

FILED
at 1:35 o'clock P M

NOV 15 2018

PAULETTE WILLIAMS
COUNTY CLERK, LIBERTY COUNTY, TEXAS
B. Williams DEPUTY

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

LIBERTY County
Deed of Trust Dated: April 26, 2018
Amount: \$128,627.00
Grantor(s): JOE D. CAPPS, III

Original Mortgagee: FLAGSTAR BANK, FSB
Current Mortgagee: FLAGSTAR BANK, FSB

Mortgagee Servicer and Address: c/o FAY SERVICING, LLC, 939 W. North Avenue, Suite 680, Chicago, IL 60642
Pursuant to a Servicing Agreement between the Mortgage Servicer and Mortgagee, the Mortgage Servicer is authorized to represent the Mortgagee. Pursuant to the Servicing Agreement and Section 51.0025 of the Texas Property Code, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the referenced property

Recording Information: Document No. 2018008930

Legal Description: LOT 15, IN BLOCK 1, OF HUNTER'S COVE, SECTION 2, AN ADDITION IN THE THEO DORSETT LEAGUE SURVEY, A-173, LIBERTY COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 8, PAGE 130 OF THE MAP RECORDS OF LIBERTY COUNTY, TEXAS

Date of Sale: January 2, 2019 between the hours of 10:00 AM and 1:00 PM.

Earliest Time Sale Will Begin: 10:00 AM

Place of Sale: The foreclosure sale will be conducted at public venue in the area designated by the LIBERTY County Commissioners Court pursuant to Section 51.002 of the Texas Property Code as the place where foreclosure sales are to take place, or if no place is designated by the Commissioners Court, the sale will be conducted at the place where the Notice of Trustee's Sale was posted.

AMY BOWMAN OR REID RUPLE, KATHLEEN ADKINS, EVAN PRESS, JULIAN PERRINE, KIM HINSHAW, TOMMY JACKSON, RON HARMON, MARGIE ALLEN, KYLE BARCLAY, KINNEY LESTER, WES WHEAT, WAYNE WHEAT, DANA DENNAN, CINDY DENNAN, TIFFANY BEGGS, BENJAMIN GRIESINGER, STEPHANIE KOHLER, IAN MOSER, CATRENA WARD OR CAROLYN CICCIO have been appointed as Substitute Trustee(s), ("Substitute Trustee") each empowered to act independently, in the place of said original Trustee, upon the contingency and in the manner authorized by said Deed of Trust.

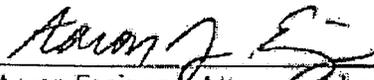
The Substitute Trustee will sell the Property by public auction to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that time.

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.

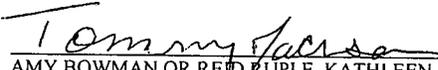
NOTICE IS FURTHER GIVEN that, except to the extent that the Substitute Trustee(s) may bind and obligate the Mortgagors to warrant title to the Property under the terms of the Deed of Trust, conveyance of the Property shall be made 'AS IS' 'WHERE IS' without any representations and warranties whatsoever, express or implied, and subject to all matters of record affecting the Property.

A debtor who is serving on active military duty may have special rights or relief related to this notice under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. §§ 3901 et seq.), and state law, including Section 51.015 Texas Property Code. 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.

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.


Aaron Espinoza, Attorney at Law

HUGHES, WATTERS & ASKANASE, L.L.P.
1201 Louisiana, SUITE 2800
Houston, Texas 77002
Reference: 2018-006645


~~AMY BOWMAN OR REID RUPLE, KATHLEEN ADKINS, EVAN
PRESS, JULIAN PERRINE, KIM HINSHAW, TOMMY JACKSON,
RON HARMON, MARGIE ALLEN, KYLE BARCLAY, KINNEY
LESTER, WES WHEAT, WAYNE WHEAT, DANA DENNAN,
CINDY DENNAN, TIFFANY BEGGS, BENJAMIN GRIESINGER,
STEPHANIE KOHLER, IAN MOSER, CATRENA WARD OR
CAROLYN CICCIO
c/o Auction.com, LLC
1 Mauchly
Irvine, California 92618~~

NOTICE OF FORECLOSURE 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.

- 1. Property to Be Sold. The property to be sold is described as follows: SEE EXHIBIT A
2. Instrument to be Foreclosed. The instrument to be foreclosed is the Deed of Trust dated 08/01/2005 and recorded in Document 2005011519 real property records of Liberty County, Texas.
3. Date, Time, and Place of Sale. The sale is scheduled to be held at the following date, time, and place:
Date: 01/02/2019
Time: 10:00 AM
Place: Liberty County Courthouse, Texas, at the following location: SOUTH SIDE OF THE COURTHOUSE-1923 SAM HOUSTON-AS THE FRONT STEPS OF THE COURTHOUSE 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 HERBERT A. SMITH AND JUDY M. SMITH, provides that it secures the payment of the indebtedness in the original principal amount of \$93,532.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. MIDFIRST BANK is the current mortgagee of the note and deed of trust and MIDFIRST BANK is mortgage servicer. A servicing agreement between the mortgagee, whose address is MIDFIRST BANK c/o MIDFIRST BANK, 999 N.W. Grand Blvd, Oklahoma City, OK 73118 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.
6. 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 AMY BOWMAN, REID RUPLE, KATHLEEN ADKINS, EVAN PRESS, JULIAN PERRINE, KIM HINSHAW, KINNEY LESTER, WAYNE WHEAT, DANA DENNAN, CINDY DENNAN, BENJAMIN GRIESINGER, STEPHANIE KOHLER, IAN MOSER, CATRENA WARD, TOMMY JACKSON, RON HARMON, TIFFANY BEGGS, MARGIE ALLEN OR KYLE BARCLAY, 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 of Mackie Wolf Zientz & Mann, P.C.
Mackie Wolf Zientz & 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
Parkway Office Center, Suite 900
14160 North Dallas Parkway
Dallas, TX 75254

Signature of Tommy Jackson
AMY BOWMAN, REID RUPLE, KATHLEEN ADKINS, EVAN PRESS, JULIAN PERRINE, KIM HINSHAW, KINNEY LESTER, WAYNE WHEAT, DANA DENNAN, CINDY DENNAN, BENJAMIN GRIESINGER, STEPHANIE KOHLER, IAN MOSER, CATRENA WARD, TOMMY JACKSON, RON HARMON, TIFFANY BEGGS, MARGIE ALLEN OR KYLE BARCLAY
c/o AVT Title Services, LLC
1101 Ridge Rd. Suite 222
Rockwall, TX 75087

Certificate of Posting
I am Tommy Jackson 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 1-13-18 I filed this Notice of Foreclosure Sale at the office of the Liberty County Clerk and caused it to be posted at the location directed by the Liberty County Commissioners Court.

FILED
at 1:45 o'clock P M
NOV 13 2018

PAULETTE WILLIAMS
CLERK, LIBERTY COUNTY, TEXAS
BY [Signature] DEPUTY



506-3259

EXHIBIT "A"

FIELD NOTES of 5.443 acre tract of land situated in the Isiah Fields League, Abstract No. 35, Liberty County, Texas, and being that same 5.44 acre tract of land conveyed to Travis C. Smith, et ux, by Jimmy Casey in deed dated February 2, 2000 and recorded in Volume 1817 at Page 299 of the Official Public Records of Liberty County, Texas. This 5.443 acre tract of land is more particularly described by metes and bounds as follows, to-wit:

NOTE: BEARINGS ARE BASED ON DEED BEARINGS AND MONUMENTS FOUND IN THE EAST LINE OF SAID 5.44 ACRE TRACT. REFERENCE IS MADE TO PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION.

BEGINNING at ½ inch iron rod found for the Northeast corner of this tract of land, the Northeast corner of said 5.44 acre tract, a Southeast corner of a 20.545 acre tract of land conveyed to Danny Ray, et ux, by Herman Boatman, et ux, in deed dated January 2, 2002 and recorded in Volume 1940 at Page 744 of the Official Public Records of Liberty County, Texas, in the West line of 31.967 acre tract of land conveyed to the Trustees of the Bukowski Real Estate Trusts by Lucian M. Bukowski in deed dated September 24, 1992, and recorded in Volume 1438 at Page 503 of the Official Public Records of Liberty County, Texas, and the East corner of a possible residue area of a called 2 and ½ acre tract of land conveyed to Lewis Dale Boatman by Donald Ray Smith in deed dated July 1, 1994, and recorded in Volume 1523 at Page 230 of the Official Public Records of Liberty County, Texas.

THENCE South 01°00'00" East with the East line of this tract of land, the East line of said 5.44 acre tract and the West line of said 31.967 acre tract at a distance of 699.55 found a ½ inch iron rod in the North occupied right of way line of County Road 2117, continuing for a total distance of 718.60 feet to a point in said County Road.

THENCE South 89°00'00" West with the South line of this tract of land and the South line of said 5.44 acre tract a distance of 330.00 feet to a point for the Southwest corner of this tract of land, the Southwest corner of said 5.44 acre tract, and the Southeast corner of the residue of 36 and 4/5 acres of land conveyed to Joe L. Pool by Annie Pool, et vir, in deed dated October 7, 1952, and recorded in Volume 376 at Page 538 of the Deed Records of Liberty County, Texas.

THENCE North 01°00'00" West with the West line of this tract of land, the West line of said 5.44 acre tract and the East line of said residue of 36 and 4/5 acres at a distance of 16.32 feet set a 1/2 inch iron rod in the North occupied right of way of County Road 2117, from this corner an iron pipe found bears South 88°31'29" West a distance of 6.70 feet, continuing a total distance of 718.60 feet to a 1/2 inch iron rod set for the Northwest corner of this tract of land, the Northwest corner of said 5.44 acre tract, in the East line of said residue of 36 and 4/5 acres, and the Southwest corner of said possible residue area. From this corner a pine tree at the fence intersection and a called Southwest corner of said 20.545 acre tract bears North 34°24'38" West a distance of 8.09 feet.

THENCE North 89°00'00" East with the North line of this tract of land, the North line of said 5.44 acre tract and the South line of the said possible residue a distance of 330.00 feet to the PLACE OF BEGINNING, containing within said boundaries 5.443 acres of land, with 0.1340 of an acre of land lying within right of way of County Road 2117, leaving a net acreage of 5.309 acres of land, more or less.

OFFICIAL RECORDS
LIBERTY COUNTY
DELIA SELLERS
COUNTY CLERK
RECORDING FEE: \$23.00
2005011519
08/09/2005 02:53 PM 8 PGS
ACCESSNA.DC Receipt #010459

STATE OF TEXAS
COUNTY OF LIBERTY
I, Delia Sellers, hereby certify that this instrument as FILED in the number
sequence on the date and in the time specified herein by me, and was duly
RECORDED in the volume and page of the OFFICIAL PUBLIC RECORDS
of Liberty County, Texas, as stamped herein by me on

AUG 09 2005

Delia Sellers
COUNTY CLERK
LIBERTY COUNTY, TEXAS

Notice of [Substitute] Trustee 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.

1. Date, Time and Place of Sale.

Date: 01/02/2019

Time: The sale will begin at 10:00 AM or not later than three hours after that time

Place: SOUTH SIDE OF THE COURTHOUSE-1923 SAM HOUSTON-AS THE FRONT STEPS OF THE COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE AS THE PLACE WHERE FORECLOSURE SALES ARE TO TAKE PLACE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS

Property Address: 267 County Road 2150, Cleveland, TX 77327

2. 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. Any conveyance of the property is subject to all matters of record affecting the property.

3. Instrument to be Foreclosed: The instrument to be foreclosed is the Deed of Trust or Contract Lien dated 05/09/2008 and recorded 05/20/2008 in Document 2008008287, real property records of Liberty County, Texas, with **Christopher Evans, an unmarried man and Misty M. Murphy, an unmarried woman** grantor(s) and AMERICAHOMEKEY, INC. as Lender, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. as Beneficiary.

4. Appointment of Substitute Trustee: In accordance with Texas Property Code Sec. 51.0076, the undersigned authorized agent for the mortgage servicer has named and appointed, and by these presents does name and appoint AMY BOWMAN, REID RUPLE, KATHLEEN ADKINS, EVAN PRESS, JULIAN PERRINE, KIM HINSHAW, KINNEY LESTER, WAYNE WHEAT, DANA DENNAN, CINDY DENNAN, BENJAMIN GRIESINGER, STEPHANIE KOHLER, IAN MOSER, CATRENA WARD, TOMMY JACKSON, RON HARMON, TIFFANY BEGGS, MARGIE ALLEN OR KYLE BARCLAY, Substitute Trustee to act under and by virtue of said Deed of Trust.

5. Obligation Secured: Deed of Trust or Contract Lien executed by **Christopher Evans, an unmarried man and Misty M. Murphy, an unmarried woman**, securing the payment of the indebtedness in the original principal amount of **\$107,390.00**, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. **OCWEN LOAN SERVCING, LLC** is the current mortgagee of the note and deed of trust or contract lien.

at 1:45 FILED o'clock P M

NOV 13 2018

PAULETTE WILLIAMS
COUNTY CLERK, LIBERTY COUNTY, TEXAS
BY *Paulette Williams* DEPUTY



Notice of [Substitute] Trustee Sale

6. Default: A default has occurred in the payment of indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness.

7. Property to be sold: The property to be sold is described as follows:

METES AND BOUNDS DESCRIPTION OF 0.2296 ACRE TRACT - CHRISTOPHER G. EVANS & MISTY MURPHY A TRACT OR PARCEL OF LAND CONTAINING 0.2296 ACRE BEING OUT OF THE JAMES POTTER SR., TRACT DESCRIBED IN INSTRUMENT RECORDED IN VOLUME 107, PAGE 489 OF THE DEED RECORDS OF LIBERTY COUNTY IN THE JOAQUIN F. DE RUMAYOR SIX LEAGUE GRANT, ABSTRACT 103 IN LIBERTY COUNTY, TEXAS, AND FURTHER DESCRIBED IN INSTRUMENT RECORDED IN CLERKS FILE NO. 2005-002537 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY SAID 0.2296 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO-WIT: BEGINNING AT AN OLD AXLE FOUND AT THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE NORTHEAST CORNER OF THE E. R. MUNSON 0.320 ACRE TRACT DESCRIBED IN VOLUME 1501, PAGE 55 OF THE OFFICIAL RECORDS OF LIBERTY COUNTY IN THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 2150 AND LOCATED NORTH 83 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 202.00 FT. FROM A 1/2 INCH IRON ROD FOUND AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SAID COUNTY ROAD WITH THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 2151; THENCE NORTH 83 DEGREES 00 MINUTES 00 SECONDS EAST WITH THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 2150 A DISTANCE OF 100.00 FT. TO A 3/8 INCH IRON ROD SET MARKING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; THENCE SOUTH 09 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 100.00 FT. TO A 3/8 INCH IRON ROD SET MARKING THE SOUTHEAST CORNER OF SAID EVANS TRACT AND A RE-ENTRANT CORNER OF THE REMAINDER OF SAID POTTER TRACT; THENCE SOUTH 83 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 100.00 FT. TO A 3/8 INCH IRON ROD SET MARKING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT IN THE EAST BOUNDARY OF SAID MUNSON TRACT DESCRIBED IN VOLUME 1501, PAGE 55 OF THE OFFICIAL RECORDS OF LIBERTY COUNTY AND ALSO KNOWN AS THOMAS HUDGINS 1.266 ACRE TRACT; THENCE NORTH 09 DEGREES 00 MINUTES 00 SECONDS WEST WITH THE EAST BOUNDARY OF SAID MUNSON TRACT AND THE WEST BOUNDARY OF SAID POTTER TRACT A DISTANCE OF 100.00 FT. TO THE PLACE OF BEGINNING AND CONTAINING 0.2296 ACRE OF LAND BEING KNOWN AS 267 COUNTY ROAD NO. 2150, CLEVELAND, TEXAS 77327.

8. Mortgage Servicer 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 lien securing the property referenced above. **Ocwen Loan Servicing, LLC**, as Mortgage Servicer, is representing the current mortgagee, whose address is:

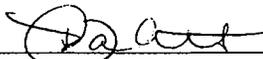
**C/O Ocwen Loan Servicing, LLC
1661 Worthington Rd., Suite 100
West Palm Beach, FL 33409
Phone: 1-800-746-2936**

Notice of [Substitute] Trustee Sale

9. Limitation of Damages: 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.

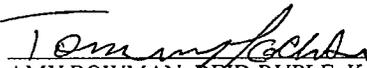
THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

Date: November 9, 2018



Iman Walcott – Attorney or Authorized Agent of The Mortgagee or Mortgage Servicer

C/O Power Default Services, Inc.
Northpark Town Center
1000 Abernathy Rd NE; Bldg 400, Suite 200
Atlanta, GA 30328
Telephone: 855-427-2204
Fax: 866-960-8298



AMY BOWMAN, REID RUPLE, KATHLEEN ADKINS, EVAN PRESS, JULIAN PERRINE,
KIM HINSHAW, KINNEY LESTER, WAYNE WHEAT, DANA DENNAN, CINDY DENNAN,
BENJAMIN GRIESINGER, STEPHANIE KOHLER, IAN MOSER, CATRENA WARD,
TOMMY JACKSON, RON HARMON, TIFFANY BEGGS, MARGIE ALLEN OR KYLE
BARCLAY - Substitute Trustee(s)

C/O AVT Title Services, LLC
1101 Ridge Rd. Suite 222
Rockwall, TX 75087

**POWER DEFAULT SERVICES, INC. MAY BE ACTING AS A DEBT COLLECTOR
ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR
THAT PURPOSE.**

Certificate of Posting
I am Tommy Jackson 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 11-13-18 I filed this Notice of Foreclosure Sale at the office of the Liberty County Clerk and caused it to be posted at the location directed by the Liberty County Commissioner's Court.