

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 November 20, 2020 and recorded under Clerk's File No. 00005493, in the real property records of FALLS County Texas, with Herman Tharpe IV and Ehlen Tharpe, husband and wife as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Lakeview Community Capital, LLC, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Herman Tharpe IV and Ehlen Tharpe, husband and wife securing payment of the indebtedness in the original principal amount of \$334,981.00 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 Herman Tharpe IV. 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:

BEING 8.000 ACRES, MORE OR LESS OF THE AT. MILES SSURVEY, ABSTRACT NO. 273 AND BEING COMPROMISED OF PART OF AN 80 ACRE TRACT OF LAND DESCRIBED IN VOLUME 240, PAGE 51 OF THE DEED RECORDS OF FALLS COUNTY, TEXAS, AND CONVEYED TO DONALD W. SCHMIDT AND CAROLE A SCHMIDT, TRUSTEES OF THE DONALD AND CAROLE SCHMIDT MANAGEMENT TRUST DATED OCTOBER 4, 2013, IN VOLUME 296, PAGE 403 OF THE OFFICIAL RECORDS OF FALLS COUNTY, TEXAS, AND PART OF A 32.26 ACRE TRACT DESCRIBED IN A DEED TO SAID DONALD W. SCHMIDT AND CAROLE SCHMIDT TRUSTEES OF THE DONALD AND CAROLE SCHMIDT MANAGEMENT TRUST DATED OCTOBER 4, 2013, AS RECORDED IN VOLUME 298, PAGE 399 OF SAID OFFICIAL RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES:

SALE INFORMATION

Date of Sale: 01/02/2024

Earliest Time Sale Will Begin: 11:00 AM

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, Pete Florez, Zachary Florez, Orlando Rosas, Florence Rosas, Enrique Florez, Kristopher Holub, Aarti Patel, Amy Ortiz, Dylan Ruiz, Kathleen Adkins, 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 11/14/2023.

/s/ Will Morphis SBOT No. 24131905, Attorney at Law
Codilis & Moody, P.C.
20405 State Highway 249, Suite 170
Houston, TX 77070
(281) 925-5200

Posted and filed by: *Pete Florez*

Printed Name: Pete Florez

C&M No. 44-23-2893

Exhibit A

LEGAL DESCRIPTION

The following described property:

Being 8.000 acres, more or less, of the at. Miles sSurvey, Abstract No. 273 and being comprised of part of an 80 acre tract of land described in Volume 240, Page 51 of the Deed Records of Falls County, Texas, and conveyed to Donald W. Schmidt and Carole a Schmidt, Trustees of the Donald and Carole Schmidt management trust dated October 4, 2013, in Volume 296, Page 403 of the Official Records of Falls County, Texas, and part of a 32.26 acre tract described in a deed to said Donald W. Schmidt and Carols Schmidt, Trustees of the Donald and Carole Schmidt Management Trust dated October 4. 2013, as recorded in Volume 298, Page 399 of said Official Records:

Beginning at a 2 inch pipe, found, at the intersection of the north line of said 80 acre tract and the south line of a 98 4/5 acre tract described in a deed to Chester C. Burnett and Marian M. Burnett. The West row line of Texas F.M.. Highway No. 1772 and also being in the west line of a 1.057 acre tract described in a deed to the State of Texas as recorded in Volume 222. Page 338 of said Deed Records:

Thence, S 32 degrees 29 minutes 26 seconds E. with the west. Row line of said highway and the west line of said 1.057 acre tract. 185.00 feet, to a 1/2 inch capped iron pin. Set. At the southeast corner hereof. From whence a 1/2 inch capped iron pin, set, at the intersection of the south line of said 80 acre tract, with the west r-o-w line of said highway and also being at the southwest corner of said 1 057 acre tract, BRS. S 32 degrees 29 minutes 26 seconds E. 1735.73 feet:

Thence, s 57 degrees 06 minutes 32 seconds W, with the south line hereof. 1883.68 feet to a 1/2 inch capped iron pin. set. at the southwest corner hereof:

Thence, N 32 degrees 29 minutes 26 seconds W. with the west line hereof. 185.00 feet. to a 1/2 inch capped iron pin, set, at the northwest corner hereof. In the north line of said 32.26 acre tract and in the south line of said 96 4/5 acre tract. From whence a 1/2 inch capped iron pin, set, at the northwest corner of said 32.26 acre tract. ORS S 57 degrees 06 minutes 32 seconds W. 632.70 feet:

Thence, N 57 degrees 06 minutes 32 seconds E, with the north line of said 32.26 acre tract and said 80 acre tract and the south line of said 964/5 acre tract. 1883.68 feet, to the place of beginning.

NOTE: The Company does not represent that the above acreage or square footage calculations are correct.

FILED
At 11:28 o'clock A.M.

NOV 16 2023

ELIZABETH PEREZ, COUNTY CLERK
FALLS COUNTY, TEXAS
BY *[Signature]* DEPUTY