

FILED  
HOUSTON COUNTY  
COUNTY CLERK  
2021 AUG -5 PM 4:06  
TERRI MEADOWS

## Notice of [Substitute] Trustee Sale

**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.**

### 1. Date, Time and Place of Sale.

**Date:** 10/05/2021

**Time:** The sale will begin at 01:00 PM or not later than three hours after that time

**Place:** Houston County, Texas at the following location: **AT THE EASTSIDE OF THE HOUSTON COUNTY COURTHOUSE, UNLESS INCLEMENT WEATHER, THEN THE FIRST FLOOR LOBBY OF THE HOUSTON COUNTY COURTHOUSE, OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE AS THE PLACE WHERE FORECLOSURE SALES ARE TO TAKE PLACE OR AS DESIGNATED BY THE COUNTY COMMISSIONERS**

**Property Address:** ROUTE 1 BOX 117, KENNARD, TX 75847

**2. Terms of Sale:** The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in AS IS, WHERE IS condition, without any express or implied warranties, except as to the warranties of title, if any, provided for under the deed of trust. Any conveyance of the property is subject to all matters of record affecting the property.

**3. Instrument to be Foreclosed:** The instrument to be foreclosed is the Deed of Trust or Contract Lien dated 09/08/2000 and recorded 10/02/2000 in Book 0000 Page 0001 Document 0000000003652, real property records of Houston County, Texas, with **THOMAS WILLIAM SMITH AND KATHLEEN SMITH**, grantor(s) and **GMAC MORTGAGE CORPORATION DBA ditech.com**, as Lender, **WELLS FARGO BANK, NATIONAL ASSOCIATION**, AS INDENTURE TRUSTEE FOR **GMACM HOME EQUITY LOAN TRUST 2004-HE5**, as Beneficiary.

**4. Appointment of Substitute Trustee:** In accordance with Texas Property Code Sec. 51.0076, the undersigned authorized agent for the mortgage servicer has named and appointed, and by these presents does name and appoint **AVT Title Services, LLC**, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.

**5. Obligation Secured:** Deed of Trust or Contract Lien executed by **THOMAS WILLIAM SMITH AND KATHLEEN SMITH**, securing the payment of the indebtedness in the original principal amount of **\$25,000.00**, and obligations therein described including but not limited to the promissory note; and all modifications, renewals and extensions of the promissory note. **WELLS FARGO BANK, NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE FOR GMACM HOME EQUITY LOAN TRUST 2004-HE5** is the current mortgage of the note and deed of trust or contract lien.



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**6. Default:** A default has occurred in the payment of indebtedness, and the same is now wholly due, and the owner and holder has requested to sell said property to satisfy said indebtedness.

**7. Property to be sold:** The property to be sold is described as follows:

**All that certain tract, lot or parcel of land, lying and being situated in Houston County, Texas, about 14 miles SE of Crockett and being a part of the C. LOTT'S AND L. JORDAN SURVEY and described by metes and bounds as follows:**

**BEGINNING at a stake for corner from which a red oak 16" mkd X brs N 53 W 16 vrs. A P O 15" mkd X brs N 83 W 4 vrs same being the NW corner of Solomon Allbright Survey;**

**THENCE East 600 vrs to stake for corner on said Allbright NBL a Maple hrs N 80 deg. 6 vrs and a black gum brs N 60' E 6-4/10 vrs;**

**THENCE N with Lotts & Jordan Survey and Dickerson's line 235.2 vrs rock for corner in said line;**

**THENCE W with Hennis SBL 600 vrs to stake for corner from which a Pine 14 in dia brs S 28 E 3 vrs and a Pine 16" brs N 18' E 6 vrs;**

**THENCE South 235.2 vrs to the PLACE OF BEGINNING, and containing 25 acres of land, more or less, and being the same land described in a Deed dated March 9, 1963, executed by C. A. Western to Essie Currie Smith, recorded in Vol. 384, Page 103, Deed Records of Houston County Described in Deed from Essie Currie Smith to Elmer Neal Smith, dated January 4, 1973.**

**SAVE AND EXCEPT, however, there is hereby reserved unto the said Elmer Smith and wife, Marilyn Smith, their heirs and assigns, one-half (1/2) of the oil, gas and other minerals, in, on or under the above described premises, together with the usual right of ingress and egress incidental thereto.**

**8. Mortgage Servicer Information:** The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code § 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the property referenced above. PHH Mortgage Corporation, as Mortgage Servicer, is representing the current mortgagee, whose address is:

**C/O PHH Mortgage Corporation**

**1 Mortgage Way  
Mt. Laurel, NJ 08054**

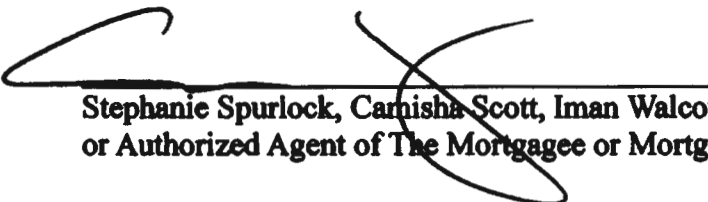
**Phone: 877-744-2506**

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**9. Limitation of Damages:** If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the funds paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's attorney.

**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.**

**Date:** August 4, 2021

 Stephanie Spurlock, Carnisha Scott, Iman Walcott, Janesha Humphrey, Claire Buxton – Attorney or Authorized Agent of The Mortgagee or Mortgage Servicer

C/O Power Default Services, Inc.  
Northpark Town Center  
1000 Abernathy Rd. NE; Bldg. 400, Suite 200  
Atlanta, GA 30328  
Telephone: 855-427-2204  
Fax: 866-960-8298

**POWER DEFAULT SERVICES, INC. MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE.**

Certificate of Posting  
I am Sharon St. Pierre whose address is c/o AVT Title Services, LLC, 5177 Richmond Avenue, Suite 1230, Houston, TX 77056. I declare under penalty of perjury that on August 5, 2021 I filed this Notice of Foreclosure Sale at the office of the Houston County Clerk and caused it to be posted at the location directed by the Houston County Commissioners Court.  
Sharon St. Pierre