

22-02325
1406 S GRAND AVE, GAINESVILLE, TX 76240

**NOTICE OF FORECLOSURE SALE AND
APPOINTMENT OF SUBSTITUTE TRUSTEE**

Property: The Property to be sold is described as follows:

SEE EXHIBIT "A"

Security Instrument: Deed of Trust dated December 6, 2021 and recorded on December 8, 2021 at Book 2472 and Page 248 Instrument Number 2021-10984 in the real property records of COOKE County, Texas, which contains a power of sale.

Sale Information: **January 3, 2023, at 11:00 AM,** or not later than three hours thereafter, at the east steps of the historic Cooke County Courthouse located at 101 South Dixon Street, Gainesville, Texas, or as designated by the County Commissioners Court.

Terms of Sale: Public auction to highest bidder for cash. In accordance with Texas Property Code section 51.009, the Property will be sold as is, without any expressed or implied warranties, except as to warranties of title, and will be acquired by the purchaser at its own risk. In accordance with Texas Property Code section 51.0075, the substitute trustee reserves the right to set additional, reasonable conditions for conducting the sale and will announce the conditions before bidding is opened for the first sale of the day held by the substitute trustee.

Obligation Secured: The Deed of Trust executed by MATTHEW J ROCHA AND FATIMA A LOZANO secures the repayment of a Note dated December 6, 2021 in the amount of \$266,750.00. LAKEVIEW LOAN SERVICING, LLC., whose address is c/o LoanCare, LLC, 3637 Sentara Way, Virginia Beach, VA 23452, is the current mortgagee of the Deed of Trust and Note and LoanCare, LLC is the current mortgage servicer for the mortgagee. Pursuant to a servicing agreement and Texas Property Code section 51.0025, the mortgagee authorizes the mortgage servicer to administer the foreclosure on its behalf.

Substitute Trustee: In accordance with Texas Property Code section 51.0076 and the Security Instrument referenced above, mortgagee and mortgage servicer's attorney appoint the substitute trustees listed below.

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.

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.

FILED FOR RECORD

22 DEC 13 PH 1:48

PAM HARRISON
COUNTY CLERK, COOKE CO. TX

BY *ym* DEPUTY



4767517

Kirk Schwartz

De Cubas & Lewis, Schwartz, P.C.
Kirk Schwartz, Attorney at Law
1999 N University Drive, Suite 204
Coral Springs, FL 33071

Shelley Ortolani

Substitute Trustee(s): Ramiro Cuevas, Aurora Campos, Jonathan Harrison, Shawn Schiller, Patrick Zwiers, Darla Boettcher, Irene Lindsay, Dana Kamin, Lisa Bruno, Angie Uselton, Jami Hutton, Tonya Washington, Monica Henderson, Terry Waters, Logan Thomas, Shelley Ortolani, Mary Mancuso, Francesca Ortolani, Michele Hreha, Carol Dunmon, Jane Kline, Payton Hreha or Chasity Lewallen and employees included but not limited to those listed herein.

c/o De Cubas & Lewis, Schwartz, P.C.
1999 N University Drive, Suite 204
Coral Springs, FL 33071

Certificate of Posting

I, _____, declare under penalty of perjury that on the _____ day of _____, 20__, I filed and posted this Notice of Foreclosure Sale in accordance with the requirements of COOKE County, Texas and Texas Property Code sections 51.002(b)(1) and 51.002(b)(2).

EXHIBIT "A"

**0.382 ACRES
P. CLARK SURVEY
ABSTRACT NO. 232
CITY OF GAINESVILLE
COOKE COUNTY, TEXAS**

FIELD NOTES TO ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE PETER CLARK SURVEY, ABSTRACT NUMBER 232, TO THE CITY OF GAINESVILLE, COOKE COUNTY, TEXAS, AND BEING A PART OF LOT 3 IN BLOCK 1 OF THE DAVIS ADDITION, AN ADDITION IN THE CITY OF GAINESVILLE ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1, PAGE 63, NOW HELD IN CABINET B, PAGE 61 OF THE PLAT RECORDS OF COOKE COUNTY, TEXAS AND BEING A RETRACEMENT SURVEY OF TRACT OF LAND DESCRIBED IN THE DEED TO MIZIS INVESTMENTS, LLC, AS RECORDED IN VOLUME 2423, PAGE 482 OF THE OFFICIAL PUBLIC RECORDS OF COOKE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND FOR CORNER AT THE NORTHWEST CORNER OF SAID LOT 3, IN THE EAST RIGHT-OF-WAY LINE OF SOUTH GRAND AVENUE;

THENCE NORTH 89 DEGREES 33 MINUTES 32 SECONDS EAST, A DISTANCE OF 222.87 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE SOUTH 00 DEGREES 48 MINUTES 17 SECONDS EAST, WITH THE EAST LINE OF SAID LOT 3 FOR A DISTANCE OF 75.04 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER AT THE SOUTHEAST CORNER OF SAID MIZIS INVESTMENTS, LLC TRACT;

THENCE SOUTH 89 DEGREES 33 MINUTES 32 SECONDS WEST, WITH THE SOUTH LINE OF SAID MIZIS INVESTMENTS, LLC TRACT A DISTANCE OF 222.87 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER AT THE SOUTHWEST CORNER OF SAID MIZIS INVESTMENTS, LLC TRACT, IN THE WEST LINE OF SAID BLOCK 1, AND THE EAST RIGHT-OF-WAY LINE OF SAID SOUTH GRAND AVENUE;

THENCE NORTH 00 DEGREES 48 MINUTES 17 SECONDS WEST, WITH THE WEST LINE OF SAID BLOCK 1 A DISTANCE OF 75.04 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.382 ACRES OF LAND, MORE OR LESS.

NOTE:* Company does not represent that the above acreage and/or square footage calculations are correct.**