



23-02136
2008 17TH ST, LUBBOCK, TX 79401

**NOTICE OF FORECLOSURE SALE AND
APPOINTMENT OF SUBSTITUTE TRUSTEE**

Property: The Property to be sold is described as follows:

TRACT 1: The East Thirty Feet (E 30') of Lot Fifteen (15), and all of Lot Sixteen (16) and the West Ten Feet (W 10') of Lot Seventeen (17), Block Forty-Six (46), OVERTON ADDITION to the City of Lubbock, Lubbock County, Texas, according to the Map, Plat, and/or Dedication Deed thereof recorded in Volume 19, Page 56, and re-recorded in Volume 19, Page 568, Deed Records, Lubbock County, Texas.

TRACT 2: Lot Twenty-One (21), Block Forty-Six (46), OVERTON ADDITION to the City of Lubbock, Lubbock County, Texas, according to the Map, Plat, and/or Dedication Deed thereof recorded in Volume 19, Page 56 of the Deed Records of Lubbock County, Texas.

TRACT 3: Lot Two Hundred Seventy-Three (273), WILLOW BEND, an Addition to the City of Lubbock, Lubbock County, Texas, according to the Map, Plat and/or Dedication Deed thereof recorded in Volume 10288, Page 35, Official Public Records, Lubbock County, Texas.

Security Instrument: Deed of Trust dated August 16, 2021 and recorded on August 20, 2021 at Instrument Number 2021042941 in the real property records of LUBBOCK County, Texas, which contains a power of sale.

Sale Information: November 7, 2023, at 10:00 AM, or not later than three hours thereafter, at the gazebo located on the front lawn of the Lubbock County Courthouse with the first alternate location being the 2nd floor auditorium at 916 Main and the second alternate location being the Commissioner's Courtroom located on the 5th floor of the courthouse, or as designated by the County Commissioners Court.

Terms of Sale: Public auction to highest bidder for cash. In accordance with Texas Property Code section 51.009, the Property will be sold as is, without any expressed or implied warranties, except as to warranties of title, and will be acquired by the purchaser at its own risk. In accordance with Texas Property Code section 51.0075, the substitute trustee reserves the right to set additional, reasonable conditions for conducting the sale and will announce the conditions before bidding is opened for the first sale of the day held by the substitute trustee.

Obligation Secured: The Deed of Trust executed by KCAP RE FUND II, LLC secures the repayment of a Note dated August 16, 2021 in the amount of \$430,800.00. U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE OF FIDELITY & GUARANTY LIFE MORTGAGE TRUST 2018-1, whose address is c/o Fay Servicing, LLC, 8001 Woodland Center Blvd, Suite 100, Tampa, FL 33614, is the current mortgagee of the Deed of Trust and Note and Fay Servicing, LLC is the current mortgage servicer for the mortgagee. Pursuant to a servicing agreement and Texas Property Code section 51.0025, the mortgagee authorizes the mortgage servicer to administer the foreclosure on its behalf.



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Substitute Trustee: In accordance with Texas Property Code section 51.0076 and the Security Instrument referenced above, mortgagee and mortgage servicer's attorney appoint the substitute trustees listed below.

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.

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.

Nicki Compary

De Cubas & Lewis, P.C.
Nicki Compary, Attorney at Law
14425 Torrey Chase Blvd., Suite 130,
Houston, TX 77014

Substitute Trustee(s): Bobby Fletcher, Jonathan Schendel, Angie Uselton, Charles Green, Lisa Bruno, Shawn Schiller, David Ray, Patrick Zwiers, Kristopher Holub, Dana Kamin, Garrett Sanders, Joshua Sanders, Clay Golden, Logan Thomas, Terry Browder, Laura Browder, Marsha Monroe, Jamie Osborne, Doak Lambert, Matthew Hansen, Aleena Litton, Auction.com and ServiceLink employees included but not limited to those listed herein.

c/o De Cubas & Lewis, P.C.
14425 Torrey Chase Blvd., Suite 130,
Houston, TX 77014

Certificate of Posting

I, _____, declare under penalty of perjury that on the _____ day of _____, 20____, I filed and posted this Notice of Foreclosure Sale in accordance with the requirements of LUBBOCK County, Texas and Texas Property Code sections 51.002(b)(1) and 51.002(b)(2).

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Kelly Pinion

Kelly Pinion, County Clerk
Lubbock County, TEXAS
08/31/2023 09:13 AM
FEE: \$3.00
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