



NOTICE OF SUBSTITUTE TRUSTEE'S SALE

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF LUBBOCK §

WHEREAS, on September 12, 2017, **Cita Lopez and Michael Lopez** ("Grantor") executed and delivered a Deed of Trust (the "Deed of Trust") conveying to **Brad D. Burgess** as Trustee, the herein below described property to secure **Prosperity Bank the successor by merger with FirstCapital Bank of Texas N.A.** in the payment of all indebtedness (collectively the "Note") therein described, the Deed of Trust being filed and recorded under Clerk's Clerk's File No. 2017033498 in the Official Public Records of Real Property of Lubbock County, Texas, to which reference is hereby made for all purposes; and

WHEREAS, default has occurred in the payment of the Note and the same is now wholly due, and **Prosperity Bank** (the "Beneficiary"), the owner and holder of the Note, has requested the undersigned to sell the Property to satisfy the Note; and

WHEREAS, the above named Trustee and any previously appointed Substitute Trustee was removed under and in accordance with the Deed of Trust and the Beneficiary designated and appointed **L. David. Smith, Terry Browder, Laura Browder and Jamie Osborne** any of whom **may act independently** as Substitute Trustee to enforce the Trust, and any of whom may conduct the sale of the Property and may be contacted as indicated on the signature block below.

NOW, THEREFORE, pursuant to the authority conferred upon me by the Deed of Trust, I, **L. David Smith**, hereby give notice that I or one of the other Substitute Trustees whose names and addresses are set out below, will sell the Property at public auction to the highest bidder, for cash,

on Tuesday, April 2, 2024. The earliest time at which the sale will occur shall be at 10:00 o'clock A.M. and it may take place not later than three hours after said time, and the sale shall take place at the Gazebo located on the front lawn of the Lubbock County Courthouse located at 904 Broadway, Lubbock, Lubbock County, Texas, with the First Alternate Location being the 2nd Floor Auditorium at 916 main and the Second Alternate Location being the Commissioner's Court Room located on the 5th Floor of the Courthouse, which designation is recorded in the Official Real Property Records of Lubbock County, Texas, or any other area which has been designated by the Lubbock County Commissioner's Court as the area for foreclosures to take place. This conveyance will be made subject to any exceptions referenced in the Deed of Trust to the extent the same are still in effect and shall not cover any part of the Property that has been released from the liens of the Deed of Trust. The Property that will be sold at the foreclosure sale includes the following described real property, together with all improvements and fixtures thereon and appurtenances thereto:

TRACT 1: Lot Three Hundred Thirteen (313), Benhall Manor, an Addition to the City of Lubbock, Lubbock County, Texas, according to the Map, Plat and/or Dedication Deed thereof recorded in/under Volume 796, Page 263, corrected in Volume 807, Page 75, of the Deed Records of Lubbock County, Texas County, Texas.

THE SALE OF THE PROPERTY IS "AS-IS" AND "WHERE-IS" AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND BY THE SUBSTITUTE TRUSTEE, EXPRESS, IMPLIED, STATUTORY, QUASI-STATUTORY OR OTHERWISE, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE BEING EXPRESSLY DISCLAIMED. THE SUBSTITUTE TRUSTEE MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE COMPLIANCE WITH THE LAWS, RULES, AGREEMENTS OR SPECIFICATIONS, CONDITION, QUALITY, CAPACITY, DESIGN, OPERATION, ABSENCE OF ANY LATENT DEFECTS OR ANY OTHER WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE PROPERTY, ALL OF WHICH ARE EXPRESSLY WAIVED BY PURCHASER.

SUBSTITUTE TRUSTEES

**NOTICE IS HEREBY PROVIDED THAT ONE OF THE FOLLOWING NAMED
SUBSTITUTE TRUSTEES WHOSE ADDRESS AND CONTACT INFORMATION FOR
PURPOSES HEREOF IS AS FOLLOWS MAY CONDUCT THE SALE:**

L. David. Smith, Terry Browder, Laura Browder and Jamie Osborne

c/o L. David. Smith
2618 Kittansett Circle
Katy, Texas 77450
telephone: 281-788-3666
Email: ldslaw7@gmail.com

**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.**

Dated this 29th day of February, 2024.

L. David Smith Substitute Trustee

L. David. Smith, Substitute Trustee
2618 Kittansett Circle
Katy, Texas 77450
Telephone 281-788-3666
Email: ldslaw7@gmail.com

Terry Browder

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Kelly Pinion

Kelly Pinion, County Clerk
Lubbock County, TEXAS
03/07/2024 10:10 AM
FEE: \$2.00
2024009328