



**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**

**THE STATE OF TEXAS**

§

**KNOW ALL MEN BY THESE PRESENTS:**

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**COUNTY OF WALLER**

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**WHEREAS**, on November 19, 2012, **Marilyn K. Keown**("Grantor") executed and delivered a Texas Home Equity Deed of Trust (the "Security Instrument") 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 Security Instrument being filed and recorded under Clerk's File No. 1300513, Volume 1338, Page 441, 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 Security Instrument and the Beneficiary designated and appointed **L. David Smith** as Substitute Trustee to enforce the Trust.

**NOW, THEREFORE**, pursuant to the authority conferred upon me by the Security Instrument, I hereby give notice that I will sell the Property at public auction to the highest bidder, for cash, on **Tuesday, May 5, 2015**. The earliest time at which the sale will occur shall be at **10:00 o'clock A.M.** and it may take place not later than three hours after said time, and the sale shall take place in the area at the Waller County Courthouse 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

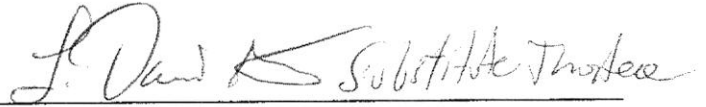
Austin Street, Hempstead, Texas 77445, which designated area is more particularly described in the Waller County Commissioner's Court Designation, recorded in Volume 413, Page 148, in the Deed Records of Waller County, Texas, or any other area which has been designated by the Waller County Commissioner's Court as the area for foreclosures to take place. This conveyance will be made subject to any exceptions referenced in the Security Instrument 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 Security Instrument. 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(s) One Hundred Sixteen (116) and One Hundred Seventeen (117) of DEERWOOD LAKES, Section III, a subdivision in Waller County, Texas, according to the Map or Plat thereof recorded in Volume 231, Page 134 of the Deed Records of Waller County, Texas, more commonly known as 26197 Shore Drive, 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.

**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 9<sup>th</sup> day of April, 2015.

A handwritten signature in cursive script, appearing to read "L. David Smith, Substitute Trustee". The signature is written in dark ink and is positioned above a horizontal line.

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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: 15-033**

Filing and Recording Date: 04/13/2015 12:36:22 PM Pages: 4 Recording Fee: \$6.00

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,



A handwritten signature in black ink that reads "Debbie Hollan". The signature is written in a cursive style.

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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.

Daisy Metcalf, Deputy

Returned To: