

## NOTICE OF SUBSTITUTE TRUSTEE'S SALE

WHEREAS, by that one certain Deed of Trust dated November 14, 2003, recorded under Document No. 260492, in the Official Records of Aransas County, Texas (the "Deed of Trust"), to which record reference is here made for all purposes, Denis Smith (hereinafter called the "Mortgagor" whether one or more) granted, sold and conveyed to the Trustee named therein the real property described in Exhibit "A" attached hereto and made a part hereof for all purposes (said real property, together with any and all appurtenances, improvements and fixtures of any kind located thereon or pertaining thereto, and together with any personal property located thereon or pertaining thereto to the extent such personal property is described in and covered by the Deed of Trust, being collectively referred to herein as the "Property"), in order to secure payment of that one certain promissory note dated November 14, 2003, in the original principal sum of \$47,600.00 executed by Denis Smith and made payable to the order of First National Bank (said promissory note, as modified or extended by any modifications or extensions thereof, being herein referred to as the "Note"), and payment of any and all other indebtedness secured by and described in the Deed of Trust; and

WHEREAS, PlainsCapital Bank, Dallas, Texas, is successor-in-interest to certain assets of First National Bank, Edinburg, Texas, including the Note and Deed of Trust, pursuant to that certain Purchase and Assumption Agreement, effective as of September 13, 2013, by and between PlainsCapital Bank and the Federal Deposit Insurance Corporation, as Receiver of First National Bank, Edinburg, Texas; and

WHEREAS, PlainsCapital Bank ("Beneficiary") is the legal owner and holder of the Note and the beneficiary of the Deed of Trust; and

WHEREAS, pursuant to authority granted in the Deed of Trust, Beneficiary did appoint and designate the undersigned whose street address is 6700 N. New Braunfels, San Antonio, Texas 78209, as Substitute Trustee to act under the Deed of Trust instead of the original Trustee named therein; and

WHEREAS, the Note is in default and the entire unpaid balance thereof is due and payable and Beneficiary has demanded payment from the Mortgagor and intends to have the power of sale set forth in the Deed of Trust enforced; and

WHEREAS, Beneficiary has directed the undersigned, as Substitute Trustee, to enforce the power of sale granted under the Deed of Trust over the Property for the purpose of collecting the indebtedness secured thereby, after giving notice of the time, place and terms of such sale and of the property to be sold in compliance with the terms of the Deed of Trust and the laws of the State of Texas;

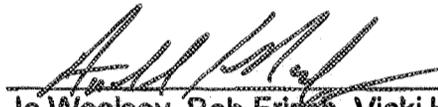
**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

THAT I, Jo Woolsey, Bob Frisch, Vicki Hammonds, or Arnold Mendoza, Substitute Trustee, hereby give notice that, after due publication of this Notice by

posting it at the courthouse door of Aransas County, Texas at least twenty-one (21) days preceding the date of the foreclosure sale of the Property (as stated below), and after having filed this Notice in the Foreclosure Records of Aransas County, Texas, at least twenty-one (21) days preceding the date of such sale, and after having given written notice at least twenty-one (21) days preceding the date of such sale by certified mail to each debtor obligated to pay the Note and the indebtedness secured by the Deed of Trust at the address of each such debtor according to the records of Beneficiary as required by the Deed of Trust and the laws of the State of Texas, I will sell the Property at public auction to the highest bidder or bidders for cash at the front steps to the east lobby entrance of the courthouse, Aransas County, Texas (as designated by the Commissioners Court of that county), at 10:00 a.m. (at the earliest), or within three (3) hours thereafter, on August 4, 2015, that being the first Tuesday of that month.

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. The sender of the Notice is Diann M. Bartek and can be notified of the active duty military service at 112 E. Pecan, Ste. 1800, San Antonio, Texas 78205.

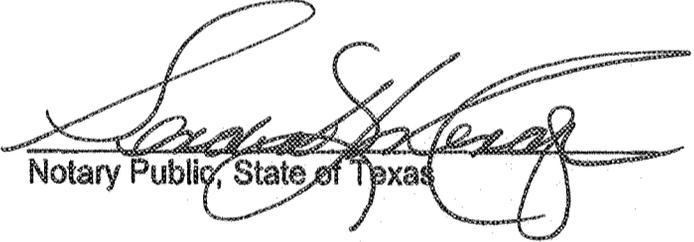
Executed in multiple originals on this 14<sup>th</sup> day of July, 2015.

  
Jo Woolsey, Bob Frisch, Vicki Hammonds, or  
Arnold Mendoza, Substitute Trustee  
6700 N. New Braunfels  
San Antonio, Texas 78209

STATE OF TEXAS           §  
  §  
COUNTY OF Muess       §

This instrument was acknowledged before me on the 14<sup>th</sup> day of July, 2015, by Jo Woolsey, Bob Frisch, Vicki Hammonds, or Arnold Mendoza, Substitute Trustee, on behalf of said Trust.



  
Notary Public, State of Texas

**AFTER RECORDING, RETURN TO:**

**Diann M. Bartek  
Dykema Cox Smith  
112 E. Pecan, Suite 1800  
San Antonio, Texas 78205**

**PROPERTY DESCRIPTION**

Lot No. FIVE (5) and SIX (6), Block No. ONE HUNDRED FORTY (140), MANNING ADDITION, City of Rockport, Aransas County, Texas, according to the plat thereof recorded in Volume 1, Page 7, Plat Records of Aransas County, Texas.

To the extent they are located on the real property above, (1) all goods that are or will be fixtures and that are or will be located on the above real property, including all systems, devices, machinery, apparatuses, equipment, fittings, appliances and fixtures of every kind, including all electrical, anti-pollution, heating, lighting, laundry, incinerating, power, air-conditioning, plumbing, lifting, cleaning, fire prevention, fire extinguishing, refrigerating, ventilating, communication, garage and cooking systems, devices, machinery, apparatuses, equipment, fittings, appliances and fixtures; and (2) all engines, pipes, pumps, tanks, motors, conduits, ducts, compressors and switchboards, and all storm doors and windows, dishwashers, attached cabinets and partitions.

**FILED**  
AT 10:11 A.M.

JUL 14 2015

VALERIE K. AMASON  
COUNTY CLERK, ARANSAS CO., TEXAS

**EXHIBIT "A"**

6186404v.1 (35413.99)