

18-067

09/10/2018 10:42:48 AM Total Pages: 5 Fee: 5.00
Debbie Hollan, County Clerk - Waller County, TX



NOTICE OF SUBSTITUTE TRUSTEE'S SALE

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF WALLER

§

WHEREAS, on April 23, 2013, **Hope L. Bailey and Brandon Bailey, as wife and husband**, ("Grantor") executed and delivered a Deed of Trust (the "Deed of Trust") conveying to **David Zalman**, as Trustee, the hereinbelow described property to secure **Prosperity Bank** in the payment of an indebtedness (the "Note") therein described, the Deed of Trust being filed and recorded under Clerk's File No. 1302705, Volume1354, Page 383, et. seq., in the Official Public Records of Real Property of Waller County, Texas, to which reference is hereby made for all purposes; and

WHEREAS, default has occurred in the payment of the Note and the same is now wholly due, and **Prosperity Bank** (the "Beneficiary"), the owner and holder of the Note, has requested the undersigned to sell the Property to satisfy the Note; and

WHEREAS, the above named Trustee and any previously appointed Substitute Trustee was removed under and in accordance with the Deed of Trust and the Beneficiary designated and appointed **L. David Smith, Megan Randle and Ebbie Murphy**, any of whom may act **independently** as Substitute Trustee to enforce the Trust, and any of whom may conduct the sale of the Property and may be contacted as indicated on the signature block below.

NOW, THEREFORE, pursuant to the authority conferred upon me by the Deed of Trust, **I, L. David Smith**, hereby give notice that I or one of the other Substitute Trustees whose names and addresses are set out below, will sell the Property at public auction to the highest bidder, for cash, on **Tuesday, October 2, 2018**. The earliest time at which the sale will occur shall be at **1:00 o'clock P.M.** and it may take place not later than three hours after said time, and the sale shall take place in the area which has been designated as the area for foreclosures to take place, being the foyer at the South entrance of the Waller County Courthouse, 836 Austin Street, Hempstead, Texas 77445, which designated area is more particularly described in the Waller County Commissioner's Court Designation, recorded in Volume 413, Page 148, in the Deed Records of Waller County, Texas, or any other area which has been designated by the Waller County Commissioner's Court as the area for foreclosures to take place. This conveyance will be made subject to any exceptions referenced in the Deed of Trust to the extent the same are still in effect and shall not cover any part of the Property that has been released from the liens of the Deed of Trust. The Property that will be sold at the foreclosure sale includes the following described real property, together with all improvements and fixtures thereon and appurtenances thereto:

Lot Four (4), in Block Eighty-Seven (87), in the Town of Hempstead, Waller County, Texas, according to the Map or Plat thereof recorded in Volume 106, Page 306 of the

Deed Records of Waller County, Texas; more commonly known as 434 9th Street,
Hempstead, TX 77445.

THE SALE OF THE PROPERTY IS "AS-IS" AND "WHERE-IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. THE SUBSTITUTE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE COMPLIANCE WITH THE LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

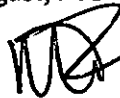
SUBSTITUTE TRUSTEES

NOTICE IS HEREBY PROVIDED THAT ONE OF THE FOLLOWING NAMED SUBSTITUTE TRUSTEES WHOSE ADDRESS AND CONTACT INFORMATION FOR PURPOSES HEREOF IS AS FOLLOWS MAY CONDUCT THE SALE:

L. David Smith, Megan Randle and Ebbie Murphy
c/o CHERNOSKY, SMITH, RESSLING & SMITH, PLLC
Attention: **L. David Smith**
4646 Wild Indigo, Suite 110
Houston, Texas 77027
LDS Telephone: (713) 800-8604
Facsimile: (713) 622-1026
LDS Email: smith@csrslaw.com

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.

Dated this 31st day of August, 2018.

 L. David Smith Substitute Trustee

L. David Smith, Substitute Trustee
Chernosky, Smith, Ressler & Smith, PLLC
4646 Wild Indigo, Suite 110
Houston, Texas 77027
Telephone: (713) 800-8604
Facsimile: (713) 622-1026
Email: smith@csrslaw.com

FILED AND RECORDED

Instrument Number: 18-067

Filing and Recording Date: 09/10/2018 10:42:48 AM Pages: 5 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.

Marlene Amanaga, Deputy

Returned To: