



TS#: 25-001551
LOAN TYPE: Conventional

NOTICE OF TRUSTEE'S FORECLOSURE 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. *Property to Be Sold.* The property to be sold is described as follows:

FIELD NOTES ON A 2.639 ACRE TRACT OF LAND BEING THE SAME TRACT AS THE TRACT DESCRIBED IN LUBBOCK COUNTY CLERK FILE NUMBER 2011010485 AND IN THE SOUTHWEST QUARTER (SW/4) OF SECTION NINE (9), BLOCK D SIX (D-6), LUBBOCK COUNTY, TEXAS, AND FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A FOUND RAILROAD SPIKE IN THE CENTERLINE OF COUNTY ROAD 1200 (A STRIP PAVED ROAD) AND THE WEST LINE OF SECTION 9 FOR THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SECTION 9, BLOCK D-6 AND FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE S 88 DEGREES 16 MINUTES 19 SECONDS E (TEXAS NORTH CENTRAL ZONE BEARING BASIS) (CALLED N 89 DEGREES 54 MINUTES 52 SECONDS E), AT 50.10 FEET (CALLED 50.00 FEET) PASS A FOUND 1/2 INCH IRON ROD IN THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 1200, CONTINUING FOR A TOTAL DISTANCE OF 366.16 FEET (CALLED 336.20 FEET) TO A FOUND 1/2 INCH IRON FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE S 01 DEGREE 50 MINUTES 46 SECONDS W (CALLED S 00 DEGREES 01 MINUTE 03 SECONDS W), ALONG THE WEST LINE OF THE TRACT DESCRIBED AS TAX TRACT 27 IN VOLUME 4735, PAGE 213, REAL PROPERTY RECORDS OF LUBBOCK COUNTY, TEXAS, 342.13 FEET (CALLED 342.10 FEET) TO A FOUND 1/2 INCH IRON ROD FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE N 88 DEGREES 16 MINUTES 09 SECONDS W (CALLED S 89 DEGREES 55 MINUTES 11 SECONDS W), ALONG THE NORTH LINE OF THE TRACT DESCRIBED IN VOLUME 10134, PAGE 178, OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, AT 285.97 FEET (CALLED 286.10 FEET) PASS A FOUND 1/2 INCH IRON ROD IN THE EAST RIGHT-OF WAY LINE OF COUNTY ROAD 1200, CONTINUING FOR A TOTAL DISTANCE OF 335.97 FEET (CALLED 336.10 FEET) TO THE SOUTHWEST CORNER OF THIS TRACT;

THENCE N 01 DEGREE 48 MINUTES 51 SECONDS E (CALLED NORTH), ALONG THE CENTERLINE OF COUNTY ROAD 1200 AND ALONG THE WEST LINE OFF SECTION 9, A DISTANCE OF 342.11 FEET (CALLED 342.10 FEET) TO THE PLACE OF BEGINNING AND CONTAINING 2.639 ACRES INCLUDING AND RIGHT-OF-WAY.

2. Instrument to be Foreclosed. The instrument to be foreclosed is the deed of trust recorded on 02/24/2023 as instrument 2023006973 , in Book , Page , of the real property records of LUBBOCK County, TX.

3. *Date, Time, and Place of Sale.* The sale is scheduled to be held at the following date, time, and place:

Dated: 04/01/2025

Time: The sale will begin no earlier than 10:00 A.M. or no later than three hours thereafter.

Place **THE GAZEBO LOCATED ON THE FRONT LAWN OF THE COUNTY COURTHOUSE, WITH THE FIRST ALTERNATE LOCATION BEING THE SECOND FLOOR AUDITORIUM AT 916 MAIN AND THE SECOND ALTERNATE LOCATION BEING THE COMMISSIONER'S COURT LCOATED ON THE FIFTH FLOOR OF THE COURTHOUSE OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE** or an area designated by the County Commissioners Court

The Deed of Trust permits the Mortgagee to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the Deed of Trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this sale.

4. *Terms of Sale.* The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold.

The sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. The sale shall not cover any part of the property that has been released of public record from the lien of the deed of trust. Prospective bidders are strongly

urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to the Deed of Trust, the beneficiary 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. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

Pursuant to Section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

5. Type of Sale. The sale is a non-judicial deed-of-trust lien foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by

DANIEL DIAZ AND JASMINE ESPERANZA DIAZ, HUSBAND AND WIFE

6. Obligations Secured. The Deed of Trust provides that it secures the payment of the indebtednesses and obligations therein described (collectively, the "Obligations") including but not limited to (a) the promissory note in the original principal amount of \$ **139,200.00**, and payable to the order of **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS BENEFICIARY, AS NOMINEE FOR CARDINAL FINANCIAL COMPANY, LIMITED PARTNERSHIP, its successors and assigns;** (b) all renewals and extensions of the note, if applicable; (c) any and all present and future indebtednesses owed to **CARDINAL FINANCIAL COMPANY, LIMITED PARTNERSHIP** who is the current owner and holder of the "Obligations" and is the current Mortgagee under the Deed of Trust.

Mortgage Servicing Information. ServiceMac, LLC, is acting as the Mortgage Servicer for **CARDINAL FINANCIAL COMPANY, LIMITED PARTNERSHIP**, who is the Mortgagee of the Note and Deed of Trust associated with the above referenced loan. ServiceMac, LLC, as Mortgage Servicer, is representing the Mortgagee whose address is: **CARDINAL FINANCIAL COMPANY, LIMITED PARTNERSHIP C/O ServiceMac, LLC, 9726 Old Bailes Road, Suite 200, Indian Land, SC 29707.**

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 administer any resulting foreclosure of the property securing the above-reference loan.

7. Default and Request to Act. Default has occurred under the Deed of Trust, and the Mortgagee has requested me, as **Kirk Schwartz, America West Lender Services (AWEST), DeeAnn Gregory; Terry Browder, Laura Browder or Jamie Osborne**, to conduct this sale. Notice is given that before the sale the Mortgagee may appoint another person substitute trustee to conduct the sale.

Date: 3/7/25

[Handwritten signature]

Kirk Schwartz, America West Lender Services (AWEST), DeeAnn Gregory; Terry Browder,
Laura Browder or Jamie Osborne
C/O America West Lender Services
5404 Cypress Center Drive, Suite 300
Tampa, FL 33609
844-693-4761
Fax : 877-317-0475

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Kelly Pinion

Kelly Pinion, County Clerk
Lubbock County, TEXAS
03/10/2025 11:22 AM
FEE: \$2.00
2025008552