

**NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF SUBSTITUTE TRUSTEE**

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**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 July 06, 2018 and recorded under Clerk's File No. 2018-1451, in the real property records of RAINS County Texas, with Cody L Smith and Katherine Smith, husband and wife as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for United Wholesale Mortgage, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Cody L Smith and Katherine Smith, husband and wife securing payment of the indebtedness in the original principal amount of \$243,712.00 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 Cody L Smith, Katherine Smith. 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:**

**ALL THAT CERTAIN 6.32 ACRE LOT, TRACT OR PARCEL OF AND SITUATED IN THE S.M. FLOUNNOY SURVEY, ABSTRACT NO. 81 AND THE BEDE JOHNSON SURVEY, ABSTRACT NO. 128, RAINS COUNTY, TEXAS, AND BEING ALL OF THE SAME LAND AS A CALLED 1 ACRE TRACT DESCRIBED AS EXHIBIT A PROPERTY A, AND ALL OF A CALLED 4.439 ACRE TRACT AND A CALLED 1 ACRE TRACT DESCRIBED AS EXHIBIT A, PROPERTY B-TRACT I AND TRACT II, RESPECTIVELY, IN A SUBSTITUTE TRUSTEE'S DEED TO FIRST NATIONAL BANK OF WINNSBORO AS RECORDED IN VOLUME 505, PAGE 332, OFFICIAL PUBLIC RECORDS, RAINS COUNTY, TEXAS, (O.P.R.R.C.T) SAID 6.32 ACRE TRACT AND BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES:**

**SALE INFORMATION**

**Date of Sale: 04/01/2025**

**Earliest Time Sale Will Begin: 1:00 PM**

**Location of Sale:** The place of the sale shall be: RAINS County Courthouse, Texas at the following location: At the east most side of the Rains County Courthouse Annex located at 167 East Quitman Street, 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 Harriett Fletcher, Robert LaMont, Sheryl LaMont, Sharon St. Pierre, Harriett Fletcher, Robert LaMont, Ronnie Hubbard, Sheryl LaMont, Allan Johnston, Sharon St. Pierre, Aurora Campos, Jonathan Harrison, Patrick Zwiers, Darla Boettcher, Dana Kamin, Lisa Bruno, Tonya Washington, Misty McMillan, 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 February 7, 2025.

/s/ Danya F. Gladney SBOT No. 24059786, Attorney at Law  
Codilis & Moody, P.C.  
20405 State Highway 249, Suite 170  
Houston, TX 77070  
(281) 925-5200

Posted and filed by: Sheryl LaMont

Printed Name: Sheryl LaMont, Feb. 10, 2025

C&M No. 44-23-0591



EXHIBIT "A"

All that certain 6.32 acre lot, tract or parcel of and situated in the S.M. Flounnoy Survey, Abstract No. 81 and the Bede Johnson Survey, Abstract No. 128, Rains County, Texas, and being all of the same land as a called 1 acre tract described as Exhibit A Property A, and all of a called 4.439 acre tract and a called 1 acre tract described as Exhibit A, Property B- Tract I and Tract II, respectively, in a Substitute Trustee's Deed to First National Bank of Willsboro as recorded in Volume 505, Page 332, Official Public Records, Rains County, Texas, (O.P.R.R.C.T.) said 6.32 acre tract being described by metes and bounds as follows:

Beginning at a 60D nail found at a fence post at the Northeast corner of said 1 acre tract (Property A) and the Northwest corner of a called 4.000 acre tract described in a deed to Michael William German and wife, Brenda J. German as recorded in Volume 409, Page 19, Reel Records, Rains County, Texas, (R.R.R.C.T.), and on the South One of State Highway No. 273 for a corner;

Thence S 00 degrees 00 minutes 00 seconds E (Basis of Bearing) along the East line of said 1 acre tract (Property A) and the Easterly most East line of said 4.439 acre tract and the West lines of said 4.000 acre tract and a called 63.5 acre tract described as Second Tract in a deed Michael William German as recorded in Volume 352, Page 123, R.R.R.C.T., a distance of 1113.75 feet to a 60D nail found at a fence post at the Southeast corner of said 4.439 acre tract and the Northeast corner of a called 18 acre tract described as Third Tract in said deed to Michael William German (352/123 R.R.R.C.T) for a corner;

Thence S 80 degrees 39 minutes 00 seconds W along the South line of said 4.439 acre tract and the North line of said 18 acre tract a distance of 203.70 feet to a 1/2 inch iron pipe found at the Southwest corner of said 4.439 acre tract and the Southeast corner of a called 7.15 acre tract described in a deed to Leroy Barker et ux, Alta Barker as recorded in Volume 182, Page 68, Deed Records, Rains County, Texas, (D.R.R.C.C.T) for a corner;

Thence N 00 degrees 04 minutes 11 seconds W along the West line of said 4.439 acre tract and the East line of said 7.15 acres tract and the Easterly most East line of a called 4.95 acre tract described in a deed to Leroy Barker et ux, Alta J. Barker as recorded in Volume 180, Page 886, D.R.R.C.T., a distance of 730.75 feet to a 1/2 inch ball found at the Southeast corner of said 1 acre tract (Property B, Tract II) and the Southerly most Northeast corner of said 4.95 acre tract for a corner;

Thence N 81 degrees 09 minutes 40 seconds W along the South line of said 1 acre tract (Property B, Tract II) and the Southerly most North line of said 4.95 acre tract a distance of 105.00 feet to a 1/2 inches iron rod with pink cap stamped "Landmark 1S" set at the Southwest corner of said 1 acre tract (Property B, tract II) and an interior corner of said 4.95 acre tract for a corner;

Thence N 00 degrees 24 minutes 20 seconds W along the West line of said 1 acre tract (Property B, Tract II) and the Westerly most East line of said 4.95 acre tract a distance of 420.07 feet to a 1/2 inch iron rod with pink cap stamped "Landmark 1S" set at the Northwest corner of said 1 acre tract (Property B, Tract II) and the Northerly most Northeast corner of said 4.95 acre tract and on the South line of said State Highway No. 276 for a corner;

Thence S 81 degrees 09 minutes 40 seconds E along the North lines of said 1 acre tract (Property B, Tract II), said 4.439 acre tract, and said 1 acre tract (Property A) and the South line of said State Highway No. 276 a distance of 315.00 feet to the Point of Beginning and containing 6.32 acres of land, more or less, also being known as 1479 SR 276, Emory Texas.

Being the same land in General Warranty Deed with Vendor's Lien acknowledged October 4, 2010 from Jim Huneycutt, Jr. to Kathy Murphy and Dale Murphy, husband and wife, recorded in Volume 530, Page 277, Official Public Records of Rains County, Texas.

**NOTICE OF TRUSTEE'S SALE**

FILED FOR RECORD  
2025 FEB -7 PM 1:05

THE STATE OF TEXAS \*

COUNTY OF RAINS \*

MANDY SAWYER  
COUNTY CLERK  
RAINS COUNTY, TEXAS  
BY *M. Sawyer* DEPUTY

Date: February 5, 2025  
Deed of Trust:

Date: November 24, 2020  
Grantor: Henry Chevez, 1708 Cypress Drive, Irving, Texas 75061  
Beneficiary: Iron Bridge Joint Venture  
Recorded under Clerk's Document Number 2021-0041, Official Public Records, Rains County, Texas.

Transfer of Lien:

Date: March 23, 2022  
Transferor: Iron Bridge Joint Venture  
Transferee: Summit Ranch Investments Ltd.  
Recorded under Clerk's Document Number 2022-1001, Official Public Records, Rains County, Texas.

Property: Being Lot 1, Block 2 in Iron Bridge Subdivision, Rains County, Texas, according to map or plat thereof recorded in Volume 6, Page 40B, Deed and Plat Records of Rains County, Texas

Date of Sale: March 4, 2025

Time of Sale: The earliest time at which the sale will occur is 12:00 p.m. and no later than 3:00 p.m.

Place of sale of Property: Rains County Courthouse, 167 East Quitman, Emory, Texas 75440

Designated Area: The east side of the Rains County Courthouse, bearing the address of 167 East Quitman, Emory, Texas 75440, or in the area designated by the Commissioner's Court, pursuant to Section 51.002 of the Texas Property Code.

Because of the default by Grantor under the terms of the Deed of Trust and the Note secured thereby, as Substitute Trustee, I will sell the property by public auction to the highest bidder for cash at the place and date above specified to satisfy the debt secured by the Deed of Trust.

The property is being sold subject to all matters of record which are prior to the Deed of Trust, which affect title thereto, and which are a superior interest therein.



Substitute Trustee – Janet Reed, Dean Murphy,  
Gordon Murphy, or Timothy Murphy

For more information:

P.O. Box 1249  
San Marcos, Texas 78667  
512-396-5115