

## 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., 400 North Sam Houston Parkway East, Suite 900A, Houston, Texas 77060**

### INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated September 08, 2016 and recorded under Vol. 321, Page 491, or Clerk's File No. 00001666, in the real property records of FALLS County Texas, with Robert L. Gajewski and Cathey J Gajewski, husband and wife as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Movement Mortgage, LLC, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Robert L. Gajewski and Cathey J Gajewski, husband and wife securing payment of the indebtedness in the original principal amount of \$72,168.00 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 Robert L. Gajewski and Cathey J Gajewski. Lakeview Loan Servicing, LLC 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. LoanCare, LLC is acting as the Mortgage Servicer for the Mortgagee. LoanCare, LLC, is representing the Mortgagee, whose address is: 3637 Sentara Way, Virginia Beach, VA 23452.

#### Legal Description:

**PART OF LOT ONE (1), ALL OF LOT TWO (2), BLOCK EIGHT (8), KIMBROUGH ADDITION TO THE TOWN OF ROSEBUD, FALLS COUNTY, TEXAS, ACCORDING TO A PLAT OF RECORD IN VOLUME 11, PAGE 212, DEED RECORDS OF FALLS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES**

FILED 3/14/22 PM

### SALE INFORMATION

MAR 14 2022

Date of Sale: 04/05/2022

Earliest Time Sale Will Begin: 11:00 AM

CO. CLK. FALLS CO.

**Location of Sale:** The place of the sale shall be: FALLS County Courthouse, Texas at the following location: The south entrance steps leading through the south courthouse door to the second floor of the Falls 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

### 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.**

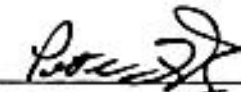
**WHEREAS, in my capacity as attorney for the Mortgagee and/or Its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I HEREBY APPOINT AND DESIGNATE Pete Florez, Orlando Rosas, Zachary Florez, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or Xome, as 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.  
400 N. Sam Houston Pkwy E, Suite 900A  
Houston, TX 77060  
(281) 925-5200

Executed on 03/09/2022.

/s/ Lisa Collins SBOT No. 24115338, Attorney at Law  
Codilis & Moody, P.C.  
400 N. Sam Houston Pkwy E, Suite 900A  
Houston, TX 77060  
(281) 925-5200

Posted and filed by:



Printed Name:

Pete Florez

C&M No. 44-22-0195

FILED 2:47 p M

MAR 14 2022

CO. CLK. FALLS CO.

## EXHIBIT "A"

PART OF LOT ONE (1), ALL OF LOT TWO (2), BLOCK EIGHT (8), KIMBROUGH ADDITION TO THE TOWN OF ROSEBUD, FALLS COUNTY, TEXAS, ACCORDING TO A PLAT OF RECORD IN VOLUME 11, PAGE 212, DEED RECORDS OF FALLS COUNTY, TEXAS, MORE FULLY DESCRIBED IN THE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR AL PURPOSES.

BEING A 0.65 ACRE TRACT OF LAND, OUT OF THE NEIL MCLENNAN SURVEY, ABSTRACT NO. 31, IN THE CITY OF ROSEBUD, FALLS COUNTY, TEXAS AND BEING ALL OF LOT 2 AND PART OF LOT 1, (KNOWN AS LOT 1B), BLOCK 8, KIMBROUGH ADDITION TO THE TOWN OF ROSEBUD, ACCORDING TO A PLAT OF RECORD IN VOLUME 11, PAGE 212, OF THE DEED RECORDS OF FALLS COUNTY, TEXAS, ALSO BEING THE SAME LOTS CONVEYED TO JOHN B. BAILEY, RECORDED IN VOLUME 76, PAGE 888, OF THE OFFICIAL RECORDS OF FALLS COUNTY, TEXAS, AND VOLUME 331, PAGE 311, OF THE DEED RECORDS OF FALLS COUNTY, TEXAS, SAID 0.65 ACRE TRACT BEING SHOWN ON ATTACHED PLAT AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD SET BY A CHAIN LINK FENCE COMER POST AT THE SOUTHWEST CORNER OF THE ABOVE MENTIONED LOT 2, BEING THE SOUTHWEST CORNER OF SAID BAILEY LOT, SAME BEING THE NORTHWEST CORNER OF A TRACT CONVEYED TO FILMON PONCE, ET UX, (30/522), LOCATED IN THE EAST LINE OF N. SECOND STREET FOR THE SOUTHWEST COMER OF THIS;

THENCE ALONG THE WEST LINE OF SAID BAILEY LOTS, COMMON WITH THE EAST LINE OF N. SECOND STREET, NORTH 30 DEGREES 10 MINUTES 01 SECONDS WEST A DISTANCE OF 190.00 FEET TO A 1/2" IRON ROD WITH YELLOW CAP SET AT THE SOUTHWEST COMER OF A TRACT OF LAND CONVEYED TO B. G. MORRIS, (3 15/165), FOR THE NORTHWEST COMER OF THIS;

THENCE DEPARTING SAID STREET AND ALONG THE NORTH LINE OF SAID BAILEY LOT, COMMON WITH THE SOUTH LINE OF SAID MORRIS LOT, NORTH 59 DEGREES 32 MINUTES 44 SECONDS EAST A DISTANCE OF 150.00 FEET TO A 1/2" IRON ROD WITH YELLOW CAP SET IN THE WEST LINE OF LOT 3, BLOCK 8 FOR THE NORTHEAST COMER OF THIS;

THENCE ALONG THE WEST LINE OF LOT 3, COMMON WITH THE EAST LINE OF SAID BAILEY LOTS, SOUTH 30 DEGREES 10 MINUTES 00 SECONDS EAST A DISTANCE OF 190.00 FEET TO A 1/2" IRON ROD WITH YELLOW CAP SET AT THE SOUTHEAST CORNER OF LOT 2, BLOCK 8 FOR THE SOUTHEAST CORNER OF THIS;

THENCE ALONG THE SOUTH LINE OF SAID LOT 2, SAME BEING THE SOUTH LINE OF SAID BAILEY LOT, COMMON WITH THE NORTH LINE OF THE AFOREMENTIONED PONCE LOT AND ALONG A CHAIN LINK FENCE LINE, SOUTH 59 DEGREES 32 MINUTES 43 SECONDS WEST A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.65 ACRES OF LAND, MORE OR LESS.

FILED 2:47 PM

MAR 14 2022

CO. CLK. FALLS CO.