

FILED

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

2019 AUG 13 PM 12: 14

THE STATE OF TEXAS §
COUNTY OF DALLAS §

KNOW ALL MEN BY THESE PRESENTS

JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY
BY: _____ DEPUTY

WHEREAS, on April 26, 2013, **Joe B. Garza, Sr., a/k/a Joe B. Garza** ("Grantor"), executed and delivered a Deed of Trust, Security Agreement and Financing Statement (the "Deed of Trust") conveying to **David Zalman**, as Trustee, the hereinbelow described property to secure **Prosperity Bank** in the payment of an indebtedness (the "Note") therein described, the Deed of Trust being filed and recorded under Clerk's File No. 201300148560, in the Official Public Records of Real Property of Dallas 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 Deed of Trust and the Beneficiary designated and appointed **Michael J. Smith, L. David Smith, Shelley Ortolani, Michele Hreha, Mary Mancuso and Francesca Ortolani, 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 Deed of Trust, I, **Michael J. 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, September 3, 2019**. The earliest time at which the sale will occur shall be at **10:00 o'clock A.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 area outside on the North side of the George Allen Courts Building facing Commerce Street below the overhang, 600 Commerce Street, Dallas, Dallas County, Texas, which designated area is more particularly described in Commissioner's Court Order No. 2009-0463, dated March 10, 2009, or any other area which has been designated by the Dallas County Commissioner's Court as the area for foreclosures to take place. This conveyance will be made subject to any exceptions referenced in the Deed of Trust 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 Deed of Trust. 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:

- (a) Lot 16R, Block 62 of Replat of Lots 18, 17 and Part of Lot 16, Block 62, of 4th Installment of Highland Park, an Addition to the City of Highland Park, Dallas County, Texas, according to the Plat thereof Recorded in Volume 97241, Page 8, Map Records of Dallas County, Texas; more commonly known as 3428 Beverly Drive, Dallas, Texas 75205.
- (b) all rights, titles, interests, estates, reversions and remainders now owned by Grantor in and to the Land; (c) all improvements situated on the Land; (d) all rights, titles and interests now owned in and to all easements, streets and rights-of-way of every kind and nature next to or adjoining the Land and all public or private utility connections thereto and all appurtenances, servitudes, rights, ways, privileges and prescriptions thereto; (e) all right, title and interest of Grantor in and to any and all Wastewater Capacity Reservations of any kind or character covering the Land or improvements, issued or which may be issued by any governmental agencies having jurisdiction thereof, and all other rights relating to sewage treatment capacity, water capacity and utilities serving the Land or improvements (said rights described in this subparagraph (e) being collectively sometimes called "Utilities Rights"); and (f) any and all tenements, hereditaments and appurtenances now owned by

Grantor and appertaining to, generated from, arising out of or belonging to any of the foregoing.

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:

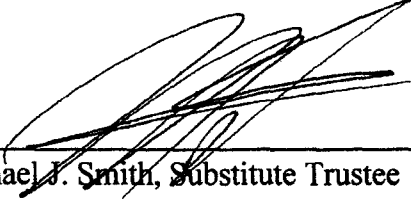
Michael J. Smith, L. David Smith, Shelley Ortolani, Michele Hreha, Mary Mancuso and Francesca Ortolani, c/o CHERNOSKY, SMITH, RESSLING & SMITH, PLLC

Attention: Michael J. Smith
c/o CHERNOSKY, SMITH, RESSLING
& SMITH, PLLC
Attention: **Michael J. Smith**
700 Gemini Avenue, Suite 120
Houston, TX 77058
Telephone: (713) 800-8608
Email: msmith@csrslaw.com

Attention: L. David Smith
c/o CHERNOSKY, SMITH, RESSLING
& SMITH, PLLC
3664 Walnut Bend Lane, Bldg. B
Houston, TX 77042
Telephone: (281) 788-3666
Email: smith@csrslaw.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 23rd day of August, 2019.



Michael J. Smith, Substitute Trustee
Chernosky, Smith, Ressler & Smith, PLLC
700 Gemini Avenue, Suite 120
Houston, TX 77058
Email: msmith@csrslaw.com
Telephone: (713) 800-8608