

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

**THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF LEE §**

WHEREAS, on August 9, 2017, **JOHN THOMAS McCARTHY III** ("Grantor") executed and delivered a Texas Home Equity Security Instrument (the "Security Instrument") conveying to **David Zalman**, as Trustee, the herein below described property to secure **Prosperity Bank** in the payment of all indebtedness (collectively the "Note") therein described, the Security Instrument being filed and recorded under Lee County Clerk's Instrument No. 2017-02810 in the Official Public Records of Real Property of Lee 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, Pete Florez, Zachary Florez, Orlando Rosas and Bobby Brown** any of whom may act independently as Substitute Trustee to enforce the Trust, and any of whom may conduct the sale of the Property and may be contacted as indicated on the signature block below.

NOW, THEREFORE, pursuant to the authority conferred upon me by the Security Instrument, I, **L. David Smith**, hereby give notice that I or one of the other Substitute Trustees whose names and addresses are set out below, will sell the Property at public auction to the highest

bidder, for cash, on **Tuesday, December 6, 2022**. The earliest time at which the sale will occur shall be at **1:00 o'clock P.M.** and it may take place not later than three hours after said time, and the sale shall take place in the area which has been designated as the area for foreclosures to take place, being the West side of 843 E. Industry, Giddings, Texas (the Lee County Clerk's building), or as designated by the county commissioner's office. 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:

Being a 1.732 acre tract, a part of the Joseph F. Johnson Survey, Abstract 174, Lee County, Texas and being a part of a part of a 68.43 acre tract (Less 5.553 acres) and being more particularly described by metes and bounds in **Exhibit "A" attached to the Texas Home Equity Security Instrument ("Security Instrument")** dated August 9, 2017, recorded in Lee County Clerk's Instrument No. 2017-02810, more commonly known as 1391 Private Rd. 4032, Dime Box, Texas 77583.

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.

SUBSTITUTE TRUSTEES

NOTICE IS HEREBY PROVIDED THAT ONE OF THE FOLLOWING NAMED SUBSTITUTE TRUSTEES WHOSE ADDRESS AND CONTACT INFORMATION FOR PURPOSES HEREOF IS AS FOLLOWS MAY CONDUCT THE SALE:

L. David. Smith, Pete Florez, Zachary Florez, Orlando Rosas and Bobby Brown.

c/o L. David. Smith
2618 Kittansett Circle
Katy Texas 77450
telephone: 281-788-3666
Email: ldslaw7@gmail.com

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 31st day of October, 2022.

L. David Smith Substitute Trustee

L. David. Smith, Substitute Trustee
2618 Kittansett Circle
Katy, Texas 77450
Telephone 281-788-3666
Email:ldslaw7@gmail.com

FILED AND RECORDED

NOV 14 2022



Sharon Blasig
SHARON BLASIG
COUNTY CLERK, LEE COUNTY TEXAS