



20-043760

## Notice of Substitute Trustee's Sale

**Notice Concerning Military Duty:** 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. Tex. Prop. Code § 51.002(f)

Deed of Trust Date: September 19, 2001	Original Mortgagor/Grantor: RONNIE CARL PHENIX AND HENRIETTA PHENIX
Original Beneficiary / Mortgagee: CONSECO FINANCE SERVICING CORP., ITS SUCCESSORS AND ASSIGNS	Current Beneficiary / Mortgagee: U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, AS SUCCESSOR TO U.S. BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE, FOR CONSECO FINANCE HOME EQUITY LOAN TRUST 2001-D
Recorded in: Volume: 7283 Page: 52 Instrument No: 33560	Property County: LUBBOCK
Mortgage Servicer: NEWREZ LLC F/K/A NEW PENN FINANCIAL LLC D/B/A SHELLPOINT MORTGAGE SERVICING	Mortgage Servicer's Address: 55 Beattie Place, Suite 110, MS#001, Greenville, SC 29601

\* 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.

Secures: Note in the original principal amount of \$41,600.00, executed by HENRIETTA PHENIX and RONNIE PHENIX and payable to the order of Lender.

Property Address/Mailing Address: 807 E 79TH, LUBBOCK, TX 79404

Legal Description of Property to be Sold: LOT 180, ROBBIE MARION HEIGHTS, AN ADDITION TO THE CITY OF LUBBOCK, LUBBOCK COUNTY, TEXAS, AS SHOWN BY PLAT RECORDED IN VOLUME 1685, PAGE 890, DEED RECORDS OF LUBBOCK COUNTY, TEXAS.

PARCEL ID: R101446.

Date of Sale: January 04, 2022	Earliest time Sale will begin: 10:00 AM
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Place of sale of Property: 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 LOCATED ON THE FIFTH FLOOR OF THE COURTHOUSE 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

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.

Appointment of Substitute Trustee: Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust, the same is now wholly due. Because of that default, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, AS SUCCESSOR TO U.S. BANK TRUST NATIONAL ASSOCIATION, AS



**TRUSTEE, FOR CONSECO FINANCE HOME EQUITY LOAN TRUST 2001-D**, the owner and holder of the Note, has requested Terry Browder, Laura Browder or Marsha Monroe whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, to sell the property. The Trustee(s) has/have been appointed Substitute Trustee in the place of the original trustee, in the manner authorized by the deed of trust.

**Terms of Sale:** The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that **U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, AS SUCCESSOR TO U.S. BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE, FOR CONSECO FINANCE HOME EQUITY LOAN TRUST 2001-D** bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (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(a) of the Texas Property Code, Terry Browder, Laura Browder or Marsha Monroe whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Terry Browder, Laura Browder or Marsha Monroe whose address is 14800 Landmark Blvd., Suite 850, Dallas, TX 75254, Trustee.

**Limitation of Damages:** If the sale is set aside for any reason, the purchaser at the sale shall be entitled only to a return of the funds paid. The purchaser shall have no further recourse against Mortgagor, the Mortgagee, or the Mortgagee's attorney.



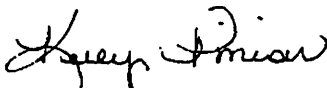
**SUBSTITUTE TRUSTEE**

Terry Browder, Laura Browder or Marsha Monroe, Trustee

c/o Robertson, Anschutz, Schneid, Crane & Partners, PLLC,  
10700 Abbott's Bridge Road, Suite 170, Duluth, Georgia  
30097; PH: (470)321-7112

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS



Kelly Pinion, County Clerk  
Lubbock County, TEXAS  
11/10/2021 10:47 AM  
FEE: \$3.00  
2021057913