

#72

20-049688

Notice of Substitute Trustee's Sale

Notice Concerning Military Duty: **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. Tex. Prop. Code § 51.002(i)**

Deed of Trust Date: April 14, 2005	Original Mortgagor/Grantor: DOUGLAS M. CREEKS AKA DOUGLAS MCARTHUR CREEKS AND EDNA LOUISE CREEKS
Original Beneficiary / Mortgagee: JIM WALTER HOMES, INC.	Current Beneficiary / Mortgagee: U.S. BANK, N.A., AS TRUSTEE, SUCCESSOR IN INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE, FOR MID-STATE CAPITAL CORPORATION 2005-1 TRUST
Recorded in: Volume: 1122 Page: 658 Instrument No: 00199293	Property County: GRIMES
Mortgage Servicer: NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING	Mortgage Servicer's Address: 55 Beattie Place, Suite 110, MS#001, Greenville, SC 29601

* 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.

Secures:Note in the original principal amount of \$73,250.00, executed by DOUGLAS CREEKS; EDNA L CREEKS, and payable to the order of Lender.

Property Address/Mailing Address: 800 RADCLIFF ST, NAVASOTA, TX 77868

Legal Description of Property to be Sold: LOT 1 AND 2, BLOCK 4, NAVA-CITY ADDITION, CITY OF NAVASOTA, GRIMES COUNTY, TEXAS, ACCORDING TO MAP OR PLAT IN VOLUME 253, PAGE 235 IN THE DEED RECORDS OF GRIMES COUNTY, TEXAS.

PARCEL ID: R29544.

Date of Sale: February 02, 2021	Earliest time Sale will begin: 12:00 PM
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Place of sale of Property: "AT THE SOUTH DOOR OF THE COURTHOUSE, ALSO KNOWN AS THE FRONT DOOR in Grimes County, Texas, or, if the preceding area is no longer the designated area, at the area most recently designated by the Grimes County Commissioner's Court.

OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE

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.

Appointment of Substitute Trustee: Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust, the same is now wholly due. Because of that default, *U.S. BANK, N.A., AS TRUSTEE, SUCCESSOR IN INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE, FOR MID-STATE CAPITAL CORPORATION 2005-1 TRUST*, the owner and holder of the Note, has requested Pete Florez, Zachary Florez, Orlando Rosas or Bobby Brown whose address is 14800 Landmark Blvd., Suite 850, Dallas,



TX 75254, to sell the property. The Trustee(s) has/have been appointed Substitute Trustee in the place of the original trustee, in the manner authorized by the deed of trust.

Terms of Sale: The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that *U.S. BANK, N.A., AS TRUSTEE, SUCCESSOR IN INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE, FOR MID-STATE CAPITAL CORPORATION 2005-1 TRUST* bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Pursuant to section 51.0075(a) of the Texas Property Code, Pete Florez, Zachary Florez, Orlando Rosas or Bobby Brown whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Pete Florez, Zachary Florez, Orlando Rosas or Bobby Brown whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, Trustee.

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 Mortgagor, the Mortgagee, or the Mortgagee's attorney.



SUBSTITUTE TRUSTEE

Pete Florez, Zachary Florez, Orlando Rosas or Bobby Brown,
Trustee

c/o RAS CRANE, LLC, 10700 Abbott's Bridge Road, Suite
170, Duluth, Georgia 30097; PH: (470)321-7112

FILED FOR RECORD

At 4:06 O'clock P M

DEC 17 2020

VANESSA BURZYNSKI
COUNTY CLERK, GRIMES COUNTY, TX
By Barbara Kimmel, Deputy

Notice of Acceleration

Dear Borrower(s):

Please be advised that the undersigned law firm represents the Mortgage Servicer with respect to the above-referenced debt. Any individual to whom this notice is sent who is NOT obligated for the debt is given the following notice as a courtesy because your interest in the Property may be affected.

This letter constitutes formal notice to you of your default under the terms of the Note evidencing the Loan and the deed of trust (the "Security Instrument") securing the loan.

According to and relying on the information provided to this firm by the Mortgage Servicer, you have failed to bring the loan current despite the notice that your unpaid loan would be accelerated if the default was not timely cured.

Because of the non-payment of all past due loan installments and other amounts legally due, the Mortgage Servicer has ACCELERATED the maturity of the debt.

You have the right to reinstate the Loan after acceleration in the time and manner provided by the Loan Documents and you have the right to bring a court action to assert the non-existence of a default or any defense to acceleration, foreclosure, or other rights reserved by the Loan Documents and Applicable Law.

Should you wish to request a full payoff, please fax your written request to the fax number above. On your request, please include your name, loan number, property address, a phone number where you can be reached and either a fax number or a mailing address.

Further, this letter is to formally notify you that because of your default, the Mortgage Servicer intends to foreclose on the above-described property. Enclosed please find a Notice of Substitute Trustee's Sale, which will be posted for public sale of the real property described above. This sale is authorized by the Deed of Trust referenced in the enclosed Notice of Substitute Trustee's Sale.

Please give this letter your immediate attention. If you have any questions or need additional information, please contact our office. You will receive no further communication prior to the commencement of the foreclosure process.

NOTE: IF YOU ARE A DEBTOR PRESENTLY SUBJECT TO A PROCEEDING IN FEDERAL BANKRUPTCY COURT, OR THIS DEBT HAS BEEN DISCHARGED BY A FEDERAL BANKRUPTCY COURT, THIS NOTICE IS NOT AN ATTEMPT TO COLLECT A DEBT BUT IS BEING SENT FOR INFORMATIONAL PURPOSES ONLY OR TO SATISFY CERTAIN FEDERAL OR STATE STATUTORY OBLIGATIONS.

Sincerely,

Robertson, Anschutz, Schneid & Crane
LLC

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.



VG-1576-2020-72

Grimes County
Vanessa Burzynski
Grimes County Clerk

Instrument Number: 72

Foreclosure Posting

Recorded On: December 17, 2020 04:06 PM

Number of Pages: 6

" Examined and Charged as Follows: "

Total Recording: \$8.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 72
Receipt Number: 20201217000163
Recorded Date/Time: December 17, 2020 04:06 PM
User: Barbara K
Station: Clerk01

Record and Return To:

PEDRO FLOREZ
2308 N PIONEER TRL
BRYAN TX 77808



STATE OF TEXAS
Grimes County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Grimes County, Texas

Vanessa Burzynski
Grimes County Clerk
Grimes County, TX

Vanessa Burzynski