

**POSTED**  
 Sharon Ferguson, Brown County Clerk  
 Time 2:23pm  
**APR 10 2023**  
 By Deputy: Hilber

### NOTICE OF TRUSTEE'S 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. 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 February 09, 2017 and recorded under Clerk's File No. 1700771, in the real property records of BROWN County Texas, with Rusty Hamm and Summer Hamm, husband and wife as Grantor(s) and Mortgage Electronic Registration Systems, Inc., as beneficiary, as nominee for Primelending, A Plainscapital Company, its successors and assigns as Original Mortgagee.

Deed of Trust executed by Rusty Hamm and Summer Hamm, husband and wife securing payment of the indebtedness in the original principal amount of \$132,554.00 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 Rusty Hamm, Summer Hamm. Lakeview Loan Servicing, L.L.C 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. M & T Bank is acting as the Mortgage Servicer for the Mortgagee. M & T Bank, is representing the Mortgagee, whose address is: PO Box 840, Buffalo, NY 14240.

**Legal Description:**

**BEING 4.05 OF ACRES OF LAND, SITUATED IN BROWN COUNTY, TEXAS. OUT OF THE SARAH FORD SURVEY 20, ABSTRACT NUMBER 319, AND BEING OUT OF LOT 10, LOT 11, LOT 12, AND ALL OF LOT 13, BLOCK 2, WHITELAND ACRES, AS SHOWN ON THE PLAT RECORDED IN VOLUME 1 AT PAGE 208, PLAT RECORDS OF BROWN COUNTY, TEXAS, AND BEING ALL OF A 4.047 ACRE TRACT OF LAND THAT IS DESCRIBED IN A DEED FROM JP MORGAN CHASE BANK, N.A., TO JIMMY T. SALMON AND SANDRA D. SALMON, RECORDED IN VOLUME 106 AT PAGE 26, OFFICIAL PUBLIC RECORDS OF BROWN COUNTY, TEXAS, AND AND BEING MORE PARTICULARLY DESCRIBED BY EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES;**

#### SALE INFORMATION

**Date of Sale: 06/06/2023**

**Earliest Time Sale Will Begin: 10:00 AM**

**Location of Sale:** The place of the sale shall be: BROWN County Courthouse, Texas at the following location: On the front porch of the Brown 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," "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.

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

Alexis Mendoza, Christopher D. Brown, Jay Jacobs, Kevin Key, Kim Anderson, Lamar Cravens, Reyn Rossington, Ron Anderson, Stephen E. Haynes, Thomas Delaney, Danya Gladney, Aaron Demuth, Codilis & Moody, P.C., or Xome, as Substitute Trustee

POSTED BY: Louis C. Stanzel  
Louis C. Stanzel

Date: April 10, 2023

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EXHIBIT "A"

Being 4.05 of acres of land, situated in Brown County, Texas, out of the Sarah Ford Survey 20, Abstract Number 319, and being out of Lot 10, Lot 11, Lot 12, and all of Lot 13, Block 2, Whiteland Acres, as shown on the Plat recorded in Volume I at Page 208, Plat Records of Brown County, Texas, and being all of a 4.047 acre tract of land that is described in a deed from JP Morgan chase Bank, N.A., to Jimmy T. Salmon and Sandra D. Salmon, recorded in Volume 106 at Page 26, Official Public Records of Brown County, Texas, and further described as follows:

BEGINNING, at a 3/8 inch iron rod found in a fence corner at the Northwest corner of said 4.047 acre tract, and being the Northeast corner of a tract of land that is described in a deed to David Pucella, recorded in Volume 130 at Page 52, said Official Public Records, and being in the south line of a 31.471 acre tract of land that is described in a deed to Steven L. Beal and Teresa K. Beal, recorded in Volume 1727 at Page 401, Deed Records of Brown County, Texas, for the Northwest corner of this tract;

THENCE, S 46°16'21"E 225.10 feet, with a fence, along the South line of said 31.471 acre tract, to a 3/8 inch iron rod found at the Northeast corner of said 4.047 acre tract, to a 3/8 inch iron rod found at the Northeast corner of said 4.047 acre tract, and being in the West line of East Road, (not in use), for the Northeast corner of this tract;

THENCE, S 21°43'08"W 828.75 feet, with the East line of said 4.047 acre tract and the West line of said East Road, to a 1/ inch iron rod found at the Southeast corner of said 4.047 acre tract, and being in the North line of Brown County Road Number 615, (Sunset Drive), for the Southeast corner of this tract;

THENCE, With the North line of Brown County Road Number 615, as follows, N 59°48'31"W 129.93 feet, to a 3/8 inch iron rod found, and N 51°05'51"W 79.62 feet, to a 3/8 inch iron rod found at the Southwest corner of said 4.047 acre tract, for the Southwest corner of this tract;

THENCE, N 21°26'54"E 870.45 feet, with the West line of said 4.047 acre tract, to the point of beginning and containing 4.05 acres of land.,

