

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., 400 North Sam Houston Parkway East, Suite 900A, Houston, Texas 77060

INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated June 29, 2010 and recorded under Vol. 1217, Page 001, or Clerk's File No. 1003863, in the real property records of WALLER County Texas, with Roger Potter, an unmarried man as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as nominee for Urban Financial Group, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Roger Potter, an unmarried man securing payment of the indebtedness in the original principal amount of \$472,500.00 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 Roger Potter. Broad Street Funding Trust I 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. Celink is acting as the Mortgage Servicer for the Mortgagee. Celink, is representing the Mortgagee, whose address is: 3900 Capital City Blvd, Lansing, MI 48906.

Legal Description:

BEING A 5.42 ACRE TRACT OF LAND SITUATED IN THE DAVID MOUSER 4,428 ACRE SURVEY, ABSTRACT NO. 47, WALLER COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE DEED TO CYNTHIA L. POTTER, AS RECORDED IN VOLUME 855, PAGE 303, DEED RECORDS OF WALLER COUNTY, AND MORE PARTICULARLY DESCRIBED IN "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES

SALE INFORMATION

Date of Sale: 11/05/2019

Earliest Time Sale Will Begin: 1:00 PM

Location of Sale: The place of the sale shall be: WALLER County Courthouse, Texas at the following location: In the foyer at the south entrance to the Waller 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.

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WALLER



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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 Megan L. Randle, Ebbie Murphy, Thomas Delaney, Danya Gladney or Aaron Demuth 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.
400 N. Sam Houston Pkwy E, Suite 900A
Houston, TX 77060
(281) 925-5200

Executed on this the 3rd day of October, 2019.

/s/ Lisa Collins SBOT No. 24115338, Attorney at Law
Codilis & Moody, P.C.
400 N. Sam Houston Pkwy E, Suite 900A
Houston, TX 77060
(281) 925-5200

Posted and filed by: 

Printed Name: Megan L. Randle

C&M No. 44-14-1544

Exhibit A

Being a 5.42 acre tract of land situated in the David Mouser 4,428 acre Survey, Abstract No. 47, Waller County, Texas, being a portion of that certain tract of land described in deed to Cynthia L. Potter, as recorded in Volume 855, Page 303, Deed Records of Waller County, and being more particularly described by metes and bounds as follows:

BEGINNING at a found concrete monument at the most westerly southeast corner of said Potter tract, said monument being on the northeast line of U. S. Highway 290;

THENCE North $72^{\circ} 46' 43''$ West (bearing base from aforesaid deed 855/303), a distance of 317.68 feet along said northeast line;

THENCE North $02^{\circ} 08' 28''$ West, departing said northeast line, a distance of 301.48 feet;

THENCE South $88^{\circ} 34' 44''$ West, a distance of 304.45 feet to the common line of aforesaid Potter tract and that certain tract of land described in deed to Silvio R. Menendez, as recorded in Volume 755, Page 856, aforesaid Deed Records;

THENCE North $00^{\circ} 27' 17''$ East, a distance of 250.00 feet along said common line to a found 1 and 1/4-inch iron pipe at the northwest corner of said Potter tract, said iron pipe being a re-entrant corner of said Menendez tract;

THENCE North $87^{\circ} 51' 32''$ East, a distance of 369.27 feet along said common line to a found 1 and 1/4-inch iron pipe;

THENCE South $02^{\circ} 08' 28''$ East, departing said common line, a distance of 50.00 feet;

THENCE North $87^{\circ} 51' 32''$ East, a distance of 77.32 feet;

THENCE South $02^{\circ} 08' 28''$ East, a distance of 203.90 feet;

THENCE North $88^{\circ} 34' 44''$ East, a distance of 200.00 feet to the west line of Pope Road;

THENCE South $01^{\circ} 25' 16''$ East, a distance of 370.00 feet along said west line to a found concrete monument at the most easterly southeast corner of aforesaid Potter tract;

THENCE South $53^{\circ} 10' 04''$ West, a distance of 59.73 feet to the **POINT OF BEGINNING** and containing 236,094 square feet or 5.42 acres of land.

FILED AND RECORDED

Instrument Number: 19-083

Filing and Recording Date: 10/10/2019 10:56:45 AM Pages: 3 Recording Fee: \$5.00

I hereby certify that this instrument was FILED on the date and time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Waller County,



Debbie Hollan

Debbie Hollan, County Clerk
Waller County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

Donna Jackson, Deputy

Returned To: