



2023.020

## NOTICE OF FORECLOSURE 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 OR 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.**

**1. Property to Be Sold.** The property to be sold is described as follows: ALL OF LOT THIRTY (30), SAVE AND EXCEPT THE NORTH TWO FEET (2'), BLOCK TWENTY (20), UNIT SEVEN (7), BELMONT ADDITION TO THE CITY OF DUMAS, MOORE COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT CABINET 1, SLEEVE A-32, PLAT RECORDS OF MOORE COUNTY, TEXAS.

**2. Instrument to be Foreclosed.** The instrument to be foreclosed is the Deed of Trust dated 04/22/2019 and recorded in Book 820 Page 449 real property records of Moore County, Texas.

**3. Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:

Date: 07/05/2023

Time: 01:00 PM

Place: Moore County, Texas at the following location: MOORE COUNTY COURTHOUSE (MAIN, ORIGINAL BUILDING) 7TH STREET AND DUMAS AVENUE, DUMAS MOORE COUNTY, TEXAS, FIRST FLOOR IN CENTER AREA OF THE HALL OR AS DESIGNATED BY THE COUNTY COMMISSIONER'S OFFICE or as designated by the County Commissioners Court.

**4. Terms of Sale.** The sale will be conducted as a public auction to the highest bidder for cash. Pursuant to the deed of trust, the mortgagee has the right to direct the Trustee to sell the property in one or more parcels and/or to sell all or only part of the property. 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.

**5. Obligations Secured.** The Deed of Trust executed by CELSO LOYA AND BLANCA LOYA, provides that it secures the payment of the indebtedness in the original principal amount of \$118,566.00, and obligations therein described including but not limited to (a) the promissory note; and (b) all renewals and extensions of the note. BERKSHIRE BANK is the current mortgagee of the note and deed of trust and BERKSHIRE BANK is mortgage servicer. A servicing agreement between the mortgagee, whose address is BERKSHIRE BANK c/o BERKSHIRE BANK, 1 Corporate Dr., Ste. 360, Lake Zurich, IL 60047 and the mortgage servicer and Texas Property Code § 51.0025 authorizes the mortgage servicer to collect the debt.

**6. Substitute Trustee(s) Appointed to Conduct Sale.** In accordance with Texas Property Code Sec. 51.0076, the undersigned attorney for the mortgage servicer has named and appointed, and by these presents does name and appoint AVT Title Services, LLC, located at 5177 Richmond Avenue Suite 1230, Houston, TX 77056, Substitute Trustee to act under and by virtue of said Deed of Trust.

**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.**

Mackie Wolf Zientz & Mann, P.C.  
 Brandon Wolf, Attorney at Law  
 L. Keller Mackie, Attorney at Law  
 Michael Zientz, Attorney at Law  
 Lori Liane Long, Attorney at Law  
 Chelsea Schneider, Attorney at Law  
 Ester Gonzales, Attorney at Law  
 Karla Balli, Attorney at Law  
 Parkway Office Center, Suite 900  
 14160 Dallas Parkway  
 Dallas, TX 75254

For additional sale information visit: [www.auction.com](http://www.auction.com) or (800) 280-2832

2023.020

BRENDA MCKANINA  
 COUNTY CLERK

2023 MAY 11 PM 3:05

MOORE COUNTY, TEXAS

BY