

2023 OCT 17 PM 1:26

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 OR 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: FIELD NOTES FOR THE SURVEY OF THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND LYING AND SITUATED IN THE MARIA ROSA URRUTIA SURVEY A-921 IN HILL COUNTY, TEXAS AND BEING A PART OF THAT CERTAIN 5.462 ACRE TRACT (ALSO KNOWN AS "TRACT 5" OF THE WHITNEY WOODS SUBDIVISION, UNRECORDED) DESCRIBED IN A DEED FROM SUMMERS SPECIALTIES, INC. TO COLE C. PEARCE ET UX, BETTY ANN PEARCE RECORDED IN VOLUME 659, PAGE 687 OF THE DEED RECORDS OF HILL COUNTY. SAID LAND IS ALL THAT CERTAIN TRACT DESCRIBED IN A DEED FROM FEDERAL HOME LOAN MORTGAGE CORPORATION TO FELIPE ARCINIEGA RECORDED IN VOLUME 1916, PAGE 499 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND IN THE SOUTH LINE OF F. M. HIGHWAY 2604 FOR THE NORTHEAST CORNER OF THE LIVE OAK RESORT ANNEX. ACCORDING TO PLAT RECORDED IN VOLUME 445, PAGE 126 OF THE DEED RECORDS OF HILL COUNTY, FOR THE NORTHWEST CORNER OF SAID 5.462 ACRE TRACT, FOR THE NORTHWEST CORNER OF SAID "TRACT 5", AND FOR THE NORTHWEST CORNER OF THIS:

THENCE WITH THE SOUTH LINE OF F. M. HIGHWAY 2604 AND WITH THE NORTH LINE OF SAID 5.462 ACRE TRACT, NORTH 57 DEGREES 51 MINUTES 19 SECONDS EAST 89.95 FEET TO A 1/2 INCH IRON ROD FOUND AT THE INTERSECTION OF THE SOUTH LINE OF F. M. HIGHWAY 2604 WITH THE WEST LINE OF EULESS STREET (A 50 FOOT ROAD EASEMENT RECORDED IN VOLUME 716, PAGE 724 OF THE DEED RECORDS OF HILL COUNTY) FOR THE NORTHEAST CORNER OF THIS:

THENCE WITH THE WEST LINE OF EULESS STREET, SOUTH 32 DEGREES 13 MINUTES 38 SECONDS EAST 199.96 FEET TO A 3/8 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF THAT CERTAIN 0.310 ACRE TRACT DESCRIBED IN A DEED TO SHERMAN W. HAGGERTON RECORDED IN VOLUME 1348, PAGE 244 OF THE OFFICIAL PUBLIC RECORDS OF HILL COUNTY AND FOR THE SOUTHEAST CORNER OF THIS;

THENCE SOUTH 57 DEGREES 43 MINUTES 07 SECONDS WEST 89.91 FEET TO A 1/2 INCH IRON ROD FOUND IN THE WEST LINE OF SAID 5.462 ACRE TRACT AND IN THE EAST LINE OF SAID LIVE OAK RESORT ANNEX SUBDIVISION FOR THE NORTHWEST CORNER OF SAID HAGGERTON TRACT AND FOR THE SOUTHWEST CORNER OF THIS;

THENCE WITH THE WEST LINE OF SAID 5.462 ACRE TRACT AND PARTIALLY ALONG A FENCE AND WITH THE EXTENSION THEREOF, NORTH 32 DEGREES 14 MINUTES 22 SECONDS WEST 200.18 FEET TO THE PLACE OF BEGINNING. CONTAINING 0.413 ACRES OF LAND.

2. **Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 08/30/2018 and recorded in Book 1968 Page 751 Document 00099116 real property records of Hill County, Texas.

3. **Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:

Date: 12/05/2023

Time: 01:00 PM

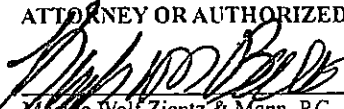
Place: Hill County, Texas at the following location: EAST DOOR OF THE HILL COUNTY COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.

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 DAVID F CLEVELAND AND PATRICIA CLEVELAND, provides that it secures the payment of the indebtedness in the original principal amount of \$117,335.00. and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. PENNYMAC LOAN SERVICES, LLC is the current mortgagee of the note and deed of trust and PENNYMAC LOAN SERVICES, LLC is mortgage servicer. A servicing agreement between the mortgagee, whose address is PENNYMAC LOAN SERVICES, LLC c/o PENNYMAC LOAN SERVICES, LLC, 6101 Condor Drive, Moorpark, CA 93021 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 AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, 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.


Mackie Wolf Zientz & Mann, P.C.
Brandon Wolf, Attorney at Law
L. Keller Mackie, Attorney at Law
Michael Zientz, Attorney at Law
Lori Liane Long, Attorney at Law
Chelsea Schneider, Attorney at Law
Ester Gonzales, Attorney at Law
Karla Balli, Attorney at Law
Parkway Office Center, Suite 900
14160 Dallas Parkway
Dallas, TX 75254

For additional sale information visit: www.auction.com or (800) 280-2832

Certificate of Posting

I am _____ whose address is c/o AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230, Houston, TX 77056. I declare under penalty of perjury that on _____ I filed this Notice of Foreclosure Sale at the office of the Hill County Clerk and caused it to be posted at the location directed by the Hill County Commissioners Court.