FILED FOR RECORD 8 O'CLOCK 00 MIN AM

JUL 25 2024

Brandi DeRemer County Clerk, Taylor County, Texas Deputy

Filed and Recorded: 07/25/2024 08:33:06 AM
2024-12551 NOTICE TRUSTEES SALE Total Pages: 4
Brandi DeRemer, County Clerk

617 S SAN JOSE DR, ABILENE, TX, 79605

APPOINTMENT OF SUBSTITUTE TRUSTEE AND NOTICE OF SUBSTITUTE TRUSTEE SALE

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 AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

APPOINTMENT OF SUBSTITUTE TRUSTEE: WHEREAS, in my capacity as the attorney for the Mortgagee and/or its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I hereby name, appoint and designate Jack O'Boyle, Chris Ferguson, Travis Gray, Terry Browder, Laura Browder, Jamie Osborne, Travis Gray, Chris Ferguson, or Jack O'Boyle, each as Substitute Trustee, to act under and by virtue of said Deed of Trust, including posting and filing the public notice required under Section 51.002 Texas Property Code as amended, and to proceed with a foreclosure of the Deed of Trust lien securing the payment of the Note.

SUBSTITUTE TRUSTEE'S ADDRESS: c/o JACK O'BOYLE & ASSOCIATES, PLLC, Mailing Address: P.O. Box 815369, Dallas, TX 75381; Physical Address: 12300 Ford Road, Suite 212, Dallas, TX 75234.

NOTICE OF SUBSTITUTE TRUSTEE SALE: WHEREAS, 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.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on September 03, 2024 between the hours of 1pm-4pm the Substitute Trustee will sell said real property at the place hereinafter set out and pursuant to the terms herein described. The sale will begin at the earliest time stated above or within three (3) hours after that time.

LOCATION OF SALE: The place of the sale shall be: In the area of the entrance to the lobby of the southeast entrance and the adjacent exterior upper porch area of the Taylor County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County

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Commissioner's Court in TAYLOR County, Texas or as designated by the County Commissioners.

INSTRUMENT TO BE FORECLOSED: Deed of Trust or Contract Lien dated 09/26/2022 and recorded under Volume, Page or Clerk's File No. DOC# 2022-20285 in the real property records of Taylor County Texas, with KCAP RE Fund II LLC as Grantor(s) and CIVIC FINANCIAL SERVICES, LLC as Original Mortgagee.

OBLIGATIONS SECURED: Deed of Trust or Contract Lien executed by KCAP RE Fund II LLC securing the payment of the indebtedness in the original principal amount of $112,500.00 and obligations therein described including but not limited to the promissory note and all the modifications, renewals and extensions of the promissory note (the "Note") executed by KCAP RE Fund II LLC. MCLP ASSET COMPANY, INC. is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

MORTGAGE SERVICING INFORMATION: 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. FAY SERVICING LLC is acting as the Mortgage Servicer for MCLP ASSET COMPANY, INC. who is the Mortgagee of the Note and Deed of Trust associated with the above referenced loan. FAY SERVICING LLC, as Mortgage Servicer, is representing the Mortgagee, whose address is:

MCLP ASSET COMPANY, INC.
c/o FAY SERVICING LLC
1601 LBJ Freeway, Suite 150
Farmers Branch, TX 75234

LEGAL DESCRIPTION OF PROPERTY TO BE SOLD: BEING LOT 25, BLOCK 6, SECTION 12, ELMWOOD WEST ADDITION TO THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET 2, PAGE 35-B, PLAT RECORDS, TAYLOR COUNTY, TEXAS (the "Property")

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REPORTED PROPERTY ADDRESS: 617 S SAN JOSE DR, ABILENE, TX 79605

TERMS OF SALE: The Substitute Trustee will sell the Property by public auction at the place and date specified herein.

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 and the priority of the lien being foreclosed.

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 Mortgagee and/or Mortgage Servicer 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 their bid immediately in cash if their bid is accepted.

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 priority, nature and extent of such matters, if any.

In the event of a defect or other problem with the foreclosure process is discovered that may invalidate the sale, the consideration paid will be returned to the purchaser as the sole and absolute remedy. In the event of any claim or action brought by any person including the purchaser requiring or resulting in the invalidation of the sale and rescission of the Trustee's Deed or Substitute Trustee's Deed, purchaser's damages resulting therefrom are limited to the consideration paid to the Trustee or Substitute Trustee and the sole and absolute remedy shall be the return to purchaser of the consideration paid. The purchaser shall have no further

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recourse against the Trustee, Substitute Trustee, Mortgagee and/or Mortgage Servicer, or its attorney(s).

The Deed of Trust permits the Mortgagee and/or Mortgage Servicer to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deed of Trust or Substitute Trustee appointed herein 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.

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.

Signed on the 23 day of July, 2024

Respectfully,

JACK O'BOYLE & ASSOCIATES, PLLC

Terry Browder

___Jack O'Boyle | SBN: 15165300
jack@jackoboyle.com
✓ Travis H. Gray | SBN: 24044965
travis@jackoboyle.com
___Chris Ferguson | SBN: 24069714
chris@jackoboyle.com
P.O. Box 815369
Dallas, Texas 75381
P: 972.247.0653 | F: 972.247.0642
ATTORNEYS FOR MORTGAGEE AND/OR ITS MORTGAGE SERVICER

THE STATE OF TEXAS
COUNTY OF TAYLOR
I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Official Public Records of Taylor County
2024-12551 NTS
07/25/2024 08:33:06 AM Total Fees: $22.00

Brandi DeRemer
Brandi DeRemer, County Clerk
Taylor County, TX

DT: zNOS AND APPT (SVC) 240318

AL: 617 S SAN JOSE DR

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