

NOTICE OF SALE

STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF ARANSAS

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WHEREAS, THOMAS FORSBERG and KIMBERLY URBANCZYK-FORSBERG, (the "Mortgagor") executed and delivered to F-T Service Corp., Trustee for SIDNEY H. SMITH, III, a certain Deed of Trust dated February 15, 2012, which instrument is recorded at File No. 321769 of the Official Records of Aransas County, Texas, covering the hereinafter described property; and

WHEREAS, Kimberly T. Forsberg filed for relief under Chapter 13 of the United States Bankruptcy Code on January 5, 2015, under Case No. 15-20016; *In Re Kimberly T. Forsberg, Debtor*; In the United States Bankruptcy Court for the Southern District of Texas, Corpus Christi Division ("2015 Case"); and

WHEREAS, Mortgagor filed a previous bankruptcy case on August 4, 2014, under Case No. 14-20320; *In Re Kimberly M. Forsberg, Debtor*; In the United States Bankruptcy Court for the Southern District of Texas, Corpus Christi Division, less than twelve (12) months prior to the 2015 Case; and

WHEREAS, Mortgagor did not file a motion and have a hearing completed before the expiration of the 30-day period following the filing of the 2015 Case as required by 11 U.S.C. § 362(c)(3)(B) to continue the automatic stay; and

WHEREAS, pursuant to 11 U.S.C. § 362(c)(3)(A), the automatic stay automatically terminated on the 30th day after the date of filing the 2015 Case; and

WHEREAS, an Order on Motion of Sidney H. Smith, III, to Deny Continuation of the Automatic Stay confirmed the stay terminated [Doc. #33], which Order was signed by the court on February 17, 2015, permitting Beneficiary to proceed with enforcement of his rights under the above-mentioned Deed of Trust; and

WHEREAS, default has occurred in the payment of the indebtedness secured by the above-mentioned Deed of Trust, and Sidney H. Smith, III, the present Beneficiary, has instructed the undersigned Trustee to enforce the provisions of said instrument;

NOW, THEREFORE, NOTICE IS HEREBY GIVEN THAT after the posting of this Notice in accordance with the above-mentioned Deed of Trust and the law, and after giving such other notices as required by law, the undersigned Trustee, or any successor Substitute Trustee, will sell to the highest bidder for cash, or to the Beneficiary or any other holder of said indebtedness for credit, in accordance with the terms of said Deed of Trust the hereinafter described property at the County Courthouse of Aransas County, Texas, on Tuesday, the 7th day of April, 2015, the same being the first Tuesday in such month, to-wit:

Lot No. Two (2), CHINA BAY, Aransas County, Texas, according to the map or plat thereof recorded in Volume 4, Page 136, Plat Records, Aransas County, Texas.

The earliest time at which the sale will occur will be 10:00 o'clock a.m., and the sale will be conducted not later than three hours after that time, such hours being between 10:00 a.m. and 1:00 p.m. Further, the sale will be held at the front steps to the East lobby entrance of the Aransas County Courthouse, Rockport, Texas, such being in the area at the Courthouse designated by the Commissioners Court of such County where sales are to take place pursuant to Section 51.002 of the Texas Property Code.

This sale shall be subject to those reservations, matters and exceptions, if any, set forth in the said Deed of Trust to the extent such are still in force and effect.

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.

EXECUTED this 27th day of February, 2015.

F-T SERVICE CORP.
Trustee

By:



Peter E. Avots, Vice President
615 N. Upper Broadway, Suite 1100
Corpus Christi, Texas 78401-0748

FILED
AT 10:45 A. M.

FEB 27 2015

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