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TERESA RODRIGUEZ
COUNTY CLERK, CALDWELL COUNTY, TEXAS
By Yolanda Hernandez Deputy

NOTICE OF FORECLOSURE SALE

Yolanda Hernandez

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 OR 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.

1. Property to Be Sold. The property to be sold is described as follows: TRACT OF LAND OUT OF THE WILLIAM PETTUS SURVEY, ABSTRACT NO. 21, CITY OF MARTINDALE, CALDWELL COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND CONVEYED TO EDVIN A. ROHLACK AND WIFE, HERMANIA O. ROHLACK IN DEED RECORDED IN VOLUME 462, PAGE 356, DEED RECORDS, CALDWELL COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED IN THE FOLLOWING METES AND BOUNDS DESCRIPTION:

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, LYING AND BEING SITUATED IN THE TOWN OF MARTINDALE, CALDWELL COUNTY, TEXAS, AND BEING A PART OF THE WM. PETTUS SURVEY IN CALDWELL COUNTY, TEXAS, AND BEING KNOWN AS A PART OF THE NANCY MARTINDALE RESIDENCE LOT, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT AN IRON STAKE SET FOR THE NORTH CORNER OF THIS LOT NORTH 32 DEGREES WEST 153 FEET FROM THE MOST NORTH CORNER OF THE CEMENT CURB IN FRONT OF AND FORMING A PART OF THE BRICK STORE HOUSE OF GEORGE MARTINDALE AND SONS, ON THE WEST SIDE OF MAIN STREET, THIS CORNER, ALSO BEING THE MOST EAST CORNER OF THE JAS. T. PETTY'S RESIDENCE LOT;
THENCE SOUTH 32 DEGREES EAST 118 FEET TO IRON PIN SET FOR CORNER, WHICH CORNER IS NORTH 32 DEGREES WEST 35 FEET FROM THE MOST NORTH CORNER OF SAID CEMENT CURB OF THE GEORGE MARTINDALE AND SONS STORE BUILDING;

THENCE SOUTH 58 DEGREES WEST 300 FEET TO THE EAST BANK OF THE SAN MARCOS RIVER, AN IRON PIN FOR CORNER, THE MOST SOUTH CORNER OF THIS LOT, A DISTANCE OF 118 FEET ON A STRAIGHT LINE SOUTH 32 DEGREES EAST FROM JAS. T. PETTY'S MOST SOUTHEAST LINE;

THENCE UP SAID RIVER WITH ITS MEANDERS TO THE MOST SOUTH CORNER OF THE SAID JAS. T. PETTY'S LOT;

THENCE NORTH 59 DEGREES EAST ALONG AND OVER SAID PETTY'S SOUTHEAST LINE TO THE PLACE OF BEGINNING, THE WEST SIDE OF MAIN STREET. THIS IS A PART OF THE TRACT OR LOT OF LAND, AS WAS CONVEYED TO J. B. MARTINDALE, BY E. B. PETTY, ET UX BY DEED DATED OCTOBER 20 1902, RECORDED IN VOLUME 28 AT PAGE 369 OF THE CALDWELL COUNTY DEED RECORDS, AND BEING THE SAME PROPERTY DESCRIBED IN DEED FROM LEXIA MUECK ET AL TO J. T. TOMBAUGH, ET UX DATED JUNE 5, 1957, RECORDED IN VOLUME 271 AT PAGE 507 OF THE CALDWELL COUNTY DEED RECORDS.

2. Instrument to be Foreclosed. The instrument to be foreclosed is the Deed of Trust dated 06/14/2007 and recorded in Book 499 Page 424 Document 073192 real property records of Caldwell County, Texas.

3. Date, Time, and Place of Sale. The sale is scheduled to be held at the following date, time, and place:

Date: 07/02/2024

Time: 12:00 PM

Place: Caldwell County, Texas at the following location: OUTSIDE THE MAIN ENTRANCE OF THE NEW CALDWELL COUNTY JUSTICE CENTER, LOCATED AT 1703 S. COLORADO ST., LOCKHART, TEXAS 78644 OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.

4. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash. 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.

5. Obligations Secured. The Deed of Trust executed by HERMANIA O. ROHLACK AND EDVIN A. ROHLACK, provides that it secures the payment of the indebtedness in the original principal amount of \$300,240.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. Wilmington Savings Fund Society, FSB, not in its individual capacity but solely in its capacity as Owner Trustee for Cascade Funding Mortgage Trust HB4 is the current mortgagee of the note and deed of trust and PHH MORTGAGE CORPORATION is mortgage servicer. A servicing agreement between the mortgagee, whose address is Wilmington Savings Fund Society, FSB, not in its individual capacity but solely in its capacity as Owner Trustee for Cascade Funding Mortgage Trust HB4 c/o PHH MORTGAGE CORPORATION, 14405 Walters Road, Suite 200, Houston, TX 77014 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

6. Order to Foreclose. Wilmington Savings Fund Society, FSB, not in its individual capacity but solely in its capacity as Owner Trustee for Cascade Funding Mortgage Trust HB4 obtained a Order from the 421st District Court of Caldwell County on 05/30/2024 under Cause No. 23-O-363. The mortgagee has requested a Substitute Trustee conduct this sale pursuant to the Court's Order.

7. Substitute Trustee(s) Appointed to Conduct Sale. In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.

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.