, Trustee, to Nine Mile Investments, Ltd., recorded in Instrument No. 201111741, Victoria County Official Public Records, at the southeast corner of the Henry William Javer, 301.77-acre tract recorded in Instrument No. 201313879, Victoria County Official Public Records; and the northeast corner of the 423.001-acre tract, of which this is a part.

THENCE with the southeast line of the Nine Mile Investments 423.001-acre tract and northwest line of the Javer 301.77-acre tract, S 43 deg. 56 min. 33 sec. W, at 36.04 feet pass a 5/8 inch iron rod found for reference in the south line of Willow Creek Ranch Road, 272.843 feet in all to a rock found near a fence corner, the north corner of that certain 263-acre tract described as Tract 1, in a deed from Nathan Meyer to Blake Jansson, recorded in Vol. 310, Page 330, Victoria County Official Records; the west corner of the Javer 301.77-acre tract; for an angle of the 423.001-acre tract.

THENCE continuing with a northwest line of the Jansson 263-acre tract, S 44 deg. 03 min. 22 sec. W, 3510.63 feet to a rock found at an interior corner of the Jansson 263-acre tract and angle corner of the 423.001-acre tract.

THENCE with a northwest line of the Jansson 263-acre tract and the southwest line of the 423.001-acre tract, N 36 deg. 41 min. 28 sec. W, 2261.61 feet to a rock found in the northwest line of the Levi Survey and northwest line of the L.R.A. Co. No. 7, Survey, A-198, continuing with said line N 45 deg. 35 min. 25 sec. E, 1187.79 feet to an iron rod found at an interior corner of the 423.001-acre tract; the west corner of a 21.513-acre tract described as Tract III in the before said deed to Jansson.

THENCE with a line S 44 deg. 30 min. 21 sec. E 122.68 feet to a 5/8 inch iron rod set for the POINT OF BEGINNING, for the west corner of this tract.

THENCE N 43 deg. 56 min. 33 sec. E, at 488.85 feet pass a 5/8 inch iron rod set for reference in the southwest line of Madrona Lane, a 60-foot roadway easement; 518.96 feet in all to the center of Madrona Lane, for the north corner of this tract.

THENCE with the center of Madrona Lane, S 78 deg. 03 min. 28 sec. E, 417.01 feet to a point where same intersects the center of Sumac Road, a 60-foot roadway easement, for the east corner of this tract.

THENCE with the center of Sumac Road, S 43 deg. 56 min. 33 sec. W, 530.23 feet to a point for the south corner of this tract.

THENCE N 44 deg. 30 min. 21 sec. W at 20.00 feet pass a 5/8 inch iron rod set for reference in the northwest line of Sumac Road, 417.16 feet in all to the POINT OF BEGINNING, containing 5.022 acres of land.

Dale L. Olson
Dale L. Olson
Reg. Pro. Land Surveyor
Order# 15-023-021_29



Michael D. Olson
Reg. Pro. Land Surveyor 5396
Olson Surveying Co.
Date Created: 7-31-15

Tract 29, Section 2
Partial Release of Lien