

# NOTICE OF TRUSTEE'S SALE AND APPOINTMENT OF SUBSTITUTE TRUSTEE

**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. Sender is: Codilis & Moody, P.C., 400 North Sam Houston Parkway East, Suite 900A, Houston, Texas 77060**

## INSTRUMENT BEING FORECLOSED AND MORTGAGE SERVICER INFORMATION

Deed of Trust dated September 05, 2007 and recorded under Vol. 00296, Page 00456, or Clerk's File No. 00120040, in the real property records of GOLIAD County Texas, with Michael J Baumgartner and Keri A Baumgartner, husband and wife as Grantor(s) and Bank of America, N.A. as Original Mortgagee.

Deed of Trust executed by Michael J Baumgartner and Keri A Baumgartner, husband and wife securing payment of the indebtedness in the original principal amount of \$64,710.00 and obligation therein described including but not limited to the promissory note and all modifications, renewal and extensions of the promissory note (the "Note") executed by Michael J Baumgartner, Keri A Baumgartner. NewRez LLC d/b/a Shellpoint Mortgage Servicing is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

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 property securing the above referenced loan. Shellpoint Mortgage Servicing is acting as the Mortgage Servicer for the Mortgagee. Shellpoint Mortgage Servicing, is representing the Mortgagee, whose address is: 75 Beattie Place, Suite 300, Greenville, SC 29601.

### Legal Description:

**BEING PART OF LOT NO. THREE (3), BLOCK NO. III, RANGE "E" IN THE CITY OF GOLIAD, GOLIAD COUNTY, TEXAS, ACCORDING TO THE ESTABLISHED MAP OD SAID CITY OF RECORDS IN THE OFFICE OF COUNTY CLERK OF SAID COUNTY, AND BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES:**

## SALE INFORMATION

Date of Sale: 07/05/2023

Earliest Time Sale Will Begin: 1:00 PM

Location of Sale: The place of the sale shall be: GOLIAD County Courthouse, Texas at the following location: On the courthouse steps at the north entrance to the Goliad County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court

## TERMS OF SALE

A default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

The Sale will be conducted as a public auction to the highest bidder for cash, except that Mortgagee's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust. 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,"



CERTIFICATE OF POSTING  
11:20 o'clock A.M.

MAY 15 2023

*[Signature]*  
Tracie Quinn  
County Clerk, Goliad County, Texas

101.

**“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.**

The sale will begin at the earliest time stated above, or within three (3) hours after that time. 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.**

**WHEREAS, in my capacity as attorney for the Mortgagee and/or Its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I HEREBY APPOINT AND DESIGNATE Arnold Mendoza, Sandra Mendoza, Alexis Mendoza, John Sisk, Amy Ortiz, Bob Frisch, Janice Stoner, Jo Woolsey, Jodi Steen, Jennyfer Sakiewicz, Aleena Litton, Daniel McQuade, Vanna Ho, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or Auction.com, as Substitute Trustee.**

The address for the Substitute Trustee for purposes of Section 51.0075(e) of the Texas Property Code is:  
Codilis & Moody, P.C.  
400 N. Sam Houston Pkwy E, Suite 900A  
Houston, TX 77060  
(281) 925-5200

Executed on 05/11/2023.

/s/ Olufunmilola Oyekan SBOT No. 24084552, Attorney at Law  
Codilis & Moody, P.C.  
400 N. Sam Houston Pkwy E, Suite 900A  
Houston, TX 77060  
(281) 925-5200

Posted and filed by:

Printed Name: \_\_\_\_\_

  
Sandra Mendoza

C&M No. 44-23-0367

Exhibit "A"

Being part of Lot No. Three (3), Block No. III, Range "E" in the City of Goliad, Goliad County, Texas, according to the established map of said City of record in the Office of County Clerk of said county, and the part herein conveyed being described by metes and bounds as follows:

**BEGINNING** at the Southwest corner of said Lot 3, Block III, Range "E", the southwest corner of this tract;

**THENCE** North a distance of 96.67 ft. with the common line of Lots 2 & 3, to a 5/8" steel stake, the Northwest corner of this tract;

**THENCE** East a distance of 96.67 ft. to a 5/8" steel stake, the Northeast corner of this tract;

**THENCE** South a distance of 56.67 ft. to a 5/8" steel stake;

**THENCE** West a distance of 2.00 ft. to a stake, an interior corner of this tract;

**THENCE** South a distance of 40 ft. to a stake in the South boundary of said Lot 3;

**THENCE** West with the south boundary of said Lot 3 a distance of 94.67 ft. to the **PLACE OF BEGINNING**.



Goliad County  
Vickie Quinn  
Goliad County Clerk

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Instrument Number: 3

Foreclosure Posting

Recorded On: May 15, 2023 11:23 AM

Number of Pages: 4

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" Examined and Charged as Follows: "

Total Recording: \$3.00

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\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 3  
Receipt Number: 20230515000006  
Recorded Date/Time: May 15, 2023 11:23 AM  
User: Annie B  
Station: clerk01

**Record and Return To:**

PIONEER LAND SERVICES



STATE OF TEXAS  
Goliad County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Goliad County, Texas

Vickie Quinn  
Goliad County Clerk  
Goliad County, TX

*Vickie Quinn* 23/4