

#2 pg 1

at 12:20 o'clock p M

JUL 01 2021

NOTICE OF SUBSTITUTE TRUSTEE SALE

Deed of Trust Date:
9/8/2004

Grantor(s)/Mortgagor(s): Elaine H. Cardenas
GRAHAM GALE, AND CYNTHIA A. GALE, COUNTY CLERK
HUSBAND AND WIFE

Original Beneficiary/Mortgagee:
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC. ("MERS") SOLELY AS A NOMINEE
FOR AMERICA'S WHOLESALE LENDER, ITS
SUCCESSORS AND ASSIGNS

Current Beneficiary/Mortgagee:
The Bank of New York Mellon, f/k/a, the Bank of
New York as Trustee for CWABS, Inc., Asset-
Backed Certificates, Series 2004-10

Recorded in:
Volume: 2544
Page: 189
Instrument No: 04026970

Property County:
HAYS

Mortgage Servicer:
Select Portfolio Servicing, Inc. is representing the
Current Beneficiary/Mortgagee under a servicing
agreement with the Current Beneficiary/Mortgagee.

Mortgage Servicer's Address:
3217 S. Decker Lake Dr.,
Salt Lake City, UT 84119

Legal Description: ALL OF LOT 7, BLOCK 16, EAGLE ROCK RANCHITOS, SECTION THREE (3), A
SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
IN VOLUME 157, PAGE 2, HAYS COUNTY DEED RECORDS.

Date of Sale: 8/3/2021

Earliest Time Sale Will Begin: 1pm

Place of Sale of Property: THE SOUTH DOOR OF THE HAYS COUNTY GOVERNMENT CENTER
AT 712 SOUTH STAGECOACH TRAIL OR AS DESIGNATED BY THE COUNTY
COMMISSIONER'S OFFICE OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S
COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE.

The Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place
and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that
time.

Notice Pursuant to Tex. Prop. Code § 51.002(f):
Assert and protect your rights as member of
the armed forces of the United States. If you
or your spouse are serving on active military duty,
including active military duty as a member of the
Texas National 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.

Angela Zavala
Deanna Ray, Scarlet Watts, Angela Zavala, Michelle
Jones or Richard Zavala, Jr
or Thuy Frazier
or Cindy Mendoza
or Catherine Allen-Rea
or Cole Patton, Substitute Trustee
MCCARTHY & HOLTHUS, LLP
1255 WEST 15TH STREET, SUITE 1060
PLANO, TX 75075

MH File Number: TX-21-79363-POS
Loan Type: Conventional Residential

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FILED
HAYS COUNTY, TEXAS
at 2:25 o'clock p M

JUL 01 2021

C&M No. 44-21-0216/ FILE NOS

NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF SUBSTITUTION TRUSTEE
COUNTY CLERK

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 November 03, 2016 and recorded under Clerk's File No. 16038129, in the real property records of HAYS County Texas, with Dustin Joseph Rogers, unmarried man as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for CrossCountry Mortgage, Inc., its successors and assigns as Original Mortgagee.

Deed of Trust executed by Dustin Joseph Rogers, unmarried man securing payment of the indebtedness in the original principal amount of \$152,895.00 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 Dustin Joseph Rogers. US Bank Trust National Association, Not In Its Individual Capacity But Solely As Owner Trustee For VRMTG Asset Trust 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. Fay Servicing, LLC is acting as the Mortgage Servicer for the Mortgagee. Fay Servicing, LLC, is representing the Mortgagee, whose address is: 1601 LBJ Freeway, Suite 150, Farmers Branch, TX 75234.

Legal Description:

LOT 31, BLOCK F, GREEN MEADOWS SECTION 2A, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 13, PAGE 300, OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS.

SALE INFORMATION

Date of Sale: 08/03/2021 Earliest Time Sale Will Begin: 1:00 PM

Location of Sale: **The place of the sale shall be: HAYS County Courthouse, Texas at the following location: On the front steps of the Hays County Government Building, 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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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 Deanna Ray, Elizabeth Anderson, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or ServiceLink Agency Sales And Posting**, 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 06/29/2021.

/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: Elizabeth Anderson
Printed Name: Elizabeth Anderson

C&M No. 44-21-0216