

FILED
JUL 07 2017

LIZ CHAPMAN
CLERK COUNTY COURT, PECOS CO., TEXAS
By: UCP Deputy

Our File Number: 15-11850

Name: JOE R ORTIZ AND VIRGINIA L ORTIZ, HUSBAND AND WIFE AS COMMUNITY PROPERTY

NOTICE OF TRUSTEE'S SALE

WHEREAS, on December 5, 2008, JOE R. ORTIZ AND VIRGINIA L. ORTIZ, HUSBAND AND WIFE AS COMMUNITY PROPERTY, executed a Deed of Trust/Security Instrument conveying to STEVE HOLMES & ASSOCIATES P.C., as Trustee, the Real Estate hereinafter described, to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ACTING SOLELY AS A NOMINEE FOR ALACRITY LENDING COMPANY, in the payment of a debt therein described, said Deed of Trust/Security Instrument being recorded under County Clerk Volume Number 366, at Page 54, in the DEED OF TRUST OR REAL PROPERTY records of PECOS COUNTY, TEXAS; and

WHEREAS, default has occurred in the payment of said indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness;

WHEREAS, the undersigned has been appointed Substitute Trustee in the place of said original Trustee, upon the contingency and in the manner authorized by said Deed of Trust/Security Instrument; and

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on **TUESDAY, SEPTEMBER 5, 2017**, between ten o'clock AM and four o'clock PM and beginning not earlier than 10:00 AM or not later than three hours thereafter, I will sell said Real Estate at the County Courthouse in **PECOS COUNTY, TEXAS** to the highest bidder for cash. The sale will be conducted in the area of the Courthouse designated by the Commissioners' Court, of said county, pursuant to Section §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 was posted.

Said Real Estate is described as follows:

BEING 1.98 GRID ACRES OF LAND OUT OF AND A PART OF TRACT 54, SECTION 2, BLOCK L OF THE FORT STOCKTON IRRIGATED LANDS COMPANY SUBDIVISION PLAT RECORDED IN SLIDE 110, SIDE A AND B OF THE PECOS COUNTY PLAT RECORDS, PECOS COUNTY, TEXAS, AND BEING CALLED 2 ACRES IN CONVEYANCE TO JOE ORTIZ, ETUX. AND RECORDED IN VOLUME 789, PAGES 389-390 OF THE PECOS COUNTY OFFICIAL RECORDS AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Property Address: 1745 W 48TH LANE
FORT STOCKTON, TX 79735

Mortgage Servicer: FREEDOM MORTGAGE CORPORATION

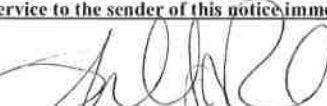
Noteholder: FREEDOM MORTGAGE CORPORATION
10500 KINCAID DRIVE SUITE 300
FISHERS, IN 46037

The Mortgage Servicer is authorized to represent the Noteholder by virtue of a servicing agreement with the Noteholder. 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.

ACTIVE MILITARY SERVICE NOTICE

Assert and protect your rights as a member of the armed forces of the United States. If you 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.

WITNESS MY HAND this 10 day of July, 2017.


Johnnie Eads, Shelley Nail, Kristina McCrary,
Donna Trout, Substitute Trustees
c/o Marinosci Law Group, P.C.
14643 Dallas Parkway, Suite 750
Dallas, Texas 75254
(972) 331-2300



D. G. Smyth & Co., Inc.

1022 Garner Field Road, Suite D
Uvalde, TX 78801

"A Statewide Land Surveying Service Company"



(830) 591-0858
(830) 591-0863 Fax

**BOUNDARY RETRACEMENT SURVEY OF 1.98 ACRES
COMPLETED ON NOVEMBER 18, 2008**

Being 1.98 grid acres of land out of and a part of Tract 54, Section 2, Block 1 of the Fort Stockton Irrigated Lands Company subdivision plat recorded in Slide 110, Side A and B of the Pecos County Plat Records, Pecos County, Texas, and being called 2 acres in conveyance to Joe Ortiz, et ux. and recorded in Volume 789, Pages 389-390 of the Pecos County Official Records and being more particularly described by metes and bounds as follows: (The bearings and distances shown herein conform to the Texas Coordinate System, North American Datum 1927, Texas Central Zone.) (All corners called for as being set are marked on the ground with 1/2 inch steel stakes with plastic identification caps stamped "D. G. SMYTH & COMPANY/RPLS 2046" attached unless otherwise noted or shown.)

BEGINNING at a steel stake found at the northeast corner of Tract 54, and also being the northwest corner of Tract 53, for the northeast corner of the herein described tract;

THENCE S01°37'41"W with the east line of Tract 54 and the west line of said Tract 53 and generally with fence, at a distance of 30 feet crossing the south line of a gas pipeline easement described in Right-of-Way Agreements granted to Lo-Vaca Gathering Company in Volume 356, Pages 493-494 and Volume 373, Pages 282-283 of the Pecos County Deed Records, and continuing for a distance of 643.02 feet to a steel stake found marking the southeast corner of Tract 54 and also being the common corner of Tracts 53, 54, 59 and 60 of said subdivision, for the southeast corner of the herein described tract;

THENCE N88°49'48"W with the common line of Tract 54 and said Tract 59 and generally with fence, for a distance of 133.88 feet to a 1/2 inch steel stake set for the southwest corner of the herein described tract;

THENCE N01°37'42"E parallel to and 133.88 feet west of the east boundary of Tract 54 with the east boundary of the remainder of the 4 acres parent tract described as Tract II in conveyance to Luciano G. Rascon, et ux. recorded in Volume 485, Pages 324-327 of the Pecos County Deed Records and generally with fence, at 612.87 feet crossing the south line of aforesaid gas pipeline easement and continuing for a total distance of 642.87 feet to a 1/2 inch steel stake set in the north boundary of Tract 54 and the south right-of-way line of west 48th Lane for the northwest corner of the herein described tract;

(Handwritten mark)

70L 20117 66

THENCE S88°53'31"E with the north boundary of Tract 54 and said south right-of-way line of west 48th Lane for a distance of 133.88 feet to the **POINT OF BEGINNING** containing 1.98 acres of land within the herein described boundary as surveyed by D. G. Smyth & Co., Inc. on November 18, 2008.

THE STATE OF TEXAS:
COUNTY OF UVALDE:

It is hereby certified that the foregoing field note description and Attached plat were prepared from an actual on the ground survey Made by personnel working under my direct supervision and that Same are true and correct according to same said survey.



D. G. Smyth - Registered Professional Land Surveyor/
Licensed State Land Surveyor - No. 2046

JOB NO. 08-3635

70L 20117 66