

## Notice of [Substitute] Trustee 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 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.**

FILED AND RECORDED  
OCT 10 PM 4:09  
WASHINGTON COUNTY CLERK  
K. J. Rasmussen

### 1. Date, Time and Place of Sale.

**Date:** 10/03/2023

**Time:** The sale will begin at 01:00 PM or not later than three hours after that time

**Place:** Washington County, Texas at the following location: **SOUTH ENTRANCE OF THE COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE AS THE PLACE WHERE FORECLOSURE SALES ARE TO TAKE PLACE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS**

**Property Address:** 602 Campbell St, Brenham, TX 77833

**2. 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. Any conveyance of the property is subject to all matters of record affecting the property.

**3. Instrument to be Foreclosed:** The instrument to be foreclosed is the Deed of Trust or Contract Lien dated 01/23/2004 and recorded 03/18/2004 in Book 1114, Page 913, Document 1759, real property records of Washington County, Texas, with **Dorris M. Mills-Norris** grantor(s) and AMERIQUEST MORTGAGE COMPANY as Lender, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-R4 as Beneficiary.

**4. Appointment of Substitute Trustee:** In accordance with Texas Property Code Sec. 51.0076, the undersigned authorized agent 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.

**5. Obligation Secured:** Deed of Trust or Contract Lien executed by **Dorris M. Mills-Norris**, securing the payment of the indebtedness in the original principal amount of \$60,000.00, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-R4** is the current mortgagee of the note and deed of trust or contract lien.





### **Notice of [Substitute] Trustee Sale**

**6. Default:** A default has occurred in the payment of indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness.

**7. Property to be sold:** The property to be sold is described as follows:

**ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF BRENHAM, WASHINGTON COUNTY, TEXAS, OUT OF THE A. HARRINGTON SURVEY A-55 AND BEING A PORTION OF THE TRACT OF LAND CALLED 0.128411 ACRES IN A DEED RECORDED IN VOL. 395, PAGE 209 OF THE WASHINGTON COUNTY DEED RECORDS, AND ALSO BEING A PORTION OF THE TRACT OF LAND TAKEN IN CONDEMNATION PROCEEDINGS BY THE URBAN RENEWAL AGENCY OF THE CITY OF BRENHAM VS. MATT CHADWICK, ET AL AS RECORDED IN VOLUME 375, PAGE 353 OF THE WASHINGTON COUNTY DEED RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A SET IRON PIN MARKING THE INTERSECTION OF THE SOUTH LINE OF CAMPBELL STREET WITH THE SOUTHWEST LINE OF BOB STREET, THE SAME POINT BEING THE NORTHWEST CORNER OF THE TRACT OF LAND TAKEN BY CONDEMNATION; THENCE N 89 DEG. 14 MIN. 46 SEC. E, 88.65 FT. WITH THE SOUTH LINE OF CAMPBELL STREET TO AN OLD IRON PIN MARKING THE NORTHWEST CORNER OF THE ORIGINAL 0.128411 ACRE TRACT; THENCE N 88 DEG. 50 MIN. 18 SEC. E, 7.00 FT. WITH THE SOUTH LINE OF CAMPBELL STREET TO A SET IRON PIN; THENCE S 1 DEG. 09 MIN. 42 SEC. E, 97.27 FT. TO AN IRON PIN SET IN THE FENCED NORTH LINE OF THE BECKENDORF TRACT; THENCE S 89 DEG. 14 MIN. 46 SEC. W, 55.44 FT. WITH SAID LINE TO AN OLD IRON PIN AND FENCE CORNER; THENCE N 23 DEG. 47 MIN. 52 SEC. W, 86.89 FT. WITH THE FENCED SOUTHWEST LINE OF THE TRACT TAKEN BY CONDEMNATION TO A PIPE; THENCE N 22 DEG. 32 MIN. 23 SEC. W, 18.59 FT. WITH SAID LINE AS FENCED TO THE PLACE OF BEGINNING AND CONTAINING 0.1690 ACRES OF LAND. AS SURVEYED BY JOHN E. PLEDGER, III, REGISTERED PUBLIC SURVEYOR #2183 ON APRIL 29, 1980.**

**8. Mortgage Servicer Information:** 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 lien securing the property referenced above. **PHH Mortgage Corporation**, as Mortgage Servicer, is representing the current mortgagee, whose address is:

**C/O PHH Mortgage Corporation  
PO BOX 24605  
West Palm Beach, FL 33416-4605  
Phone: 877-744-2506**

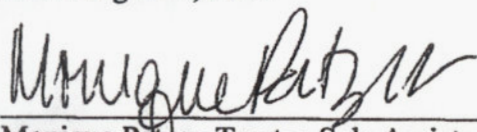


### Notice of [Substitute] Trustee Sale

**9. 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 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.**

Date: August 9, 2023



Monique Patzer, Trustee Sale Assistant

C/O Power Default Services, Inc.  
2300 Lakeview Parkway, Suite 756  
Alpharetta, GA 30009  
Telephone: 855-427-2204  
Fax: 866-960-8298

**POWER DEFAULT SERVICES, INC. MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE.**

I am Pete Florez <sup>Certificate of Posting</sup> 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 8/10/23 I filed this Notice of Foreclosure Sale at the office of the Washington County Clerk and caused it to be posted at the location directed by the Washington County Commissioners Court.

**Notice of Foreclosure Sale**

FILED AND RECORDED  
2023 AUG 30 AM 9:53  
*Beth A. Portner*  
WASHINGTON COUNTY CLERK

Deed of Trust ("Deed of Trust"):

Dated: February 28, 2019

Grantors: Kevin E. Burnett and spouse, Tammy Lynn Burnett

Trustee: Ervin B. Flencher, Jr.

Lender: Citizens State Bank

Recorded in: Volume 1666, Page 851, Official Records of Washington County, Texas.

Legal Description:

**Lot 2 (1.031 acres) of the Final Plat of Burnett Subdivision, situated in Washington County, Texas, part of the Elizabeth Gordon Survey, A-49, as shown on plat recorded in Plat Cabinet File No. 706B and 707A, Plat Records of Washington County, Texas.**

**Being part of the same property described in Deed dated April 28, 2009, executed by Betty Goerlitz and husband, Daniel Goerlitz to Tammy Lynn Burnett and husband, Kevin E. Burnett, recorded in Volume 1307, Page 873, Official Records of Washington County, Texas.**

Secures: Adjustable-Rate Note ("Note") in the original principal amount of \$300,000.00, executed by Kevin E. Burnett and spouse, Tammy Lynn Burnett ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender.

Foreclosure Sale:

Date: Tuesday, October 3, 2023

Time: The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 a.m.

Place: Washington County Courthouse  
100 East Main Street  
Brenham, Texas 77833

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 Citizens State Bank's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Citizens State Bank, the owner and holder of the Note, has requested Trustee to sell the Property.



The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Citizens State Bank's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Citizens State Bank's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

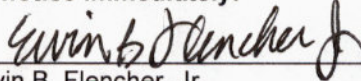
If Citizens State Bank passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Citizens State Bank. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

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.

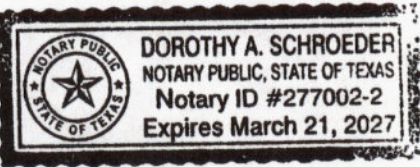
Pursuant to section 51.0075(a) of the Texas Property Code, Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Trustee.

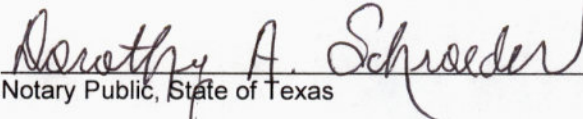
**Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active-military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active-duty military service to the sender of this notice immediately.**

  
\_\_\_\_\_  
Ervin B. Flencher, Jr.  
155 8th Street  
Somerville, Texas 77879

STATE OF TEXAS )  
COUNTY OF BURLESON )

This instrument was acknowledged before me on August 30, 2023 by Ervin B. Flencher, Jr., Trustee of Citizens State Bank.



  
\_\_\_\_\_  
Notary Public, State of Texas



604 West Chauncy St, Brenham, TX 77833

FILED AND RECORDED  
2023 SEP - 23-008522  
PM 4:01  
Book 0.124  
WASHINGTON COUNTY CLERK

**NOTICE OF [SUBSTITUTE] TRUSTEE'S 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 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.**

**1. Date, Time, and Place of Sale.**

Date: 10/03/2023

Time: Between 1:00 PM – 4:00 PM and beginning not earlier than 1:00 PM and ending not later than three hours thereafter.

Place: The area designated by the Commissioners Court of Washington County, pursuant to §51.002 of the Texas Property Code as amended: if no area is designated by the Commissioners' Court, the sale will be conducted in the area immediately adjacent (next) to the location where this Notice of Trustee's Sale was posted.

**2. Terms of Sale.** Highest bidder for cash.

**3. Instrument to be Foreclosed.** The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated 12/31/2009 and recorded in the real property records of Washington County, TX and is recorded under Clerk's Book 1332, Page 434, with Twyla Irene Ballentine (grantor(s)) and Wells Fargo Bank, N.A. mortgagee to which reference is herein made for all purposes.

**4. Obligations Secured.** Deed of Trust or Contract Lien executed by Twyla Irene Ballentine, securing the payment of the indebtedness in the original amount of \$64,485.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. Specialized Loan Servicing LLC is the current mortgagee of the note and Deed of Trust or Contract Lien.

**5. Property to be Sold.** BEING A 0.2301 ACRE TRACT SITUATED IN WASHINGTON COUNTY, TEXAS OUT OF LOT 2 IN BLOCK NO. 24 OF THE W.G. WILKENS ADDITION TO THE CITY OF BRENHAM ACCORDING TO A SUBDIVISION PLAT RECORDED AS SLIDE NO. 211A IN THE WASHINGTON COUNTY PLAT RECORDS. THE SAID 0.2301 ACRE TRACT ALSO BEING THE SAME PROPERTY DESCRIBED IN A DEED DATED MAY 26, 1995 FROM RON J. HARVEY TO CARMEN ERIC RAST AND TERESA ANN HANEY, RECORDED IN VOLUME 783, PAGE 700, WASHINGTON COUNTY OFFICIAL RECORDS AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1" IRON PIPE FOUND IN THE NORTH LINE OF WEST CHAUNCY STREET FOR THE SOUTHWEST CORNER OF LOT 2, BLOCK NO. 24 OF SAID W.G. WILKENS ADDITION, SAID CORNER BEING ALSO THE SOUTHEAST CORNER OF LOT 1 IN BLOCK "B" OF THE J.A. MORGAN SUBDIVISION, RECORDED AS SLIDE NO. 35B IN THE PLAT RECORDS OF WASHINGTON COUNTY, TEXAS;

THENCE N 14 DEGREES 27' 00" W A DISTANCE OF 111.50 FEET WITH THE EAST LINE OF LOT 1 IN SAID J.A. MORGAN SUBDIVISION TO A 1/2" IRON PIPE FOUND FOR THE NORTHWEST CORNER OF THIS TRACT, SAID CORNER BEING ALSO THE SOUTHWEST CORNER OF A TRACT CONVEYED TO DAVID THOMAS BY DEED RECORDED IN VOLUME 690, PAGE 18, WASHINGTON COUNTY OFFICIAL RECORDS;



4795124

THENCE WITH THE SOUTH LINE OF SAID DAVID THOMAS TRACT, N 74 DEGREES 56' 09" E A DISTANCE OF 89.84 FEET TO A 3/4" IRON PIPE FOUND FOR THE NORTHEAST CORNER OF THIS TRACT, SAID CORNER BEING ALSO THE NORTHWEST CORNER OF A TRACT CONVEYED TO CORINNE WERCHAN BY DEED RECORDED IN VOLUME 957, PAGE 946, WASHINGTON COUNTY OFFICIAL RECORDS;

THENCE S 14 DEGREES 29' 00" E A DISTANCE OF 111.60 FEET ALONG SAID CORINNE WERCHAN TRACT TO A 1" IRON PIPE FOUND FOR CORNER IN THE NORTH LINE OF SAID CHAUNCY STREET, SAID CORNER BEING ALSO THE SOUTHWEST CORNER OF SAID CORINNE WERCHAN TRACT;

THENCE WITH THE NORTH LINE OF SAID CHAUNCY STREET, S 75 DEGREES 00' 00" W (REFERENCE BEARING) A DISTANCE OF 89.90 FEET TO PLACE OF BEGINNING, CONTAINING 0.2301 ACRES OF LAND AS SURVEYED BY DARRELL D. RAU, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4173.

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE BOUNDARY LINE AS REFERENCED ABOVE AND DESCRIBED IN VOLUME 783, PAGE 700, WASHINGTON COUNTY OFFICIAL RECORDS.



6. **Mortgage Servicer Information.** 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 §51.002, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the Property referenced above. Specialized Loan Servicing, LLC, as Mortgage Servicer, is representing the current Mortgagee whose address is:

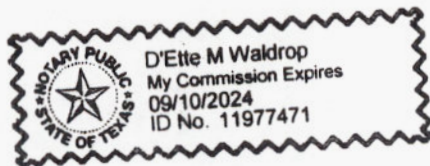
Specialized Loan Servicing LLC  
6200 S. Quebec St.  
Greenwood Village, Colorado 80111

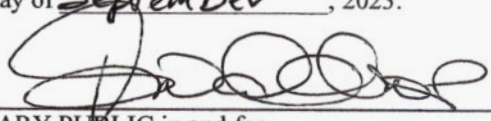
  
\_\_\_\_\_  
**SUBSTITUTE TRUSTEE**  
Pete Florez, Zachary Florez, Orlando Rosas, Bobby Brown, Amy Oian, Kathleen Adkins, Evan Press, Cary Corenblum, Joshua Sanders, Kristopher Holub, Michael Kolak, Auction.comKirk Schwartz, Candace Sissac  
c/o Albertelli Law 2201 W Royal Lane Ste 200,  
Irving, TX 75038

STATE OF Texas  
COUNTY OF Brazos

Before me, the undersigned authority, on this day personally appeared Pete Florez, as Substitute Trustee, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and who acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 1<sup>st</sup> day of September, 2023.



  
\_\_\_\_\_  
NOTARY PUBLIC in and for  
BRAZOS COUNTY  
My commission expires: 9-10-24  
Print Name of Notary: D'Ette Waldrop

**CERTIFICATE OF POSTING**

My name is Pete Florez, and my address is 1320 Greenway Drive, Suite 300, Irving, TX 75038. I declare under penalty of perjury that on September 1, 2023 I filed at the office of the Washington County Clerk and caused to be posted at the Washington County courthouse this notice of sale.

Declarants Name: \_\_\_\_\_  
Date: \_\_\_\_\_



FILED AND RECORDED  
2023 SEP - 7 AM 10: 5  
Book A. P. 2023  
WASHINGTON COUNTY CLERK

## Notice of Substitute Trustee Sale

T.S. #: 21-5242

**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.**

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

Date: **10/3/2023**  
Time: The sale will begin no earlier than **1:00 PM** or no later than three hours thereafter.  
The sale will be completed by no later than **4:00 PM**  
Place: **Washington County Courthouse in BRENHAM, Texas, at the following location: At the south entrance of the Washington 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 OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE**

**Property To Be Sold** - The property to be sold is described as follows:

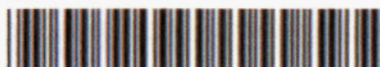
**SEE ATTACHED EXHIBIT A**

**Instrument to be Foreclosed** – The instrument to be foreclosed is the Deed of Trust is dated 7/28/1999 and is recorded in the office of the County Clerk of Washington County, Texas, under County Clerk's File No , in Book 0935, Page 634, The subject Deed of Trust was modified by Loan Modification recorded in Book 1583 and Page 499 and recorded on 5/5/2017. of the Real Property Records of Washington County, Texas.  
Property Address: RT 1 BOX63 COUNTY RD CHAPPELL HILL, TX 77426

Trustor(s):	<b>TONY KMIEC and FREIDA KMIEC</b>	Original Beneficiary:	<b>Atlantic International Mortgage Company</b>
Current Beneficiary:	<b>Residential Mortgage Loan Trust 2013-TT2, by U.S. Bank National Association, not in its individual capacity, but solely as Legal Title Trustee</b>	Loan Servicer:	<b>BSI Financial Services, Inc.</b>
Current Substituted Trustees:	<b>Auction.com, Pete Florez, Debby Jurasek, Rick Snoke, Prestige Default Services, LLC,</b>		

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.

**Terms of Sale** - The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale. Prospective bidders are strongly urged to



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T.S. #: 21-5242

examine the applicable property records to determine the nature and extent of such matters, if any. Pursuant to the Deed of Trust, the beneficiary 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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property. Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

**Type of sale** - The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of the sale granted by the deed of trust executed by TONY KMIEC AND FREIDA KMIEC, HUSBAND AND WIFE AS JOINT TENANTS. The real property and personal property encumbered by the deed of trust will be sold at the sale in accordance with the provisions of the deed of trust and as permitted by section 9.604(a) of the Texas Business and Commerce Code.

**Obligations Secured** - The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including by not limited to (1) the promissory note in the original principal amount of \$54,000.00, executed by TONY KMIEC AND FREIDA KMIEC, HUSBAND AND WIFE AS JOINT TENANTS, and payable to the order of Atlantic International Mortgage Company; (2) all renewals and extensions of the note; and (3) any and all present and future indebtedness of TONY KMIEC AND FREIDA KMIEC, HUSBAND AND WIFE AS JOINT TENANTS to TONY KMIEC and FREIDA KMIEC. Residential Mortgage Loan Trust 2013-TT2, by U.S. Bank National Association, not in its individual capacity, but solely as Legal Title Trustee is the current owner and holder of the Obligations and is the beneficiary under the Deed of Trust.

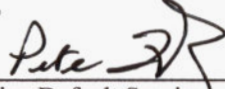
The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the Note and all other amounts lawfully owing under the Note, the Deed of Trust, and all of the other associated loan documents, including, without limitation, all interest, default interest, late charges, advances, attorneys' fees and other costs and expenses.

Questions concerning the sale may be directed to the undersigned or to the beneficiary:

**Residential Mortgage Loan Trust 2013-TT2, by U.S. Bank National Association, not in its individual capacity, but solely as Legal Title Trustee**  
c/o BSI Financial Services, Inc.  
4200 Regent Blvd, Ste B200  
Irving TX 75063  
800.327.7861

Dated: 9-7-23

Auction.com, Pete Florez, Debby Jurasek, Rick Snok, Prestige Default Services, LLC,



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Prestige Default Services, LLC  
16801 Addison Road, Suite 350  
Addison, Texas 75001  
Phone: (972) 893-3096 ext. 1035  
Fax: (949) 427-2732  
Sale Line Information: (866) 684-2727  
Website: <https://www.servicelinkasap.com/default.aspx>



**EXHIBIT "A"**

Situate, lying and being in the County of Washington, State of Texas, described as follows:

All that certain tract or parcel of land, lying and being situated in Washington County, Texas, part of the Gibson Kuykendall Survey, A-71, being part of the same land described as 49.100 acres in the deed from Florian Henry Kmiec to Floyd Kmiec, Jr. and Tony Kmiec, dated December 14, 1988, as recorded in Volume 596, Page 598, in the Official Records of Washington County, Texas, and being more fully described by metes and bounds as follows, to-wit:

Commencing at a 1/2 inch iron rod found near tree stump fence corner on the South margin of a gravel road/lane for the upper Northwest corner of said original tract;

Thence along the South margin of said gravel road/lane, being along the North line of said original 49.100 acres tract, N 77° 40' 00" E (record bearing of said original 49.100 acres tract, Vol. 596, Page 598 equals N 77° 40' 00" E) 627.56 feet to a 1/2 inch iron rod found N 77° 40' 00" E 4.82 feet from the intersection of the apparent Southwest right of way line of F. M. Highway No. 1371 with a Northwest line of said original 49.100 acres tract;

Thence S 37° 09' 40" E 140.43 feet to a 1/2 inch iron rod set at a 12 inch Pine Tree on the apparent Southwest right of way line of said highway in a curve of same for the North corner hereof and the PLACE OF BEGINNING of the following described tract;

Thence along a curved portion of the apparent Southwest right of way line of said highway, being a curve to the left, through a central angle of 13° 26' 24", having a radius of 756.20 feet, a chord of S 51° 02' 48" E 176.98 feet, for an arc distance of 177.38 feet to a 1/2 inch iron rod set at a 8 inch Pine Tree on said right of way line at the end of said curve;

Thence along a straight portion of the apparent Southwest right of way line of said highway for a Northeast line hereof, S 57° 46' 00" E 78.43 feet to a 1/2 inch iron rod set on said right of way line for the Northeast corner hereof;

Thence along the East line hereof, S 01° 51' 00" W 142.23 feet to a 1/2 inch iron rod set at the base of a 4 inch treated fence corner post for the Southeast corner hereof;

Thence along the South line hereof, being partly along an existing fence, N 88° 09' 00" W 208.80 feet to a 1/2 inch iron rod set 4.3 feet West of a railroad tie fence corner post for the Southwest corner hereof;

Thence along the West line hereof, N 01° 51' 00" E 288.66 feet to the place of beginning and containing 1.000 acre of land.

AFTER RECORDING, PLEASE RETURN TO:  
Prestige Default Services, LLC  
16801 Addison Road, Suite 350  
Addison, Texas 75001  
Attn: Trustee Department

CAUSE NO. 37634

IN RE: ORDER FOR FORECLOSURE §  
CONCERNING §  
ROUTE 1 BOX 63 COUNTY ROAD §  
CHAPPEL HILL, TX 77426 §  
UNDER TEX R. CIV. P. 736 §  
  
PETITIONER: RESIDENTIAL §  
MORTGAGE LOAN TRUST 2013-TT2, §  
BY U.S. BANK NATIONAL §  
ASSOCIATION, NOT IN ITS §  
INDIVIDUAL CAPACITY, BUT SOLELY §  
AS LEGAL TITLE TRUSTEE §  
  
RESPONDENTS: TONY KMIEC AND §  
FREIDA KMIEC §

IN THE DISTRICT COURT

WASHINGTON COUNTY, TEXAS

21<sup>ST</sup> JUDICIAL DISTRICT  
FILED  
AT 4:50 O'CLOCK A M

SEP 30 2021  
TAMMY BRAUNER  
District Clerk, Washington County  
By [Signature] Deputy

DEFAULT ORDER

1. On this day, the Court considered Petitioner's motion for a default order granting its application for an expedited order under Rule 736. Petitioner's application complies with the requirements of Texas Rule of Civil Procedure 736.1.
2. The name and last known address of each Respondent subject to this order is Tony Kmiec and Freida Kmiec, 11750 FM 1371, Chappell Hill, TX 77426. Each Respondent was properly served with the citation, but none filed a response within the time required by law. The return of service for each Respondent has been on file with the court for at least ten days.
3. The property that is the subject of this foreclosure proceeding is commonly known as Route 1 Box 63 County Road, Chappell Hill, TX 77426, with the following legal description:

Situate, lying and being in the County of Washington, State of Texas,  
described as follows:



All that certain tract or parcel of land, lying and being situated in Washington County, Texas, part of the Gibson Kuykendall Survey, A-71, being part of the same land described as 49.100 acres in the deed from Florian Henry Kmiec to Floyd Kmiec, Jr. and Tony Kmiec, dated December 14, 1988, as recorded in Volume 596, Page 598, in the Official Records of Washington County, Texas, and being more fully described by metes and bounds as follows, to-wit:

Commencing at a 1/2 inch iron rod found near tree stump fence corner on the South margin of a gravel road/lane for the upper Northwest corner of said original tract; Thence along the South margin of said gravel road/lane, being along the North line of said original 49.100 acres tract, N 77° 40' 00" E (record bearing of said original 49.100 acres tract, Vol. 596, Page 598 equals N 77° 40' 00" E) 627.56 feet to a 1/2 inch iron rod found N 77° 40' 00" E 4.82 feet from the intersection of the apparent Southwest right of way line of F. M. Highway No. 1371 with a Northwest line of said original 49.100 acres tract;

Thence S 37° 09' 40" E 140.43 feet to a 1/2 inch iron rod set at a 12 inch Pine Tree on the apparent Southwest right of way line of said highway in a curve of same for the North corner hereof and the PLACE OF BEGINNING of the following described tract;

Thence along a curved portion of the apparent Southwest right of way line of said highway, being a curve to the left, through a central angle of 13° 26' 24", having a radius of 756.20 feet, a chord of S 51° 02' 48" E 176.98 feet, for an arc distance of 177.38 feet to a 1/2 inch iron rod set at a 8 inch Pine Tree on said right of way line at the end of said curve;

Thence along a straight portion of the apparent Southwest right of way line of said highway for a Northeast line hereof, S 57° 46' 00" E 78.43 feet to a 1/2 inch iron rod set on said right of way line for the Northeast corner hereof;

Thence along the East line hereof, S 01° 51' 00" W 142.23 feet to a 1/2 inch iron rod set at the base of a 4 inch treated fence corner post for the Southeast corner hereof;

Thence along the South line hereof, being partly along an existing fence, N 88° 09' 00" W 208.80 feet to a 1/2 inch iron rod set 4.3 feet West of a railroad tie fence corner post for the Southwest corner hereof;

Thence along the West line hereof, N 01° 51' 00" E 288.66 feet to the place of beginning and containing 1.000 acre of land.

4. The lien to be foreclosed is indexed or recorded as Book 935 at Page 634 and recorded in the real property records of Washington County, Texas.
5. The material facts establishing Respondent's default are alleged in the Petitioner's application and the supporting affidavit. Those facts are adopted by the court and incorporated by reference in this order.
6. Based on the affidavit of Petitioner, no Respondent subject to this order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. App § 501 *et seq.*
7. Therefore, the Court grants Petitioner's motion for default order under Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner may proceed with foreclosure of the property described above in accordance with applicable law and the loan agreement, contract, or lien sought to be foreclosed.
8. This order is not subject to a motion for rehearing, a new trial, a bill of review, or an appeal. Any challenge to this order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

SIGNED this 30<sup>th</sup> day of September, 2021.

  
JUDGE PRESIDING

**Approved and Entry Requested:**

**GHIDOTTI | BERGER LLP**

By: /s/ Chase A. Berger  
Chase A. Berger  
State Bar No.: 24115617  
Ghidotti | Berger, LLP  
9720 Coit Road, Suite 220-228  
Plano, Texas 75025



Tel: (305) 501-2808

Fax: (954) 780-5578

Email: [cberger@ghidottiberger.com](mailto:cberger@ghidottiberger.com)

ATTORNEY FOR PETITIONER

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**  
**[600 Ross Street]**

DEFAULT having been made in the payment of the note described in that certain Deed of Trust executed by **HUGO LOBATO**, dated April 12, 2022, and duly filed for record on April 19, 2022, in the Office of the County Clerk of Washington County, Texas in **Volume 1835, Page 363** in the Official Records of Washington County, Texas, conveying to **MATT L. JANNER, Trustee**, the following described real property and improvements thereon in Washington County, Texas, to-wit:

**All that certain lot or parcel of land lying and being situated in Washington County, Texas, being a part of the A. Harrington League, being Lot One (1), Block "C" of WOODLAWN HEIGHTS ADDITION to the City of Brenham, Texas, more fully described by metes and bounds as follows, to-wit:**

**BEGINNING at an iron stake at the Southwest corner of Block "C", Woodlawn Heights in the East line of School Street and the Southwest corner of Lot 1 of said Block and the northwest corner of the W. F. Tottenham lot;**

**THENCE N. 13° W. 60 feet with the east line of School Street to the southwest corner of Lot 2, Block "C", and owned by J. P. Burch;**

**THENCE N 77° E 114.3 feet with the south line of Lot 2 to corner in the east line of Block "C" and the northeast corner of Lot 1;**

**THENCE S 8° 30 min E 59.3 feet to the southeast corner of lot 1 in the Northline of W. F. Tottenham;**

**THENCE S 77° W, 110 feet with Tottenham's north line of south line of Lot 1 to the place of beginning, containing 6,692.37 square feet of land, more or less, Being the same land described in Deed from Berry C. Hugo to Erwin O. Schulze et ux, dated April 25, 1984 recorded in Volume 472, Page 92, Official Records of Washington County, Texas and**

Page 1



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FILED AND RECORDED  
2023 SEP 11 PM 3:27  
JACK A. POTEMMAL  
WASHINGTON COUNTY CLERK



WHEREAS, **SCF Jake, LP.**, a Texas limited partnership, is the legal owner and holder of the indebtedness described in and secured by said Deed of Trust; and

WHEREAS, **SCF Jake, LP.**, a Texas limited partnership, the legal owner and holder of said Deed of Trust, in accordance with its terms, in writing removed the said MATT L. JANNER, as Trustee and appointed:

**Pete Florez**

as Substitute Trustee(s), to act under the terms of the Deed of Trust (each of whom may act alone and without the joinder of any other person including any other Substitute Trustee); and

WHEREAS, the said Deed of Trust vests power in the Trustee named above to execute the provisions of said Deed of Trust and whereas, the legal owner and holder of said Note and Deed of Trust having declared the whole debt due as secured thereby, and having requested that the undersigned as Trustee proceed to exercise the power of sale so conferred upon said Trustee, I will, in accordance with the request of the said legal owner and holder, on

**October 3, 2023**

to commence at the hour of 1:00 o'clock p.m., or within three (3) hours thereafter, on said day, sell the above described property to the highest bidder for cash at the following location:

**At the south entrance of the Washington County Courthouse or if the preceding area is no longer the designated area, at the area most recently designated by the Washington County Commissioners' Court**

being the location designated pursuant to Article 51.002 of the Texas Property Code for the purpose of satisfying said debt and costs of executing said sale.

Notice is given that on the date of the sale, the Substitute Trustee will offer the property for sale at public auction at the location designated herein, to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the Beneficiary to have the bid credited to the amount of the indebtedness secured by the Deed of Trust at the time of sale.

The Deed of Trust permits the Beneficiary to postpone, withdraw, or re-schedule the sale for another day. In that case, the Trustee or any Substitute Trustee under the Deed of Trust need not appear at the date, time and place of the scheduled sale to announce the postponement, withdrawal or re-scheduling of said sale. Notice of the date of any re-scheduled sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting and/or refiled may be after the date originally scheduled for this sale.

The sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all

prior matters of record affecting the property described herein, if any, to the extent that they are of record and remain in force and effect and have not been subordinated to the Deed of Trust. The sale will not cover any part of the Property that has been released of public record from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.


Pursuant to terms of the Deed of Trust, the Beneficiary has the right to direct the Trustee or any Substitute Trustee to sell the property in one or more parcels and/or to sell all or only part of the property described herein.

PURSUANT TO SECTION 51.009 OF THE TEXAS PROPERTY CODE, THE PROPERTY WILL BE SOLD IN AN "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. WITHOUT LIMITATION OF THE FOREGOING, THERE WILL BE NO WARRANTY RELATING TO POSSESSION, QUIET ENJOYMENT, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR THE LIKE FOR THE PROPERTY OR ANY PERSONAL PROPERTY, IF ANY, INCLUDED IN THIS SALE. PROSPECTIVE BIDDERS ARE ADVISED TO CONDUCT AN INDEPENDENT INVESTIGATION OF THE NATURE AND PHYSICAL CONDITION OF THE PROPERTY.

**The name and address of the sender of this Notice are:**

**SCF Jake, LP  
1302 Waugh Drive, Suite 831  
Houston, Texas 77019**

**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.**

  
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**Pete Florez**  
Substitute Trustee(s)

Robert A. Schlanger  
Attorney for Substitute Trustees  
5325 Katy Freeway, Suite Two  
Houston, Texas 77007  
(713) 626-2333