

**NOTICE OF SUBSTITUTE TRUSTEE SALE**

<b>Deed of Trust Date:</b> 5/29/2009	<b>Grantor(s)/Mortgagor(s):</b> SAM J. SMITHWICK JR., A SINGLE MAN
<b>Original Beneficiary/Mortgagee:</b> MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS") SOLELY AS A NOMINEE FOR SWBC MORTGAGE CORPORATION ITS SUCCESSORS AND ASSIGNS	<b>Current Beneficiary/Mortgagee:</b> Lakeview Loan Servicing, LLC
<b>Recorded in:</b> <b>Volume:</b> 413 <b>Page:</b> 156 <b>Instrument No:</b> 279483	<b>Property County:</b> KLEBERG
<b>Mortgage Servicer:</b> M&T Bank is representing the Current Beneficiary/Mortgagee under a servicing agreement with the Current Beneficiary/Mortgagee.	<b>Mortgage Servicer's Address:</b> 1 Fountain Plaza, Buffalo, NY 14203
<b>Date of Sale:</b> 5/6/2025	<b>Earliest Time Sale Will Begin:</b> 1:00PM
<b>Place of Sale of Property:</b> WEST STEPS OF THE KLEBERG COUNTY COURTHOUSE (FRONT STEPS) OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE OR IN THE AREA DESIGNATED BY THE COMMISSIONER'S COURT, PURSUANT TO SECTION 51.002 OF THE TEXAS PROPERTY CODE.	

**Legal Description:** LOT THIRTY-ONE (31), BLOCK ONE (1), BRIAR GROVE SUBDIVISION UNIT NO. 1, AN ADDITION TO THE TOWN OF KINGSVILLE, KLEBERG COUNTY, TEXAS, ACCORDING TO MAP OR PLAT OF RECORD IN VOLUME 4, PAGE 44, ENVELOPE 116, MAP AND PLAT RECORDS, KLEBERG COUNTY, TEXAS.

In accordance with TEX. PROP. CODE §51.0076 and the Deed of Trust referenced above, the undersigned as attorney for Mortgagee or Mortgage Servicer does hereby remove the original Trustee and all successor substitute trustees and appoints in their stead, Sandra Mendoza, Arnold Mendoza, Bob Frisch, Jodi Steen, Adolfo Rodriguez, Leslye Evans, Janice Stoner, Mary Goldston or Alexis Mendoza, Cole Patton, Myra Homayoun, Thuy Frazier, McCarthy & Holthus, LLP, as Substitute Trustee, who shall hereafter exercise all powers and duties set aside to the said original Trustee under there said Deed of Trust; and, further, does hereby request, authorize, and instruct said Substitute Trustee to conduct and direct the execution of remedies set aside to the beneficiary therein

The Substitute Trustee will sell the property by public auction to the highest bidder for cash at the place and date specified. The sale will begin at the earliest time stated above or within three (3) hours after that time.

The Property will be sold "AS IS," without any express or implied warranties, except as to warranties of title, and at the purchaser's own risk, pursuant to the terms of TEX. PROP. CODE §51.002 and §51.009. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

Substitute Trustee reserves the right to set further reasonable conditions for conducting the public auction. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

**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.**

**NOTICE PURSUANT TO TEX. PROP. CODE § 51.002(1): ASSERT AND PROTECT YOUR RIGHTS AS MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU OR YOUR SPOUSE ARE SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL 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: 2/12/2025




Thuy Frazier, Attorney  
McCarthy & Holthus, LLP  
1255 West 15th Street, Suite 1060  
Plano, TX 75075  
Attorneys for M&T Bank

Dated: 2.13.25

Printed Name: Sandra Mendoza

Substitute Trustee  
c/o Xome  
1255 West 15th Street, Suite 1060  
Plano, TX 75075

**FILED FOR RECORD**  
on 2-13-2025  
at 3:00  
Salvador "Sonny" Barrera III  
Kleberg County Clerk  
By: 

**MH File Number:** TX-25-107350-POS  
**Loan Type:** FHA